

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, May 1, 2024
6:30 p.m.**

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 Meeting of the City Council held April 17, 2024 and the Joint Rye City Council and School Board meeting held April 13, 2024.
4. Report of the City Manager.
5. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
6. Presentation by the Chamber of Commerce regarding proposed Central Business Districts holiday decorations.
7. Consideration of preliminary 2023 financial summary from the City Comptroller, Joe Fazzino.
8. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department.
 - Policy #305 – Flash-Noise Distraction
 - Policy #430 – Medical Aid and Response
 - Policy #606 – Unmanned Ariel Systems
9. Consideration of proposed additions to the Rules and Regulations of the City of Rye Fire Department.
 - Policy #707 – Mobil Data Terminal Use
 - Policy #708 – Knox Box Access
 - Policy #709 – Communications Operations

- Policy #900 – Health & Safety Officer
- Policy #909 – Heat Illness Prevention Program
- Policy #910 – Vehicle Safety Belts
- Policy #912 – High Visibility Safety Vests
- Policy #913 – Apparatus Vehicle Backing

10. Authorization to allocate an amount not to exceed \$50,000 for professionals to assist in the defense of the City, City Council, Board of Appeals and Guy Carpenito in *Friends of Nursery Field v. City of Rye, et al.*
11. Council consideration of Nursery Field.
12. Old Business/New Business.
13. Adjournment

* * * * *

The next regular meeting of the City Council will be held on Wednesday, May 15, 2024, at 6:30 p.m.

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

UNAPPROVED MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City Hall on
April 17, 2024, at 6:30 P.M.

PRESENT:

KEITH CUNNINGHAM
SARA GODDARD
BILL HENDERSON
JAMIE JENSEN
JOSH NATHAN
JULIE SOUZA
Councilmembers

ABSENT:

JOSH COHN
Mayor

ALSO ATTENDING:

GREG USRY, CITY MANAGER
KRISTEN WILSON, CORPORATION COUNSEL
RYAN COYNE, CITY ENGINEER

The Council convened in a public meeting at 6:34 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. [Pledge of Allegiance.](#)

Deputy Mayor Souza 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 April 3, 2024.](#)

On motion by Councilman Henderson, seconded by Councilman Nathan, it was

RESOLVED to approve the draft unapproved minutes of the Regular Meeting of the City Council held April 17, 2024.

Adopted by the following vote:

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

3.5 New Agenda Item

Councilman Nathan motioned to add an item to the agenda: to appoint Kristen K. Wilson as an employee of the City of Rye. Councilwoman Jensen seconded.

Adopted by the following vote:

ROLL CALL

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

Councilman Henderson motioned to appoint Kristen K. Wilson as an employee of the City of Rye, seconded by Councilwoman Goddard.

Whereas, the Rye City Charter Section C6-2 requires the City Council to appoint a Corporation Counsel or retain an attorney as an independent contractor; and

Whereas, prior to 2011, the position of Corporation Counsel was always an employee and when Ms. Wilson was first appointed as Corporation Counsel in 2009, she was appointed as an employee; and

Whereas, the Law Department also consisted of a full-time legal secretary which position was reduced over time to a part time position and in or around 2015, the City ceased providing any legal administrative assistance; and

Whereas, when the City was facing difficult financial times and made numerous budget cuts, the City Council decided to appoint the Corporation Counsel as an independent contractor; and

Whereas, the workload handled by the Corporation Counsel/attorney has increased to the point where the obligations warrant a full-time employee to best serve the complex and everchanging needs of the City; and

Whereas Kristen K. Wilson has served as corporation counsel for the City of Rye for over 14 years and prior to that served as deputy corporation counsel for the City of Rye since 2006; and

Whereas, Ms. Wilson has invaluable expertise, experience and knowledge of City operations, the confidence of the City's land use boards, has worked tirelessly with all City Departments and has well represented the City throughout the years, including, but not limited to, all aspects of litigation, administrative proceedings, and legislative initiatives; and

Whereas Ms. Wilson has worked with numerous Mayors, City Council members and City Managers and has helped the government operations continue seamlessly throughout her career; and

Whereas, as an employee, Ms. Wilson will have more time to serve the City directly and thereby reduce our need for as much outside counsel assistance, providing a cost savings to the City; and

Whereas, the salary and benefits associated with an employee and the projected costs of the need for outside counsel on various matters is financially compliant with the adopted 2024 budget; and

Whereas, this Council acknowledges that the need for assistance from outside lawyers and law firms will continue and directs her to retain law firm(s) to provide additional legal services as she deems necessary, in accordance with the City budget, to protect the City's interests.

Now, therefore, be it resolved, that the Council hereby appoints Kristen K. Wilson as an employee and establishes a base salary of \$200,000 to be reviewed annually by the City Council;

Be it further resolved that Ms. Wilson is directed to retain law firms (in budget) with the requisite experience and knowledge to assist her as necessary to ensure the City's legal interests are protected.

Be it further resolved that the City Manager is directed to take any necessary administrative steps with Westchester County Civil Service to effectuate this decision;

Be it further resolved that this resolution is effective immediately.

Adopted by the following vote:

ROLL CALL

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

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

- Meg Cameron, 5 Martin Butler Court, asked City Manager, Greg Usry, a question about City-hired consultants.

5. [Award bid for 2024-2026 street resurfacing.](#)

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

RESOLVED to award the bid to Laura Li Industries, LLC, in the amount of \$3,428,490.00.

ROLL CALL

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Nathan, Souza

NAYS: None

ABSENT: Mayor Cohn

6. [Consideration of a request from Apple Studios, LLC to film an episode of “Swipe” on Purchase Street and Purdy Avenue on Monday, April 29th, 2024 with certain accommodations in exchange for a fee to be negotiated.](#)

City Manager, Greg Usry, introduced the request from Apple Studios. Representatives from Apple Studios discussed the request and President of the Chamber of Commerce, Brian Jackson provided input on behalf of the merchants.

On a motion by Councilman Henderson, seconded by Councilman Nathan it was:

RESOLVED that specific parking restrictions of City Code Chapter 191 are hereby waived on Purchase Street and Purdy Avenue in the City of Rye, in the designated area of Car Park 4, the Highland Cedar Lot and the MTA Lot from 9am - 7pm for the film shoot scheduled for April 29th, 2024, rain date to be decided.

ROLL CALL

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Nathan, Souza

NAYS: None

ABSENT: Mayor Cohn

7. [Council discussion of Nursery Field](#)

Councilwoman Jensen read her statement.

Two motions/resolutions were proposed:

- a) **Motion to consider a resolution concerning improved grass playing fields and rescinding the resolutions regarding Nursery Field of December 6, 2023, and December 20, 2023:**

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WHEREAS, The City of Rye is committed to improving its recreational playing fields so as to increase availability for organized youth sports;

WHEREAS, on December 6, 2023 and December 20, 2023, the City Council passed resolutions setting forth terms to accept a donation from a donor group for a synthetic turf field at Nursery Field and advance such a project (the “Nursery Field Project”);

WHEREAS, On January 10, 2024, the City Council issued a pause on the Nursery Field Project so as to allow the current City Council to gather new information and listen to and consider the concerns from the Nursery Field neighborhood, the donor group, and other members of the community concerning the Nursery Field Project and the state of Rye City’s recreational fields and greenspaces; and

WHEREAS, the Rye City Council has determined it is the public interest to move forward with rehabilitating Nursery Field so as to address the drainage issues that negatively impact the playtime for organized youth sports at Nursery Field by installing proper drainage and a natural grass playing field;

WHEREAS, the Rye City Council has also determined it is the public interest to formally analyze how to address issues at Sterling field that are negatively impacting playtime at Sterling Field;

NOW THEREFORE BE IT RESOLVED:

1. The City Council hereby rescinds 1) the negative declaration and the LWRP Consistency finding set forth in its December 6, 2023 resolution; 2) its December 6, 2023 resolution authorizing \$100,000 to be used for final construction design documents of a synthetic field; and 3) the December 20, 2023 resolution concerning Nursery Field;
2. The City will take advantage of increased resources by hiring a consultant to review existing grass playing fields other than Nursery with the goal towards putting a plan and resources in place to make Rye Rec’s grass playing surfaces better and more resilient. The City Manager is requested to come back to the City Council with a plan and costs. The necessary funds to hire a consultant shall come from the General Capital Project account and shall not exceed an initial amount of \$50,000.
3. Consistent with adequate maintenance of fields, Rye Rec will make best efforts to keep all fields, turf and grass open year-round for free play and to keep records of such field availability.
4. The City Manager is hereby directed to immediately develop a project for drainage installation and an improved grass field at Nursery Field and engage such consultants as necessary and commence design, regulatory activities, and bid documents to install a natural grass field at Nursery Field and may use funds not to exceed \$100,000 for such soft costs and such funds shall come from the General Capital Project account.
5. The City Manager is hereby directed to immediately, engage such consultants as necessary and to analyze Sterling field and provide initial design options and initial estimates and timelines for the rehabilitation of Sterling Field. The City manager is authorized to spend up to \$50,000 for this analysis and such funds shall come from the General Capital Project account.

A motion by Councilman Nathan, seconded by Councilwoman Goddard,

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Failed to be adopted by the following vote:

ROLL CALL

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

b) Motion to consider an updated resolution for turfing Nursery Field:

WHEREAS, The City of Rye is committed to improving its recreational playing fields so as to increase availability for organized youth sports;

WHEREAS, the Rye Athletic Fund, Inc., a nonprofit a/k/a Let The Kids Play (the “Donor Group”) has stepped up and generously agreed to pay for the costs of installing a synthetic turf field at Nursery Field, and reimbursing the City for all preparatory soft costs already spent;

WHEREAS, on December 6, 2023 and December 20, 2023, the City Council passed resolutions setting forth terms to accept a donation for a synthetic turf field at Nursery Field and advance such a project (the “Nursery Field Project”);

WHEREAS, On January 10, 2024, the City Council issued a pause on the Nursery Field Project so as to allow the current City Council to gather new information and listen to and consider the concerns from the Nursery Field neighborhood, the donor group, and other members of the community concerning the Nursery Field Project and the state of Rye City’s recreational fields and greenspaces; and

WHEREAS, the Rye City Council has determined it is the public interest to move forward with rehabilitating Nursery Field so as to address the drainage issues that negatively impact the playtime for organized youth sports at Nursery Field;

WHEREAS, the Rye City Council has determined it would like to move forward with the Nursery Field Project, i.e., installing a synthetic turf field at Nursery Field that meets all the criteria outlined in the December 6, 2023 resolution and that is verified by independent third party to be free of any PFAS/PFOA related chemicals;

WHEREAS, the City Council acknowledges that it is able to move forward with the Nursery Field Project via the generous support of the Donor Group, and that failing that, remains committed to rehabilitating Nursery Field by other means and methods;

WHEREAS, the Rye City Council has also determined it is the public interest to formally analyze how to address issues at Sterling field that are negatively impacting playtime at Sterling Field;

NOW THEREFORE BE IT RESOLVED:

1. The City Council’s resolution of December 6, 2023, allocating \$100,000 from the City’s Capex fund to pay the costs of design documents and to go to bid on the Nursery Field Project is reversed;

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2. The City Council's resolution of December 20, 2023, to accept the Donor Group's funding letter agreement concerning the Nursery Field Project is reversed, and the agreement will not be executed;
3. The City of Rye will accept the Donor Group's generous donation and advance the Nursery Field Project to completion, subject to the Donor Group fulfilling the conditions specified below:
4. The Donor Group will raise a minimum of \$3,000,000, the anticipated cost of the project, within 30 days of the date of this resolution and deposit the money into a City special account, to be set up by the City Manager. Such moneys will be returned in full to the Donor Group, net of soft costs already incurred by the City (\$290,000), if for any reason the project does not go forward.
5. Once the steps outlined in # 4 above is satisfied, the Donor Group will provide the City with \$100,000 so staff can engage consultants to commence the work on construction documents and provide an estimated bid date. If the Donor Group chooses to donate \$100,000 up front before raising \$3,000,000 to expedite the bid process, the City will accept the money.
6. If the total costs of the Nursery Field Project, including \$290,000 of soft costs already incurred and the cost of bidding (estimated at up to \$100,000), exceed \$3,000,000, the Donor Group will raise and provide additional moneys to the City to cover such costs.
7. Upon completion of the bid documents, solicitation of bids, and an acceptable bid being received, the Donor Group will donate the full amount of the costs of the Nursery Field Project to the City, including the reimbursement of all soft costs already spent by the City on this project. If the total costs of the project exceed \$3 million, the Donor Group will provide additional moneys for the full cost of the project to the City within 45 days after the receipt of the bids and before the City's award of the contract.
8. The City Manager will consult with citizens from the neighborhood surrounding Nursery Field to address concerns regarding project aesthetics, the planting of trees and shrubbery, etc. ("Beautification Projects"), and at the City Manager's discretion, will incorporate such plans into the Nursery Field Project plans. To that end, the City commits to spend an amount no less than \$150,000 and not to exceed \$250,000 on such Beautification Projects and may use any amounts received from the Donor Group that are not used for the installation of the field or the bidding costs or other soft costs. Any source of any additional monies shall be from the General Capital Project account.
9. If adequate funds to complete the Nursery Field project are provided by the Donor Group, the City will move forward with the project and will make all reasonable efforts to complete the project. If, for any reason the project does not go forward, the City will return all moneys not already spent on the project to the Donor Group. Any return of moneys will be net of soft costs already expended and any other costs expended at the time it is determined that the project will not be completed.
10. The City Manager shall work with Rye Recreation to establish a regimen of user fees for Nursery Field with a goal to collect a significant amount of funds to fund the replacement cost of the synthetic turf at the end of its useful life. The fees will be collected from Nursery Field user groups and held in a separate City account. Prior to replacement, the City Council will determine whether the synthetic turf should be replaced with a new synthetic turf surface, including

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evaluating the components of such new synthetic turf surface, or natural grass. Any moneys collected in excess of the cost of the replacement surface shall be preserved for future improvements to the field.

11. The City will take advantage of increased resources by hiring a consultant to review existing grass playing fields other than Nursery with the goal towards putting a plan and resources in place to make Rye Rec's grass playing surfaces better and more resilient. The City Manager is requested to come back to the City Council with a plan and costs. The necessary funds to hire a consultant shall come from the General Capital Project account and shall not exceed an initial amount of \$50,000.
12. At time for replacement of Nursery Field synthetic turf (8 - 10 years) the City will make a determination as to whether it wants to re-turf with synthetic turf or go back to grass.
13. Rye Rec will continue to keep records of field use and availability for organized team play (for Nursery Field and all improved grass fields) up to the time synthetic turf is to be replaced at Nursery. This will inform the City Council as to its decision whether Nursery should be re-turfed with grass or synthetic turf at the time such turf needs to be replaced.
14. Consistent with adequate maintenance of fields, Rye Rec will make best efforts to keep all fields, turf and grass open year-round for free play and to keep records of such field availability.
15. In the event that the Donor Group is unable to raise the funds or otherwise fails to meet the requirements of paragraph 4, this resolution will be null and void with respect to the Nursery Field Project. The City will then proceed with an alternative project for drainage installation and an improved grass field at Nursery Field with plans to be provided by the City Manager and the City Manager is hereby directed to immediately engage such consultants as necessary and commence design, regulatory activities, and bid documents to install a natural grass field at Nursery Field and may use funds not to exceed \$100,000 for such soft costs.
16. The City Manager is hereby directed to immediately, engage such consultants as necessary and to analyze Sterling field and provide initial design options and initial estimates and timelines for the rehabilitation of Sterling Field. The City manager is authorized to spend up to \$50,000 for this analysis and such funds shall come from the General Capital Project account.

A second motion to adopt this resolution was not made.

A discussion was had by the Council with input from members of Let the Kids Play.

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

RESOLVED to extend the pause on Nursery Field to May 1, 2024.

Adopted by the following vote:

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ROLL CALL

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

8. Adoption of the 2024 County property tax rates.

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

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, 2024, shall be as follows:

Westchester County

Levy	\$26,484,150
Taxable Assessed Value	144,494,725
Taxable Rate per \$1,000 Assessed Value	183.285960

Blind Brook Sewer District

Levy	\$6,101,452
Taxable Assessed Value	144,577,182
Taxable Rate per \$1,000 Assessed Value	42.202040

Mamaroneck Valley Sewer District

Levy	\$903,548
Taxable Assessed Value	19,852,372
Taxable Rate per \$1,000 Assessed Value	45.513352

Refuse Disposal District No. 1

Levy	\$3,450,603
Taxable Assessed Value	145,799,017
Taxable Rate per \$1,000 Assessed Value	23.666847

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 2024 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

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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.

9. [Resolution adopting rules for agenda setting and conducting business at City Council meetings.](#)

On motion by Councilman Nathan, seconded by Councilman Henderson, it was

RESOLVED, that the City Council

ROLL CALL

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Nathan

NAYS: Councilwoman Souza

ABSENT: Mayor Cohn

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

Nothing for Old Business/New Business.

11. [Adjournment](#)

On motion of Councilwoman Souza, seconded by Councilman Henderson, and with the Council in favor, the meeting was adjourned at 9:01 PM.

Respectfully submitted,

Noga Ruttenberg
City Clerk

DRAFT UNAPPROVED MINUTES of the
Joint Meeting of the City Council of the City of Rye
and the Rye City School Board held in City Hall on
April 13, 2024 at 9:30 A.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
BILL HENDERSON
JAMIE JENSEN
Councilmembers

JANE ANDERSON, President
JENNIFER BOYLE, Vice President
KELSEY JOHNSON
CALLIE ERICKSON
CHRIS REPETTO
School Board Members

GREG USRY, City Manager
ERIC BYRNE, Superintendent of Schools

ABSENT:

JOSH NATHAN
KEITH CUNNINGHAM
JULIE SOUZA
Councilmembers
SHAUN KLOEPFER
TOM STEIN
School Board Members

The City Council and the School Board convened at 9:30 a.m.

1. [Pledge of Allegiance](#)

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

2. [Roll Call](#)

Mayor Cohn asked the City Manager to call the roll for the City Council and Dr. Byrne called the roll for the School Board; a quorum of both boards was present to conduct official business.

3. State of the School's Report

Dr. Byrne gave a report on behalf of the school.

4. State of the City of Rye Report

Mayor Cohn gave a report on behalf of the City.

5. Gun Storage Laws

Trustee President Anderson spoke about the Be Smart Campaign regarding the gun storage bill of 2019 that speaks to the requirements of guns storage in the home.

6. Adjournment

There being no further business for the two boards to discuss, Mayor Cohn adjourned the joint meeting at 10:39 a.m.

Respectfully submitted,

Noga Ruttenberg
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Presentation by the Chamber of Commerce regarding proposed Central Business District holiday decorations.

FOR THE MEETING OF:

May 1, 2024

RECOMMENDATION: That the Council hear the presentation.

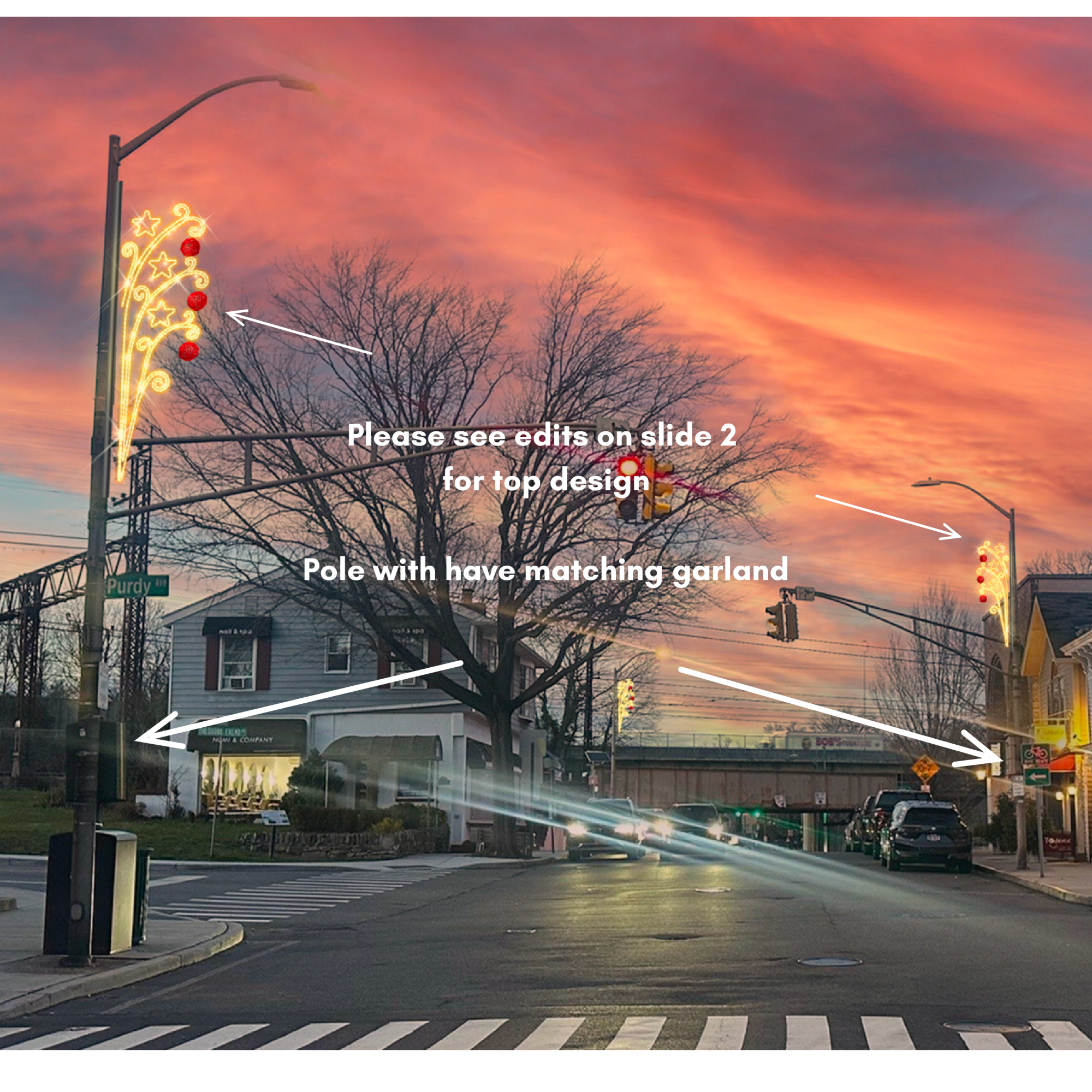
IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: See attached presentation.

Please see edits on slide 2
for top design

Pole with have matching garland





Please see edits on slide 2
for top design

Pole with have matching garland

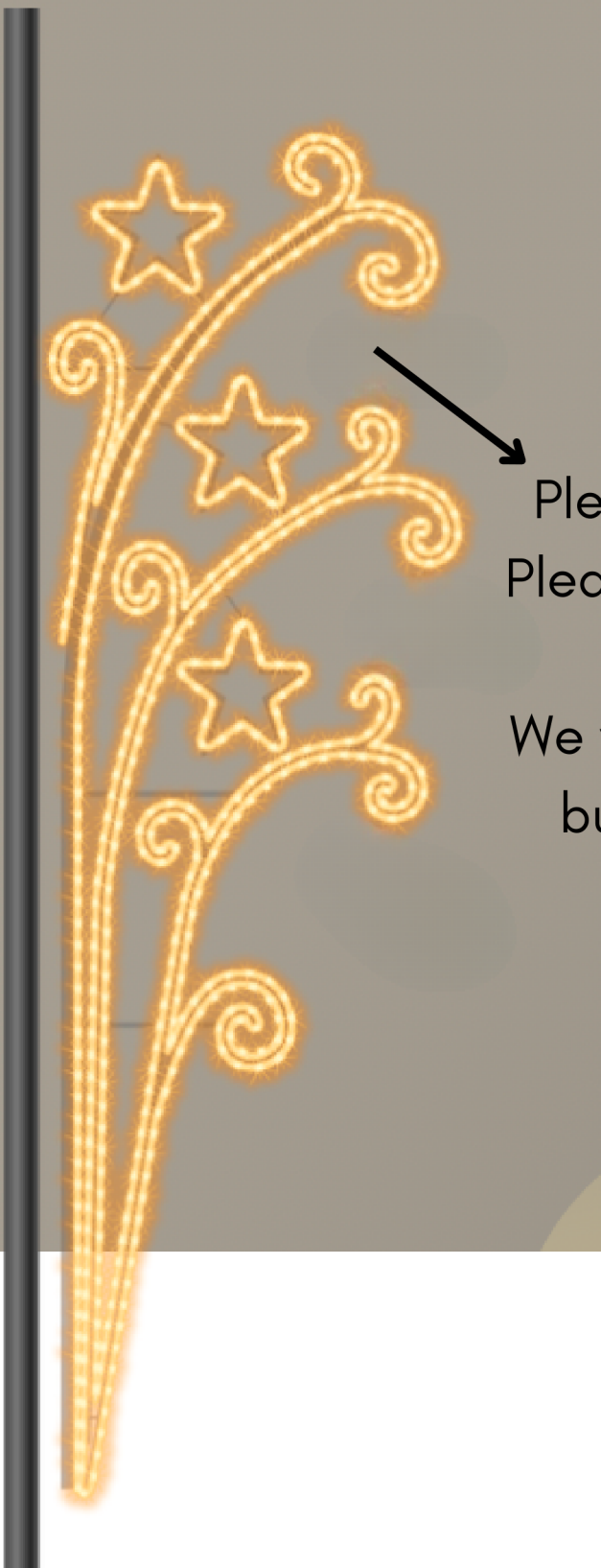
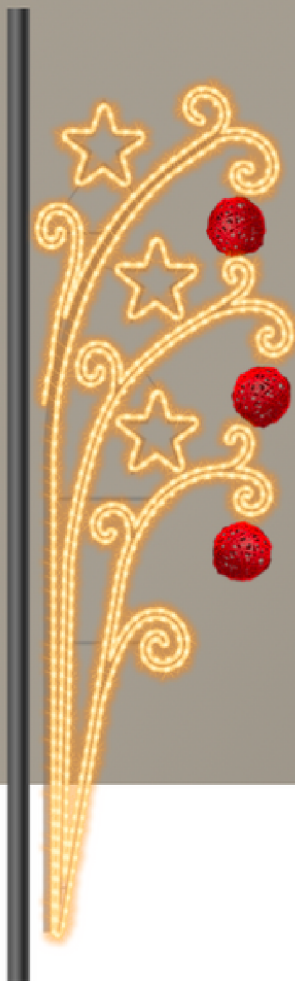


LIT ONLY GARLAND CLOSE-UP



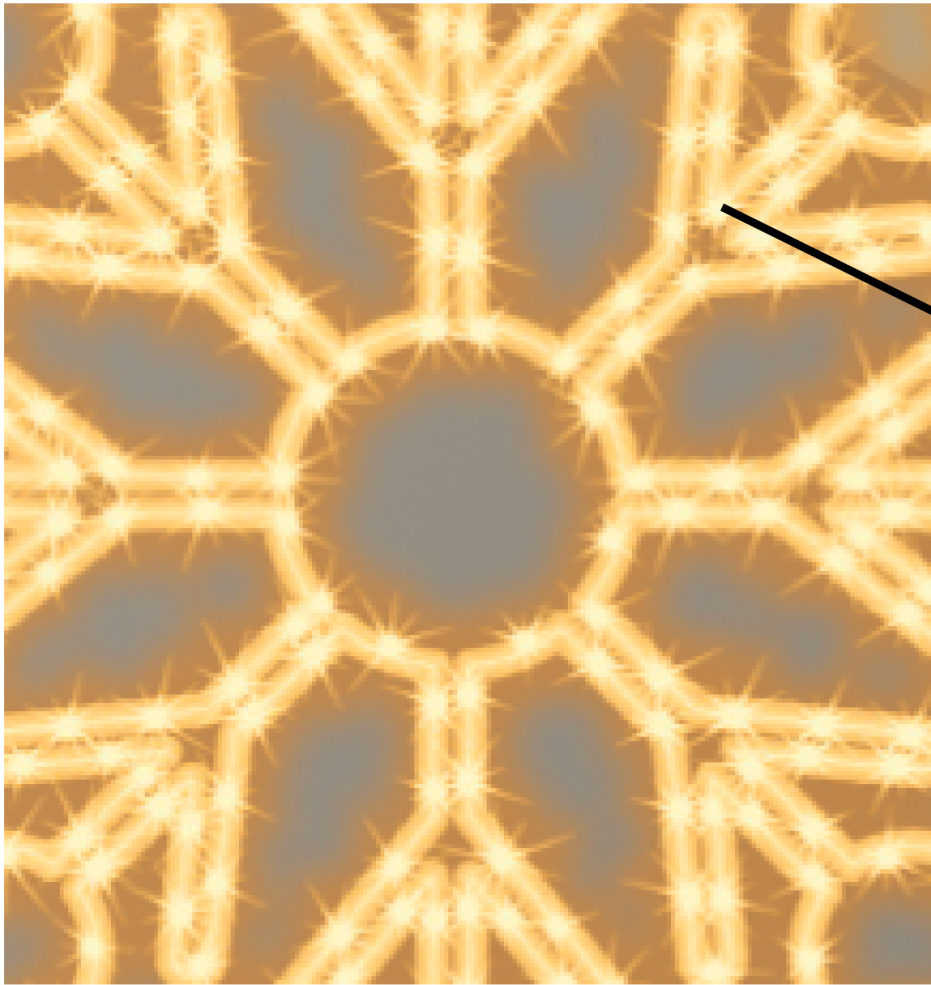
OPTION A

2.1' x 0.5' x 6.7'



Please remove red bulbs
Please pump up the "curls"

We will use this warm gold
bulb color through out
ALL of the lights



WARM GLOW
LIGHT CHOICE

PRICE QUOTE

Will increase if order placed after June 1st

	Rye Chamber Of Commerce			
		Price	# of Poles	Total
	Design A- Sparkle Rise	\$1,350.00	18	\$24,300.00
	Garland for poles on Rise Sparkle- 27' of li	\$ 900.00	18	\$16,200.00
	Black Light Poles 18' Of Lit Only Garland	\$ 600.00	13	\$ 7,800.00
	Refurbishing Existing Pole Mounts (unlit)	\$ 890.00	7	\$ 6,230.00
	Total Design A			\$54,530.00
	Notes:			
	Tax is not included. Not sure if you are tax exempt			
	if you wanted the garland to have ornaments around the poles please add \$290.			
	Once we have the final plan. We can present samples. Please note that if you w			
	Delivery is usually a few hundred dollars but we will convert that cost.			
	Once we have the design finalized, we can cut off 10% for local Rye Discount			



CITY COUNCIL AGENDA

DEPT.: City Comptroller/Finance Department

CONTACT: Joseph Fazzino, City Comptroller

AGENDA ITEM: Consideration of preliminary 2023 financial summary from the City Comptroller, Joe Fazzino.

FOR THE MEETING OF:

May 1, 2024

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached presentation.

CITY OF RYE

2023 General Fund Financial Results

Joe Fazzino, Comptroller



May 1, 2024



2023 GENERAL FUND OPERATING RESULTS

Category	Amount
2023 Property Taxes	\$29,268,236
2023 General Fund Revenues Other than Property Taxes	19,633,820
2023 General Fund Operating Expenditures	42,434,388
2023 General Fund Capital Investment	3,450,000
2023 General Fund Unassigned Fund Balance	6,226,121
Unassigned Fund Balance as a % of 2024 Budgeted Expenses	12.2%
General Capital Projects Account (CAPEX Reserve) 1/1/2024	\$4,962,152



2023 ACTUAL REVENUES VERSUS BUDGET

CATEGORY	2023 BUDGET	2023 ACTUAL vs. BUDGET
Sales Tax	\$3,900,000	\$413,073
Mortgage Tax	1,750,000	(343,035)
Building Permit Revenue	1,645,000	935,370
Interest Income	850,000	1,415,817
Parking Fines	475,000	51,391
Parking Meter Revenue	402,500	61,045
Utility Tax Receipts	400,000	126,121
Property Tax Penalties & Interest	250,000	150,891
Hotel Occupancy Tax	150,000	95,222
Workers' Comp Recoveries	90,000	65,653
Site Plan Review Fees	10,000	69,000
FEMA (COVID, ISAIAS, IDA)	-0-	377,456



2023 ACTUAL EXPENDITURES VERSUS BUDGET

CATEGORY	2023 BUDGET	CHANGE vs. 2023 BUDGET
Salaries & Wages*	\$ 15,963,609	\$ (914,307)
Employee Health Insurance*	3,381,405	(545,007)
Retirement Expense*	3,226,164	(507,091)
Retiree Health Insurance*	2,526,908	(159,070)
FICA Expense*	1,263,298	(129,555)
Legal Services	742,000	199,003
Police Overtime (Net Reimbursement)	450,000	80,959
Computers & Systems*	218,750	70,884
Salt/De-icing Costs	150,000	(110,034)
Education and Training*	111,100	(56,290)
Recreation Net Cost	2,605,742	(554,939)
* Less Recreation Expenses		



2023 CAPITAL INVESTMENTS

\$ 1,500,000 – Street Resurfacing

➤ \$600K Tax Rate, \$900K State Aid/City Surcharge

\$ 800,000 – Fleet Management Program (\$400K Fund Balance, \$400K Tax Rate)

➤ 500,000 – DPW Vehicles & Equipment

➤ 300,000 – Police Vehicles

\$ 250,000 – Flood Mitigation and Resiliency (Tax Rate)

\$ 150,000 – Annual Sewer Maintenance (Tax Rate)

\$ 1,650,000 – Transfer to Capital Reserve Account

THANK YOU





CITY COUNCIL AGENDA

DEPT.: Police 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 Police Department:

- Policy #305 – Flash-Noise Distraction
- Policy #430 – Medical Aid and Response
- Policy #606 – Unmanned Ariel Systems

FOR THE MEETING OF:

May 1, 2024

RECOMMENDATION: Consideration of the listed policies.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhance the operational effectiveness of the Department.

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

See the attached memo and new policies.

Michael Kopy
Public Safety Commissioner
1051 Boston Post Road
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CITY OF RYE Public Safety

To: Greg Usry, City Manager

From: Michael Kopy, Public Safety Commissioner

Date: 04/24/2024

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 606 – Unmanned Aerial System

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the (UAS).

Policy 430 – Medical Aid and Response

This policy recognizes that the Rye Police Department routinely responds to emergency medical response calls for service and establishes a law enforcement response to such situations.

Policy 305 – Flash-Noise Distraction

This policy of this policy is to provide training requirements, criteria for use, restrictions, transport, required documentation, and secure storage of a Flash/Noise Distraction Device (FNDD).

Flash-Noise Distraction

305.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for training requirements, criteria for use, restrictions, transport, required documentation, and secure storage of a Flash/Noise Distraction Device (FNDD).

305.2 POLICY

It is the policy of the City of Rye Police Department to utilize FNDDs whenever a diversion is deemed necessary to help to resolve certain situations. Such situations include, but are not limited to, hostage/barricade situations, search warrant executions, dynamic entries, or arrests of threatening/hostile individuals. Only agency-approved devices may be used, and only trained personnel are authorized to deploy FNDDs.

305.3 CONSIDERATIONS FOR USE

FNDDs are used to temporarily disorient/disable armed or otherwise dangerous individuals. Some considerations for use include but are not limited to:

- (a) Subject is known or suspected to be armed or has access to a weapon.
- (b) Subject has made threats to use force or violence against the police, trespassers.
- (c) Subject has made threats to injure himself/herself or another unarmed person.
- (d) Vicious or trained attack animals are present or thought to be present.
- (e) Subject has barricaded himself/herself or taken hostages.
- (f) There are other known risks present during warrant service/execution.
- (g) Other situations where the use of a flash/noise distraction device may increase the likelihood of safely resolving the situation.
- (h) Annual approved agency training.

305.3.1 DEPLOYMENT CONSIDERATIONS

Prior to the deployment of any FNDD, officers shall:

- (a) Consider the location of the device deployment.
- (b) Consider the use of multiple devices.
- (c) Consider the contents of the area in which the device is to be deployed. Loose objects or other debris may become airborne upon detonation of the device.
- (d) Consider the type of utilities servicing the structure when a device is to be deployed in the interior of a building.
- (e) Have a fire extinguisher readily available when the situation allows for it.
- (f) Nomex consideration for deploying officers (fire retardant gloves) when the situation allows for it.

Flash-Noise Distraction

- (g) Eye and Ear Protection must be worn when the situation allows for it.
- (h) Must look before deploying. No "blind" deployments.

305.3.2 DEPLOYMENT RESTRICTIONS

Officers shall not deploy any FNDD in the following areas:

- (a) Areas that present a fire or explosion hazard (e.g., drug manufacturing locations, hazardous material storage areas, oxygen tanks).

305.4 TRANSPORT

All FNDDs shall be transported in agency-approved vehicles while secured in a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) approved magazine.

305.5 SECURE STORAGE

FNDDs shall be stored in official response vehicles, whether attended or unattended, provided the following conditions are met at all times:

- (a) The devices are stored in one of the following:
 - 1. Type 3 magazine;
 - 2. Type 4 magazine; or
 - 3. A locked, theft-resistant, commercially-manufactured magazine specifically designed for weapons/munitions storage by law enforcement personnel in law enforcement vehicles. These magazines must be constructed of 5/8- inch (minimum) or thicker American Plywood Association certified, engineered, laminated plywood to include medium density overlay (MDO) or high-density overlay (HDO), or other materials that provide equivalent strength and theft-resistance. The magazines must be solidly joined and fastened at the edges with metal hardware and reinforced near the doors/drawers in such a fashion as to defeat attempts to pry or break the unit open (i.e., with interlocking steel reinforcing bars). Also, the magazines must be stored in a weather-resistant, fire-resistant, and theft-resistant trunk or cargo area in the vehicle.
- (b) The magazine storing the FNDD must be secured with one of the following:
 - 1. At least one steel padlock (padlock does not need to be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least 3/8- inch diameter, or
 - 2. A five-tumbler barrel lock or a push-button (cypher) lock (which may have a five-tumbler key option) requiring at least a three-digit combination code. Barrel locks and push-button locks must be all-steel outer construction, and bolts/latches must be made of steel. The bolt or latch must engage a steel strike plate that is securely fastened to the magazine body.
- (c) Agencies must securely affix the magazines to the vehicle by means of bolts, rivets, welding, chains, or cables. Nut and bolt heads must be located on the inside of the magazine or compartment where they cannot be removed from the outside and must be covered with a non-sparking material, such as epoxy paint or plywood. If chains or

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cables are used, they must be resistant to bolt cutters and short enough to prevent the magazine from moving substantially within the vehicle.

- (d) Agencies must not store any metal tools, metal implements, or other metal devices in the same magazine as the FNDDs.
- (e) Agencies storing FNDDs within official response vehicles must maintain a summary of magazine transactions (inventory storage record). The record must contain the name of the explosive material's manufacturer, the quantity on hand, and the dates that the materials are received, removed, and used. Officers must maintain a copy of this record within the vehicle and at an off-site location, such as with their supervisor.
- (f) Agencies must conduct an annual inventory of the FNDDs stored in their official response vehicles and compare it to the inventory storage record. Agencies must note this inventory in their inventory storage record.
- (g) Members issued FNDDs must inspect the magazine once every seven days. This inspection need not be an inventory but must be sufficient to determine whether there has been any unauthorized entry or attempted entry into the magazine or unauthorized removal of the contents of the magazine.
- (h) Agencies must report the theft or loss of any explosive materials to the ATF within 24 hours of discovery by calling 1-800-800-3855 and completing an ATF Form 5400.5, Report of Theft or Loss - Explosive Materials. Agencies may obtain this form from the ATF Distribution Center, or through the ATF website at <http://www.atf.gov>.
- (i) Agencies must report expended FNDDs monthly, quarterly, annually, or upon the liquidation of an order to ATF's National Firearms Act (NFA) Branch on official letterhead. The notification must contain the name of the distraction device's manufacturer, the model number, and the serial number. The agency may fax or mail the notification to the NFA Branch.

If an FNDD is stored in official response vehicles parked at any outdoor location, the following additional conditions must be met at all times:

- (a) When unattended, official response vehicles must be locked and secured with at least one additional security feature such as a vehicle alarm, vehicle tracking device, vehicle immobilization mechanism, steering wheel lock, or other equivalent alternative.
- (b) Official response vehicles located at an outdoor location are subject to the following explosives weight limitations:
 - 1. Sedans and SUVs may not hold more than:
 - (a) Two devices containing flash powder (e.g., FNDDs, Stingers)
 - (b) 2.5 pounds total explosive weight
 - 2. Multi-personnel response vehicles may not hold more than:
 - (a) 10 devices containing flash powder, and
 - (b) 2.5 pounds total net explosive weight

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Flash-Noise Distraction

If an FNDD is stored in an official response vehicle parked inside of a secured building, the following additional conditions must be met at all times:

- (a) The building must be a secured department-owned or leased facility not accessible by unauthorized personnel. A secured building has law enforcement or other government personnel present at all times, or the building has an additional security feature such as an alarm, camera, or card entry system.
- (b) Official response vehicles and buildings must be locked and secured at all times when not in use.
- (c) The combined net explosives weight stored in response vehicles and other magazines located in the same secured building must not exceed 50 pounds.
- (d) The FNDD must not be stored in the same magazine as detonators (i.e., blasting caps).

Medical Aid and Response

430.1 PURPOSE AND SCOPE

This policy recognizes that the Rye Police Department routinely responds to emergency medical response calls for service and establishes a law enforcement response to such situations.

430.2 POLICY

It is the policy of the Rye Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

430.3 FIRST RESPONDER PROGRAM COORDINATOR

The First Responder Program Coordinator is a member designated by the Commissioner of Public Safety or their designee who is responsible for the department's ability to respond to medical emergencies. These responsibilities include, but are not limited to:

- (a) Procurement of medical equipment, items, or medications.
- (b) Maintenance of medical equipment.
- (c) Coordination of departmental training.

430.4 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Upon receipt of an emergency medical response call for service, members will respond without delay. If the member is flagged down or summonsed to a patient, prior to initiating medical aid, the member should contact the Desk and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members will ensure they respond with the appropriate medical equipment.

Members shall follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

After assessing the patient, the member should provide the Desk with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:

Medical Aid and Response

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Member should not direct EMS personnel regarding whether to transport the person for treatment.

430.5 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are having a medical issue. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

430.6 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive medical care or be transported.

However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with emergency admission in accordance with the Emergency Admission Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

Medical Aid and Response

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

430.7 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

430.8 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Conducted Energy Device policies.

430.9 AIR AMBULANCE

EMS personnel will be responsible for determining whether an air ambulance response should be requested. Any response for an air ambulance asset must be made through Westchester County Department of Emergency Services 60 Control.

The City of Rye Fire Department will be the primary agency for establishing a landing zone for an air ambulance.

Members shall follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during the landing and take-off.

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- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

430.10 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

Members assigned to patrol shall ensure that their patrol vehicle is equipped with an AED.

430.10.1 AED USER RESPONSIBILITY

Members shall check the AED at the beginning of the shift, or as soon as practical, to ensure it is properly equipped and functioning. This includes ensuring all required items are present with the AED, all consumable items are within expiration and that all batteries are sufficiently charged. Any AED that is not functioning properly will be taken out of service and given to the Patrol Lieutenant or First Responder Program Coordinator who is responsible for ensuring appropriate maintenance. In the event neither the Patrol Lieutenant or First Responder Program Coordinator is available, a departmental email will be sent to the above parties identifying the out of service condition and actions taken by the member.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Desk as soon as possible and request response by EMS.

430.10.2 AED REPORTING

The local emergency medical system will be notified immediately upon the use of an AED (Public Health Law § 3000-b).

Any member using an AED will complete an incident report detailing its use.

430.10.3 AED TRAINING AND MAINTENANCE

The members shall be trained by a nationally recognized organization or the state emergency medical services council in the use of the AED (Public Health Law § 3000-b).

The First Responder Program Coordinator is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

[Rye Police Department Procedures Manual: 400.1 AED PROCEDURE](#)

430.11 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Only members who maintain current training as established by the opioid overdose program director may administer opioid overdose medication (10 NYCRR § 80.138).

430.11.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure

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they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and the member shall notify the First Responder Program Coordinator.

430.11.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use on an appropriate form as specified by the Municipal Police Training Council (MPTC) and forward it to the First Responder Program Coordinator.

The member shall report all responses to victims of suspected drug overdose on the current state-specified form and to the opioid overdose program director or his/her designee (10 NYCRR § 80.138(c)(3)).

The First Responder Program Coordinator shall ensure that all administrations of an opioid antagonist and the number of trained overdose responders are reported to the MPTC quarterly (10 NYCRR § 80.138). The Patrol Lieutenant shall ensure the First Responder Program Coordinator has a current list of officers trained as overdose responders.

430.12 FIRST AID TRAINING

Subject to available resources, the Patrol or Detective Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Commissioner of Public Safety will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

Unmanned Aerial System

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Commissioner of Public Safety.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

UAS operations should only be conducted consistent with FAA regulations.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.

Unmanned Aerial System

- To conduct personal business of any type.

The UAS shall not be weaponized.



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 #707 – Mobil Data Terminal Use
- Policy #708 – Knox Box Access
- Policy #709 – Communications Operations
- Policy #900 – Health & Safety Officer
- Policy #909 – Heat Illness Prevention Program
- Policy #910 – Vehicle Safety Belts
- Policy #912 – High Visibility Safety Vests
- Policy #913 – Apparatus Vehicle Backing

FOR THE MEETING OF:

May 1, 2024

RECOMMENDATION: Consideration of the listed policies.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhance the operational effectiveness of the Department.

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

See the attached memo and new policies.

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CITY OF RYE Public Safety

To: Greg Usry, City Manager
From: Michael Kopy, Public Safety Commissioner
Date: 04/24/2024
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 707 – Mobile Data Terminal Use

The purpose of this policy is to establish the guidelines for use of the Mobile Data Terminal (MDT) in the apparatus to access incident and resource information and log unit status.

Policy 708 – Knox-Box Access

The purpose of this policy is to provide information about the Knox-Box Rapid Entry System and the roles and responsibilities of department members with regard to Knox-key security, storage, access and accountability.

Policy 709 – Communication Operations

The purpose of this policy is to establish standards for two-way radio communications during routine, local emergency, regional emergency and mutual aid events.

Policy 900 – Health and Safety Officer (HSO)

The purpose of this policy is to establish the minimum qualifications for, and specify the duties and responsibilities of the Health and Safety Officer (HSO).

Policy 909 – Heat Illness Prevention Program

The purpose of this policy is to promote member health and safety by establishing a heat illness prevention program requiring member participation and implementing an effective training program.

Policy 910 – Vehicle Safety Belts

The purpose of this policy is to ensure that all members of the Department wear safety belts while operating or riding in department vehicles or privately owned vehicles while conducting department business.

Policy 912 – High-Visibility Safety Vests

The purpose of this policy is to describe the guidelines to protect members who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment.

Policy 913 – Apparatus/Vehicle Backing

The purpose of this policy is to help members avoid the dangers inherent to vehicle backing operations and reduce the high incidence of firefighter injuries and fatalities.

Mobile Data Terminal Use

707.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the guidelines for use of the Mobile Data Terminal (MDT) in the apparatus to access incident and resource information and log unit status. Members using the MDT shall comply with appropriate federal and state rules and regulations.

707.2 POLICY

The MDT shall be used for official department business only. Messages that are of a sexual, racist or offensive nature or don't pertain to Department business are strictly forbidden. Messages may be reviewed by supervisors at any time without prior notification. Members generating or transmitting messages not in compliance with this policy are subject to discipline. All calls dispatched to fire companies should be communicated by voice and MDT unless otherwise authorized by the Career Captain.

707.2.1 USE WHILE DRIVING

Use of the MDT by the apparatus operator should be limited to times when the apparatus is stopped. Sending or reading MDT messages while an apparatus is in motion is a potentially dangerous practice. Reading messages while in motion should be done by the Lieutenant or other crew member who is not driving and has access to the MDT.

707.2.2 DOCUMENTATION OF ACTIVITY

MDTs and voice transmission recordings are used to record daily activity.

707.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the radio or through the MDT system. Members responding to multi-company emergency incidents shall advise changes in status verbally over the radio to assist other companies responding to the same incident. Other changes in status may be entered by depressing the appropriate keys on the MDT. Under normal operating conditions, a status change shall not be sent to a dispatcher via a message format.

707.3 MDT CONSIDERATIONS

707.3.1 EXPLOSIVE DEVICE RESPONSES

When assisting on a report of a possible explosive device, members will turn off the MDT. Operating an MDT may cause some devices to detonate.

Knox-Box® Access

708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide information about the Knox-Box® Rapid Entry System and the roles and responsibilities of department members with regard to Knox-key security, storage, access and accountability. This policy shall apply to all buildings or sites within the Rye Fire Department jurisdiction where it has been determined that a Knox-keyed device is needed or has been provided for accessibility for emergency responders (Fire Code § 506).

708.1.1 DEFINITIONS

Definitions related to this policy include:

Computer-Aided Dispatch (CAD) premise information file - A file entered in a CAD system to automatically notify responding units of certain information, including the presence of a Knox-Box, about a facility to which they have been dispatched.

Key tag - Attached to each key in a Knox-Box to identify its function.

Knox-Box - A locked box used for securely storing the keys to a gate, building or rooms within a building.

Knox cabinet - A locked data cabinet used for storing information pertinent to the operation of a building, such as hazardous materials (HAZMAT) data and plant shut-down procedures. Keys to the facility can also be located within the cabinet.

Knox Company - The manufacturer/vendor of Knox-Box, cabinets, key switches, padlocks and related accessories. This is the only company whose products can be accessed by the Rye Fire Department.

Knox master key - A key carried on all fire apparatus which enables department members to access any Knox-keyed device within the jurisdiction.

Knox tones - Electronic tones sent by a dispatcher over the radio to release the Knox master key from the fire apparatus.

708.2 POLICY

It is the policy of the Rye Fire Department to be registered with the Knox Company to participate in its rapid entry system, providing safe and secure nondestructive emergency access to commercial and residential properties. Participation minimizes potential budget impacts caused by forcible entry during an emergency and allows a building to be re-secured quickly and easily by members.

The Career Captain or the authorized designee shall appoint a Knox program coordinator, who shall be responsible for ensuring that all aspects of the program are administered in accordance with state fire code, local ordinance and Knox Company requirements.

Knox-Box® Access

708.3 KNOX KEY ACCOUNTABILITY

No individual member shall be issued a Knox master key. Appropriate fire apparatus shall be equipped with locking units that are accessed by an individual pin code or by tones issued via two-way radio by County Control (60 Control). Once the Knox master key is released, it should be used to access the Knox-keyed device at the location of the emergency and be immediately returned to the secured unit.

Each secured unit shall have an audit trail showing all access. Each incident requiring County Control (60 Control) to send tones shall have that activity noted in the incident record.

The Career Captain is ultimately accountable for Knox master keys issued to the Department. Any missing master key shall be immediately reported verbally to a supervisor and followed up with a written explanation to the Career Captain or the authorized designee by the end of the applicable/assigned shift.

Maintenance and security of the Knox master keys is essential to the credibility of the program. Any loss of a master key shall be thoroughly investigated and appropriate action initiated. If the key cannot be recovered, all Knox master keys in the jurisdiction may have to be replaced at department expense.

708.4 SITE INSTALLATION AND TESTING

It is a property owner's responsibility to order Knox-keyed devices and ensure that they are installed securely in a manner and location approved by the Department, in accordance with local building codes and ordinances. The reflective alert decal included with each Knox-Box should be mounted on the door or door frame adjacent to the Knox-Box. It is intended to alert fire companies to the presence of a Knox-Box.

Knox-Boxes should be installed near the main entrance to the building at a height not to exceed six feet. This height has proven ideal as it enables members to access the Knox-Box quickly without deploying a ladder, yet is high enough to discourage tampering.

Knox-key switches should be installed by a certified electrician familiar with these devices.

708.5 KEYS IN KNOX-BOXES

Every access key placed in a Knox-Box shall be identified with a sturdy key tag. Each set of keys shall be grouped together on a key ring. Tags and key rings may be purchased from the Knox Company at the time the Knox-Box is ordered. The keys being installed will be at the discretion of the property owner but should be selected based on the access needs of emergency responders. Keys typically installed in a Knox-Box include:

- Main entrance
- Grand master
- Elevator control
- Mechanical room

Knox-Box® Access

- Fire alarm panel
- Electrical room
- Roof access
- Other secured areas deemed appropriate by the owner and/or the Department

708.6 LOCK-UP OF KEYS IN KNOX-BOXES

Knox-Boxes are shipped to the property owner in the open position. After the box has been installed, the property owner must contact the Rye Fire Department to request a lock-up of the box. Fire prevention staff will assist the property owner in arranging for a lock-up. All keys should be tagged and ready for placement in the Knox-Box upon the arrival of the prevention staff.

Members receiving requests for lock-up should refer the owner to the appropriate prevention staff member and get the owner's emergency contact information. All requests shall be forwarded to the appropriate prevention staff member.

The appropriate prevention staff member shall inform County Control (60 Control) of the name and emergency contact telephone number of the building owner/manager.

708.7 TESTING KEY SWITCHES

After a key switch has been installed, the property owner must contact the Department. The first-in engine company will test the key switch at its earliest convenience to ensure that it works properly. The property owner does not need to be present for the test. If the key switch fails to operate, the property owner will be contacted by the engine company to have the necessary repairs made.

Once it has been determined that the Knox-Box operates properly, the Knox-Box coordinator and County Control (60 Control) supervisor shall be notified so that the CAD premise information file can be updated to include the presence of a Knox-Box.

708.8 NUMBER OF KEY SETS REQUIRED

More than one set of keys is often required to be placed in the Knox-Box, especially in larger buildings. The extra sets of keys are needed for additional fire companies or second alarms arriving later at the same incident. The following guidelines have been established for the number of key sets required:

- Security gate only, or one- to two-story building: one set of keys
- Three to four stories: two sets of keys
- Five to eight stories: three sets of keys
- Nine stories and above: four sets of keys

Knox-Box® Access

708.9 ANNUAL KNOX-BOX TESTING

The Career Captain or the authorized designee shall ensure that an annual check is performed on each Knox-Box in the jurisdiction by fire prevention staff or an engine company. This should consist of checking the operation of the box and the keys.

Communications Operations

709.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards for two-way radio communications during routine, local emergency, regional emergency and mutual aid events. The basic function of the communications system is to satisfy the immediate information needs of the Department in the course of its activities. Standards of performance are necessary if the system is to remain functional during emergencies.

709.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

All Rye Fire Department radio operations shall be conducted in accordance with FCC procedures and guidelines.

709.2 POLICY

The Rye Fire Department will provide access to a two-way radio communication system to facilitate a more efficient response to emergency situations. The communication system is intended for official job-related communications between fire personnel and County Control (60 Control). Fire apparatus and members shall be equipped with the appropriate types of two-way radios, personal communication devices and/or satellite paging system for the jurisdiction, type of work anticipated, and for local and regional interagency/multi-agency incidents.

709.3 COMMUNICATIONS LOG

It shall be the responsibility of the dispatchers in County Control (60 Control) to record all relevant information on an incident. Dispatchers shall attempt to elicit as much information as possible to enhance the safety of the personnel who are responding and assist in anticipating conditions that may be encountered at the scene. Desirable information includes, but is not limited to, the following:

- (a) Location of incident reported
- (b) Type of incident reported
- (c) Incident hazard or unsecured scene
- (d) Date and time the report was received
- (e) Name and address of the reporting party, if possible
- (f) Incident number
- (g) Time of dispatch
- (h) Apparatus dispatched to the incident, including member identification numbers
- (i) Time of apparatus arrival
- (j) Requests from members during the incident
- (k) Time the apparatus returned to service

Communications Operations

- (l) Disposition or status of the reported incident
- (m) The time of any Incident Commander (IC) requested or automatic timed Personnel Accountability Report (PAR) or building collapse clocks

709.4 RADIO COMMUNICATIONS

Operations are more efficient and member safety is enhanced when dispatchers, supervisors and members know the status of other companies, divisions or groups, including their locations and the nature of the tasks or objectives to which they are assigned. Most critical incident communication should occur verbally, over the radio, for this reason.

709.4.1 APPARATUS IDENTIFICATION

Apparatus radio identification systems shall be based on the type of apparatus and the station responsibility/jurisdiction. Members should use the entire call sign when initiating communication with County Control (60 Control). The use of a call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate company. Members initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and County Control (60 Control) once the mobile unit has been properly identified.

709.4.2 RADIO TESTING

Members assigned to an apparatus for a shift should check for radio functionality at the beginning of each shift to ensure that the mobile and portable radios are working as designed.

Radios that are inoperable or malfunctioning shall be placed out-of-service, an appropriate repair tag completed and the radio or apparatus placed in the area specified by the maintenance section or contractor.

Health and Safety Officer (HSO)

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the minimum qualifications for, and specify the duties and responsibilities of, the Health and Safety Officer (HSO).

900.2 POLICY

It is the policy of the Rye Fire Department that the HSO will be appointed by the Career Captain or the authorized designee and shall be responsible for the duties described in this policy and other duties as assigned. When the HSO is unavailable, the Career Captain or the authorized designee shall identify a replacement.

900.3 QUALIFICATIONS

The department's HSO should be a member with qualifications and training that include:

- (a) Knowledge of federal, state, and local laws regarding occupational health and safety applicable to the fire service.
- (b) Knowledge of the physical health and fitness and behavioral health and fitness factors unique to the fire service.
- (c) Knowledge of health and safety hazards involved in firefighting and related activities.
- (d) Experience in fire suppression, Emergency Medical Services (EMS), and instruction.
- (e) Familiarity with the operation of the department's apparatus and equipment, including emergency communications equipment.
- (f) Management skills appropriate to the operation of a health and safety program.
- (g) The physical capability to conduct operations at an incident scene.
- (h) The following certifications and courses:
 - 1. Fire Instructor I (NFPA Instructor I)
 - 2. NFPA Instructor II
 - 3. NFPA Fire Officer I
 - 4. Training program management
 - 5. Incident Safety Officer
 - 6. Health and Safety Officer

900.4 ADMINISTRATIVE RESPONSIBILITIES

The HSO's administrative responsibilities shall include but are not limited to (Labor Law § 27; 29 CFR 1910.132):

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Health and Safety Officer (HSO)

- Developing and maintaining the Illness and Injury Prevention Program (IIPP) and general department safety standards, and serving as the chair of the Health and Safety Committee (see the Illness and Injury Prevention Program Policy).
- Ensuring that health and safety regulations are followed and that any violations or deficiencies are immediately corrected and reported to the Career Captain or the authorized designee.
- Ensuring that information provided to the Career Captain or the authorized designee involving safety issues is also provided to the Health and Safety Committee for review.
- Conducting regular safety inspections.
- Serving as a resource for department officers regarding health and safety matters.
- Identifying, documenting, and notifying members of workplace safety hazards.
- Researching, identifying, and recommending appropriate safety equipment and personal protective equipment (PPE).
- Coordinating with the Training Lieutenant for the development and implementation of behavioral and physical health and safety training topics.
- Providing safety supervision at training activities when requested.
- Developing and distributing safety information to members.
- Ensuring that accidents, exposures, and injuries are thoroughly investigated.
- Developing and maintaining accident, injury, and exposure statistics, reporting on trends, and making recommendations to prevent a reoccurrence.
- Ensuring accidents are investigated and procedures are in place so that investigations will be handled appropriately.

900.5 HEALTH AND SAFETY INCIDENT REVIEW

The HSO should review health and safety incident reports and ensure copies are forwarded to the Health and Safety Committee (see the Illness and Injury Prevention Program Policy).

Heat Illness Prevention Program

909.1 PURPOSE AND SCOPE

The purpose of this policy is to promote member health and safety by establishing a heat illness prevention program requiring member participation and implementing an effective training program (see the Heat Illness Prevention Training Policy).

The intent is to establish methods to lower the risk of illness or injury due to exposure to high-heat working conditions and to establish fireground rehabilitation guidelines to ensure that the physical and mental condition of members does not deteriorate to the point that it negatively affects their safety or emergency operations.

909.1.1 DEFINITIONS

Definitions related to this policy include:

Fireground rehabilitation - A system for on-scene management of firefighter heat stress, dehydration and fatigue. The primary goals of rehabilitation are rehydration, rest and cooling, assessment of remaining work capacity and recognition and treatment of heat strain injuries.

Heat exhaustion - A condition caused by the loss of large amounts of fluid by sweating. A worker suffering from heat exhaustion still sweats but experiences extreme weakness or fatigue, giddiness, nausea or headache. In more serious cases, the victim may vomit or lose consciousness. Skin may be clammy or moist, pale or flushed. Body temperature is normal to slightly elevated. Mild heat exhaustion will respond to copious water and a cool environment. Those with severe cases may require extended care for several days.

Heat stress - The aggregate of environmental and physical work factors that constitute the total heat load imposed on the body. Heat load is derived from two major sources:

- Internally generated metabolic heat, which is a by-product of chemical processes that occur within the cells, tissue and organs of firefighters exerting themselves in turnout clothing
- Externally imposed environmental heat, which influences the rate at which body heat can be exchanged with the environment and consequently the ease with which the body can regulate and maintain a normal temperature

Heat strain - The series of physiological responses to heat stress. These responses reflect the degree of heat stress. When the strain is excessive for the individual, a heat disorder (heat exhaustion or heat stroke) will follow.

Heat stroke - A condition where the body's temperature regulatory system fails, sweating becomes inadequate and the body's only effective means of removing excess heat is compromised. Early recognition and treatment of heat stroke is the only means of preventing permanent brain damage or death. Signs and symptoms of heat stroke may include mental

Heat Illness Prevention Program

confusion, convulsions, an altered level of consciousness and skin that is hot, usually dry and red or spotted. Body temperature is usually 104 degrees or higher.

909.2 POLICY

It is the policy of the Rye Fire Department to require member participation in the heat illness prevention program and the accompanying training.

909.3 REQUIREMENTS

This heat illness prevention program shall apply to all emergency operations and training exercises where personnel are exposed to heavy physical exertion and/or extreme heat conditions.

A rehabilitation group will be established by the Incident Commander (IC) when conditions dictate that rest and rehabilitation are needed at an emergency scene. Rehabilitation considerations should include, but are not limited to:

- **Length of the operation** - The two-bottle rule should generally be observed. After the use of two self-contained breathing apparatus (SCBA) air bottles (or 30 to 60 minutes of strenuous activity), a firefighter should be evaluated in the rehabilitation area. Rehabilitation should generally be considered for second-alarm fires or greater. Prolonged motor vehicle incidents and heavy rescues in hot weather are other examples.
- **Amount of exertion** - Lieutenants should maintain an awareness of the exertion/exhaustion level of crews. The degree of exertion can vary greatly in each incident. Individuals who are under-hydrated or are on the first day back after any gastrointestinal illness are particularly susceptible to early onset of heat illness.
- **Adverse climatic conditions** - Temperatures in excess of 90 degrees have historically produced early onset of heat exhaustion and/or collapse. Rehabilitation efforts should generally be established when ambient air temperature is over 85 degrees and there is a potential for extended operations. High humidity also plays a role and should be considered.
- **Communication** - It may be difficult for the IC to assess the exertion or exhaustion level of the firefighters. If a firefighter needs rest, he/she is responsible for communicating his/her needs to a supervisor. If one individual is experiencing heat exhaustion, supervisors should be aware that there may be additional firefighters in need of rehabilitation.

It is the responsibility of the IC to make an early determination of situations that may require a rehabilitation group and institute the appropriate rehabilitation efforts accordingly.

It is the responsibility of every Lieutenant to monitor the condition of all firefighters for signs of heat stress or fatigue. When these conditions are noted, the officer shall advise the IC or assigned Incident Safety Officer and request assignment of the company to the rehabilitation group.

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Heat Illness Prevention Program

It is the responsibility of all personnel operating at an incident to report to their immediate supervisor if they are feeling the strain of overexertion. There is a point at which even the most physically fit individual becomes a liability rather than an asset due to intense physical exertion in turnout clothing. Taking 10 to 20 minutes in rehabilitation to cool down and rehydrate can prevent illness and injury.

Vehicle Safety Belts

910.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all members of the Department wear safety belts while operating or riding in department vehicles or privately owned vehicles while conducting department business. The use of safety belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic accident (Vehicle and Traffic Law § 1229-c).

910.2 POLICY

It is the policy of the Rye Fire Department that all members, unless they are providing necessary patient care which requires free movement, shall wear properly adjusted safety restraints when operating or positioned in any vehicle owned, leased or rented by this department, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all occupants, including any non-members, are properly restrained (Vehicle and Traffic Law § 1229-c).

910.3 INOPERABLE SAFETY BELTS

No person shall operate department vehicles in which the safety belt in the driver's position is inoperable. No person shall be transported in a seating position in which the safety belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Career Captain.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

High-Visibility Safety Vests

912.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the guidelines to protect members who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment and to comply with applicable safety regulations including requirements contained in the federal Manual on Uniform Traffic Control Devices for Streets and Highways pursuant to 23 CFR 655.601.

912.2 POLICY

It is the policy of the Rye Fire Department that all members shall wear class II high-visibility safety vests in addition to required personal protective equipment (PPE) whenever the emergency scene is located on or near a roadway where members are subject to the hazards of moving traffic, construction vehicles or disaster recovery equipment. Members who are working on roadways and are not directly exposed to fire, flame, excessive heat or hazardous materials are expected to wear a high-visibility vest. This includes pump operators, support personnel and command officers. When it is anticipated that the emergency scene will be located on a roadway, high-visibility safety vests should be donned along with other appropriate PPE at the time of dispatch.

High-visibility vests should also be worn any time a member or a supervisor believes increased visibility would improve safety or efficiency.

912.3 PROCEDURE

Although the high-visibility safety vests that are currently available are fire resistant, they do not meet the same fire resistant standards set by the National Fire Protection Association (NFPA). Therefore, members who are directly engaged in fire suppression activities on or near roadways should not wear the vest over their PPE. Once the situation is under control, personnel can then don a vest for the remainder of the incident.

Should the need arise, other department personnel on-scene could easily remove (tear-away) the vest in reaction to unusual circumstances or to render assistance with direct firefighting.

912.3.1 ASSIGNMENT OF HIGH-VISIBILITY SAFETY VESTS

High-visibility vests shall be assigned to all members.

912.3.2 STORAGE AND CARE

High-visibility safety vests are part of the standard issue PPE and should be stowed so they are readily available for immediate use. Should cleaning be necessary for routine soiling, follow the manufacturer's care instructions or the guidelines in the Personal Protective Equipment Policy.

Apparatus/Vehicle Backing

913.1 PURPOSE AND SCOPE

The purpose of this policy is to help members avoid the dangers inherent to vehicle backing operations and reduce the high incidence of firefighter injuries and fatalities.

913.1.1 DEFINITIONS

Definitions related to this policy include:

Apparatus - Any department vehicle that is designed and equipped to support firefighting and rescue operations, including those equipped with an aerial ladder, elevating platform or water tower that may position members, handle materials, provide continuous egress or discharge water at positions elevated from the ground.

Driver - The member operating a department vehicle or apparatus. This member is in control of the vehicle or apparatus and therefore is the sole person responsible for its movement.

Officer - The member responsible for directing the operation of the vehicle or apparatus and its personnel.

Spotter - A member designated to direct the driver while backing up the vehicle or apparatus. This position may also be referred to as a backup person.

Vehicle - Any automobile, emergency vehicle, staff vehicle or light utility vehicle owned or leased by the Rye Fire Department and used for department business.

913.2 POLICY

To promote public and firefighter safety, it is the policy of the Rye Fire Department that drivers will avoid backing the vehicle whenever possible. When feasible, the driver will drive around the block rather than backing an apparatus or vehicle. If backing the apparatus or vehicle is necessary, the driver shall utilize spotters to avoid any potential danger. Backing the apparatus or vehicle without the aid of a spotter should only take place in unique circumstances.

913.3 OFFICER AND DRIVER RESPONSIBILITIES

Firefighter safety is extremely important. Backing operations are the most common cause of fire service vehicle accidents. Training and awareness of the potential dangers of such operations should reduce the incidence of firefighter injuries and fatalities.

Before backing an apparatus or vehicle, all potential impediments should be evaluated to ensure that the area is clear of obstructions.

The officer, or the driver if there is no officer present, shall deploy spotters when backing up or as necessary to allow the safe movement of an apparatus or vehicle.

The driver should not move the vehicle or apparatus until the spotters are in place.

Apparatus/Vehicle Backing

If the driver loses sight of the spotter, the driver shall stop the apparatus or vehicle until the spotter is back in sight.

If more than one spotter is being used, the driver will need to maintain contact with both spotters. This means shifting attention from one spotter to another frequently so as to safely move the apparatus or vehicle, while maintaining the safety of the spotters. This will require the apparatus to be moving at a slower than normal rate.

In unique circumstances where a spotter is not available and the apparatus or vehicle must be moved, the driver shall perform a complete walk-around of the vehicle or apparatus to identify any potential hazards. The driver should back the apparatus or vehicle, attempting to use minimal reverse motion prior to being able to proceed forward. In the event that the apparatus or vehicle must be backed repeatedly or for more than a short distance, the driver should repeat the walk-around as many times as necessary.

If at any time the driver feels that the situation is not safe, he/she should stop the vehicle or apparatus until the situation is corrected. This may mean getting out and physically walking around the apparatus or vehicle or in the direction the apparatus or vehicle is headed.

913.4 SPOTTER RESPONSIBILITIES

Voice communication between the spotter and driver is good, but the driver may not hear the spotter over the noise of the vehicle or apparatus and other background noise. The use of portable radios to communicate between the spotter and driver may prove beneficial in certain circumstances. The spotters, the driver and the officer should maintain radio contact as well as eye contact. Universal hand signals may also be used to communicate between the driver and the spotter. Hand signals should be understood by all members to avoid confusion and to facilitate the process.

In congested or tight areas, one spotter may be needed at the rear and one at the front of the vehicle being moved either forward or backward. Spotters should also be used when going forward in tight areas.

Spotter responsibilities include, but are not limited to:

- (a) Be constantly aware of the surroundings while performing this function.
- (b) Look and listen for other vehicles and people that may enter the path of the vehicle or apparatus that is backing up.
- (c) Stop any oncoming hazard or stop the vehicle or apparatus being backed up.
- (d) Be aware of objects in the path of the vehicle or apparatus and direct the driver safely around them.
- (e) Be attentive to ground-level obstructions as well as overhead hazards (e.g., tree branches, wires, signs, canopies, ladders).
- (f) Maintain visual contact with the driver at all times.

Apparatus/Vehicle Backing

- (g) Be in the line-of-sight of the mirrors of the vehicle or apparatus at all times.
- (h) Illuminate him/herself at night with a rear spotlight or flashlight, to remain visible to the driver.
- (i) Use hand signals to direct the driver. Hand signals should be somewhat exaggerated for clear understanding by the driver.
- (j) Stand on the ground, never on the apparatus or vehicle.
- (k) Practice skills as time permits.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Authorization to allocate an amount not to exceed \$50,000 for professionals to assist in the defense of the City, City Council, Board of Appeals, and Guy Carpenito in *Friends of Nursery Field v. City of Rye, et al.*

FOR THE MEETING OF:

May 1, 2024

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: See attached resolution.



CITY OF RYE

RESOLUTION AUTHORIZED THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$50,000 TO RETAIN PROFESSIONALS TO AID IN THE DEFENSE OF *IN THE MATTER OF FRIENDS OF NURSERY FIELD v. CITY OF RYE, ET AL.*

WHEREAS, The Friends of Nursery Field and several other property owners have commenced an Article 78 Proceeding against the City, the City Council, the Board of Appeal, and Guy Carpenito (the “Proceeding”); and

WHEREAS, the City Council retained consultants to assist it in complying with the State Environmental Quality Review Act requirements and also the Local Waterfront Revitalization Program policies; and

WHEREAS, since the Proceeding challenges the Council’s actions related to its SEQRA review and LWRP findings, it is necessary to retain professionals to assist in the defense of the Proceeding.

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes an amount not to exceed \$50,000 to aid in the defense of the Proceeding.

Roll Call:



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Council consideration of Nursery Field.

FOR THE MEETING OF:

May 1, 2024

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: See attached resolution.



CITY OF RYE

RESOLUTION FOR NURSERY FIELD DRAINAGE AND TURF PROJECT AND OTHER RYE PLAYING FIELDS

WHEREAS, The City of Rye is committed to improving its recreational playing fields so as to increase availability for organized youth sports;

WHEREAS, the Rye Youth Athletic Foundation, a nonprofit a/k/a Let The Kids Play (the “Donor Group”) has generously offered to pay for the costs of installing a synthetic turf field and drainage system at Nursery Field, and reimburse the City for all preparatory soft costs;

WHEREAS, on December 6, 2023, the City Council passed a resolution to move forward with installing a synthetic turf field at Nursery Field that meets all of the criteria outlined in the December 6th Resolution, including (i) the Council’s negative declaration, (ii) City Planning Commission’s November 21, 2023 Advisory LWRP Coastal Consistency and Wetland Review, and (iii) that all components (grass blades, shock pad, and infill) are tested by an independent third-party lab retained by the City (for example Galbraith Laboratories, Inc. in TN or similar quality lab) to identify total fluorine content and such lab shall conduct appropriate targeted testing for PFAS/PFOA content and verify that such components require no warning labels under California Proposition 65 standards, (the “Nursery Field Project” or “Project”);

WHEREAS, on December 20, 2023, the City Council passed a resolution setting forth terms to accept a donation from the Donor Group to pay for the Nursery Field Project;

WHEREAS, On January 10, 2024, the City Council issued a pause on the Nursery Field Project and the acceptance of a donation to pay for it so as to allow the current City Council to gather new information and listen to and consider the concerns from the Nursery Field neighborhood, the Donor Group, and other members of the community concerning the Nursery Field Project and the state of Rye City’s recreational fields and greenspaces;

WHEREAS, the Rye City Council has determined it is the public interest to move forward with rehabilitating Nursery Field so as to address the drainage issues that negatively impact the availability for organized youth sports playtime at Nursery Field;

WHEREAS, the Rye City Council determined that subject to receipt of the proposed donation from the Donor Group, as set forth below, it will move forward with the Nursery Field Project;

WHEREAS, the City Council acknowledges that failing receipt of such donation, the Council remains committed to rehabilitating Nursery Field through improved drainage system and natural grass;

WHEREAS, the Rye City Council has also determined it is the public interest to formally analyze how to increase turf quality and playability at its other grass playing fields, including Sterling Field;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council's resolution of December 6, 2023, allocating \$100,000 from the City's Capex fund to pay the costs of design documents and its December 20, 2023 resolution to solicit bids for the Nursery Field Project are hereby null and void;
2. The City Council's resolution of December 20, 2023, to accept the Donor Group's funding letter agreement concerning the Nursery Field Project is hereby null and void, and the agreement will not be executed;
3. The City of Rye will accept the Donor Group's proposed donation and advance the Nursery Field Project to completion, subject to the Donor Group fulfilling the following conditions:
 - a. On or before May 31, 2024, the Donor Group will donate to the City \$100,000 ("Bid Soft Costs") so staff will, as promptly as practicable, engage consultants to prepare construction bid documents and put the Project out for bid;
 - b. On or before July 1, 2024, the Donor Group shall show the City Manager that the Donor Group has funds in the amount of \$2,900,000 deposited into a third-party escrow account exclusively for the purpose of donating to the City for the Project;
 - c. Within 45 days after the receipt of an acceptable bid, and in any event, before the City's award of the Project contract to a bidder, the Donor Group shall donate to the City moneys for the full cost of the Project, including soft costs. If the cost of the Project exceeds the current estimate of \$3,000,000, including the \$290,000 of soft costs already incurred and \$100,000 for bid

documents, the Donor Group will raise and provide such additional moneys to the City within said 45 days and prior to any bid award. The Donor Group shall comply with all laws, rules, regulations, and policies concerning making donations and gifts to a government entity, including with respect to disclosure of funders and funding sources.

4. If for any reason the Project does not go forward, other than due to a failure by the Donor Group to meet the requirements of §3b or §3c above, the City will return all moneys provided to it by the Donor Group. If a reason the Project does not go forward is that the Donor Group fails to meet the requirements of §3b or §3c above, the City will return any moneys provided to it by the Donor Group net of the Bid Soft Costs.
5. In the event that the Donor Group fails to meet the requirements of paragraphs 3a or 3b or 3c above, then upon the earliest such failure this resolution will become immediately null and void with respect to the Nursery Field Project. The City Manager will then proceed, as promptly as practicable, with an alternative project for drainage installation and an improved grass field at Nursery Field with plans to be provided by the City Manager. At such time, the City Manager will engage such consultants as necessary and commence design, regulatory activities, and prepare construction documents to install a natural grass field at Nursery Field. The City Manager will present the City Council with a plan, estimated soft costs and sources for funding at such time.
6. The City of Rye, as is its customary and general practice, will defend in good faith against any litigation, in which it, the City Council, or its boards, commissions, or staff are named a party as it relates to the Nursery Field Project. If the Donor Group is subject to any lawsuit in connection with the Nursery Field Project, the Donor Group will cover its own legal costs with its own funds, which will be in addition to those raised to pay for the cost of the Project.
7. If the Nursery Field Project is completed, nothing herein obligates the City to replace the synthetic turf at Nursery Field at the end of the useful life (currently estimated at 8-10 years) with synthetic turf. Prior to replacement, the City Council will determine whether the synthetic turf should be replaced with a new synthetic turf surface, including evaluating the components of such new synthetic turf surface, or with natural grass. The City Manager will determine when the synthetic turf at Nursery Field has reached the end of its useful life and needs to be replaced. At such time the Turf shall be recycled to meets the recycling parameters of applicable New York State Environmental Conservation Law and other applicable laws.

8. The City Manager will work with citizens from the neighborhood surrounding Nursery Field to address concerns regarding neighborhood aesthetics, beyond those called for as part of the Project planning and LWRP process, e.g., the planting of additional trees and shrubbery, additional non-field design elements, and safety and noise mitigation, etc. To that end, the City will spend an amount to not exceed \$250,000 on such additional enhancements.
9. The City Manager shall, as promptly as practicable, solicit proposals to review existing grass playing fields other than Nursery Field with the goal towards putting a plan and resources in place to make Rye Rec's grass playing surfaces better and more resilient and shall present such proposals to the City Council for consideration and funding.
10. The City Manager shall, as promptly as practicable, solicit proposals from consultants to analyze Sterling Field to provide concepts, plans, design options, and initial estimates and timelines for rehabilitation and increased playability for Sterling Field. The City Manager shall present such proposals to the City Council for consideration and funding.
11. Consistent with adequate maintenance and oversight of its fields, Rye Rec will make best efforts to keep all fields, whether synthetic turf or grass, open for year-round free play for Rye citizens and their children and keep records of such field availability.

* * *