

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, May 25, 2016, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney client matters.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held May 11, 2016.
5. Issues Update/Old Business.
6. Authorization for City Manager to sign the proposed amendment to the existing License Agreement for 88 Davis LLC.
7. Discussion on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.
8. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding voting procedures and the Commission level of members.
9. Residents may be heard on matters for Council consideration that do not appear on the agenda.
10. Consideration of Resolution establishing a new policy for filing Small Claims Assessment Review Petitions and for reviewing the assessment of properties when building permits are issued for property owned by City Department Heads and Rye City Council Members.
11. Resolution to amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.
Roll Call.
12. Consideration of Bid for 2016 Rye Recreation Summer Camp Bus Services (Contract #2016-04).
Roll Call.

13. Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 24, 2016 through December 6, 2016 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.
14. Miscellaneous communications and reports.
15. New Business.
16. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, June 8, 2016 at 7:30 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".

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager's Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: May 25, 2016

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held May 11, 2016.

FOR THE MEETING OF:

May 25, 2016

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Approve the minutes of the Regular Meeting of the City Council held May 11, 2016, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on May 11, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
RICHARD MECCA
TERRENCE McCARTNEY
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT: None

The special annual Square House meeting convened at 8:00 P.M. Mayor Sack welcomed the community.

Sheri Jordan, Director of the Rye Historical Society, welcomed everyone to the annual ceremonial meeting in the Square House, which served as Rye's Municipal Hall from 1904 to 1964. She stated that Paul Hicks had just finished writing a biography on the Parsons Family, which the Rye Historical Society will honor in the near future. There will also be an upcoming exhibit on "Crime and Punishment in Rye" and the history of the Rye Police Department.

Mayor Sack said that what brings people back to this meeting is their love for Rye, public service and each other. He announced that it was his 13th year as a member of the Council at the Square House meeting. He stated this is a combination of a family reunion and an all-star game. He talked about teaching second graders about the original City Hall, the Square House. He remembered former Mayor, the late Edmund Grainger, and his lasting legacy within Rye by stopping the bridge from being built across the Long Island Sound. There was a moment of silence for Mr. Grainger. The Mayor welcomed Marcus Serrano to his first Square House meeting as City Manager. Mr. Serrano introduced himself and stated that he loves working for the City and thanked the Mayor and Council for the opportunity to serve the City. Mr. Serrano first acknowledged Assistant City Manager, Eleanor Militana, for her hard work and diligence on a daily basis. Mr. Serrano acknowledged department heads, many of whom were in attendance:

James Buonaiuto	Golf Club General Manager
Michael Corcoran	Police Commissioner
Ryan Coyne	City Engineer
Carolyn D'Andrea	City Clerk
Kerry Donahue	IT Coordinator
Joseph Fazzino	Deputy Comptroller
Scott Fontecchio	General Foreman DPW
Alfred Kuzio	Deputy Recreation Superintendent

Nicole Levitsky	Cable Access Coordinator
Kerry Lenihan	Acting Building Inspector
Christian Miller	City Planner
Sally Rogol	Superintendent of Recreation
Chris Shoemaker	Library Director
Kurt Tietjen	Fire Lieutenant
Noreen Whitty	City Assessor
Kristin Wilson	Corporation Counsel

Councilman McCartney thanked the volunteers and City staff for their hard work. He stated that he would like to take this time to focus on the hard work of City staff. He recounted his time with the Marine Corps, who are forced to do more with less, which leads to success. He felt that the staff of the City of Rye exemplifies similar traits, doing as much as they can do with limited resources. He recognized the City Clerk and her “many hats,” such as serving as marriage officer, managing parking throughout the City, handling licenses, among many other things. He also recognized the new Police Commissioner, Michael Corcoran for his diligent efforts in running the Rye Police Department, while effecting serious change among the young people of the City. There was a round of applause for the City staff.

Councilman Mecca stated that he has spent a lot of time in the Square House for the annual meeting through different capacities. He stated that he was proud of the volunteerism in Rye, and focused on the efforts of the Rye Fire Department. Councilman Mecca also stated that he is proud to be part of this Council of volunteers. Overall, the volunteerism is wonderful in this community and helps it run each day.

Councilwoman Tagger Epstein stated that prior to the special meeting, did some research on the Square House, and found the striking quote that states, “The history of Rye is told through its people.” She reflected on this wonderful and true statement. The volunteers make this community run. Councilwoman Tagger-Epstein stated that she was so happy to have met the members of the Council, staff, and volunteers who spend countless hours doing the City’s work. She looks forward to the experience and the knowledge that come with this experience.

Councilwoman Hurd stated that it is hard to know what to say because most of the community members at the meeting have taught her most of what she knows about the City. She stated that she is first thankful for the volunteer and staff time and dedication to the City. She then thanked the Chairs of the committees that she works alongside with as liaison. Councilwoman Hurd then recalled the previous year, when former Councilman Richard Slack stated that the duties of the Council are to explore not only the law as it is, but the law as it should be. She stated that she and members of the Council will do their best, as the volunteers and staff have done, to serve the City.

Councilwoman Bucci stated that she is so grateful for this opportunity. The level in which people dedicate their time is so impressive. The staff works tirelessly at all hours to help the City succeed. She stated she has loved watching the library evolve over the last two years, which has become the Center of the community. Councilwoman Bucci then thanked Christopher Shoemaker for his hard work with the library.

Mayor Sack stated that a few years ago, the City held a 50 year anniversary of City Hall. He mentioned that Edward Grainger and Judge John Carey were present for the event, and that they had a great impact on Rye for many years.

Judge John Carey addressed the Council and community. He stated that he sees a Rye right now more threatened with outside forces than at any other time, and that governmental entities are eyeing Rye park land with commercial motives. He stated that the City should invoke the spirit of the late Ed Grainger who drew a line in the sand with the motto, "No bridge now, no bridge ever." He stated that the City needs to shout "no" to commercial activity in the park. He also stated that state law protects park land except when commercial activity is approved by a state agency. Lastly, he hopes the City Council will take steps to fully inform itself of the law in this area.

Mayor Ted Dunn also made a statement. He stated that he had two thoughts. One is that the longer he watches governments and history develop, the more convinced he is about how difficult it is to run good government. Rye has a remarkable record of good government. Lastly, he challenged the Council to have a meeting in less than 38 minutes, which also occurred during his tenure on the Council.

Mayor Sack stated that it is an honor for three of our previous Councilmembers who now represent us on the County and State level to live in Rye, recognizing Assemblyman Steve Otis, Senator George Latimer, and County Legislator Catherine Parker.

Assemblyman Steve Otis addressed the Council and community. He remembered Mayor Ed Grainger and his wonderful work with the community. He stated that there are no one-dimensional volunteers in this town. Mr. Otis also acknowledged the late Mrs. Carey and her support of the community, and everyone applauded her efforts over the years. Mr. Otis stated that no one volunteers alone, and each family makes a sacrifice. Rye continues to be a special place. Our ability to be unique rests in the contributions of those who have had a desire to make Rye special.

Pat Levine stated she was very fortunate to work with Ed Grainger and Rye will always be grateful for him. Rye is unique in its level for volunteerism. Issues do tend to come back and she encouraged the Council to keep fighting against the building of a bridge.

Carolyn Cunningham addressed the Council and community. She recounted old meetings and spoke of the hours of volunteerism represented by all the boards, making Rye wonderful. She stated that City also has boards that are meeting together to care for the environment which is very special in Rye. Ms. Cunningham encouraged the residents and Council going forward to protect the environment. She thanked the Council for their volunteerism.

State Senator Latimer stated that the years go by fast, and that it had been 25 years since he served on the Council. He remembered the volunteers that he served with and their dedication to Rye. After having the opportunity to see other communities, he is very happy to

come home to the City of Rye. He stated that even though he did not grow up in Rye, this is his hometown.

Former Councilman Jim Burke stated that the annual meeting was like going to an Old Timers game at Yankee Stadium. He thanked everyone for their service, and wished the present Council continued success.

Marcia Kapilow, former councilmember, stated that the City has wonderful staff and volunteers. She said there is always a constant battle between needs and a limited budget, and she thanked those who constantly balance the needs of the community.

Pat LaRusso, former councilmember, stated it is an honor to be associated with Rye, which is full of wonderful volunteers who give back to the City to make it great.

Judge Joseph Latwin stated that the future of Rye is important. He said that he has been working with Commissioner Corcoran and the District Attorney to cut down on marijuana, which is a gateway drug. He will be implementing a mandatory education program in every effort to stop this epidemic.

Jerry Seitz, former councilmember, stated that Rye is full of volunteers. He further said that quintessence of that and beyond is solely because of Ed Grainger's efforts. The proposed bridge project started in 1958 when Harriman was running against Rockefeller for governor of New York. He stated that Rockefeller was concerned about losing to Harriman and in need of an endorsement to win, and that both the endorsement and Rockefeller's 1964 reelection campaign was the driving force of the proposed bridge. Ed Grainger and two others met every week and worked tirelessly to come to a solution. Eventually, they arranged for someone to purchase a piece of property on the North Shore and gave it a conservation easement, stopping the project. Mr. Seitz said that Mr. Grainger is responsible for saving the City and that it is terribly important for residents to know that story. He lastly stated that he is delighted we are honoring Mr. Grainger tonight.

Former Councilmember Richard Slack addressed the Council and community. He stated that this is a great meeting and it is great to be back at the Square House. He said that this meeting is special because those attend who have served Rye in all different capacities. Mr. Slack stated that it doesn't matter where the community volunteers started on the political spectrum, as everyone comes together and acts accordingly despite differences of opinion.

Joseph Murphy introduced himself and Josephine Delmonte and Pat Hammer of the Senior Advisory Council. Mr. Murphy stated that this is the 15th year that this group has been in existence.

Jack Zahringer, Landmarks Advisory Committee, said that his agenda was to keep historic Rye, Rye. Maurio Sax, also of the Landmarks Advisory Committee, echoed this goal.

Josephine Delmonte, Senior Advisory Council, stated is that she lives in Rye Manor. She would love to see smoke-free housing which is important to everyone in the community.

Ken Ball, Playland Advisory Council, thanked the community or the opportunity to be a volunteer in Rye. He stated it was great to work with the other members of the committee.

Doug Carey, Leaders of Tomorrow, addressed the community. He thanked Recreation Superintendent Sally Rogol for her help with the Recreation Department. He also thanked the Rye Historical Society and the Rye Free Reading Room. He lastly stated that he is proud of his father, Judge Carey, for all of his great work in Rye.

Owen Nee, Ethics Board, stated that there is nothing to do on the Ethics Committee because the volunteers and staff are so wonderful.

Bernie Altoff, of the Flood Advisory Committee, was happy to report that the group has been making progress. He thanked City Manager Serrano and Assistant City Manager Militana for their hard work. He also thanked Assemblyman Steve Otis, Senator George Latimer and County Legislator Catherine Parker. Mr. Altoff lastly thanked Councilwoman Hurd, who he stated has been very helpful to the Advisory Committee.

Sarah Goddard, Sustainability Committee, stated it was an absolute honor to serve her community. She said that she considers Rye her home. She thanked the team of volunteers who works with her and stated they are incredible and passionate, bringing a knowledge of the environment who also love the community. Ms. Goddard stated that a love for community has no partisan boundaries. She lastly thanked Council liaisons Tagger-Epstein and Killian.

Mayor Sack spoke about a time when he asked members of the community about what makes a great City Council. He stated that in his years in Rye, he has had the great opportunity to get to know the people of Rye and the hard work that they do each today. He lastly stated that the annual meeting was a success.

At 8:47 P.M., Councilman Mecca made a motion, seconded by Councilman McCartney, to adjourn into Executive Session to discuss police investigation matters. Councilman McCartney made a motion, seconded by Councilman Mecca to adjourn the Executive Session and return to the regular meeting at 9:25 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

Mayor Sack asked the Corporation Counsel to call the roll; a quorum was present to conduct official City business.

3. General Announcements.

Mayor Sack announced the sad passing of three prominent members of the community. Mayor Sack first acknowledged Mr. Leonard Schindo, a longtime resident of the City and the Court Clerk for the Rye City Court. He is survived by his family. Mayor Sack then announced that Armand Delli Colli also recently passed away and was a long time Rye resident and volunteer firefighter. Third, Mayor Sack announced that Jack Miller recently passed away. A longtime Rye resident, Mr. Miller was also the Chair of the Board of Directors of the Osborn for many years. His family is also active in the community. Mayor Sack expressed his sympathy to the families of these three individuals. There was a moment of silence.

Mayor Sack announce that on Saturday, May 14, 2016, there will be the annual Community Conversations meeting at Rye Town Park at 10:00 A.M. He encouraged residents to attend. He also announced that Saturday, May 21, 2016, there will be another Council coffee at the Rye library at 9:30 A.M. The new police commissioner will be a special guest. Mayor Sack stated that Commissioner Corcoran is going to focus efforts on helping the City with the illegal drug use problem with Rye youth and the passing of too many of the City's young people. Mayor Sack said that enforcement is important, but so is education. On May 12, 2016, there will be an event for the Rye Youth Council which will feature Lee Woodruff, the speaker, who will be discussing the drug epidemic in Rye schools among the young members of the community. Mayor Sack stated that no matter how difficult it is to have these conversations, they are so important. Mayor Sack vowed to try to discuss this important topic at each Council meeting.

Councilman McCartney announced that he will write about alcohol and the effects and consequences of alcohol in the Rye City Review this coming week. He further stated that there will be the Memorial Day Parade on May 30, 2016 and the parade will go as planned on Purchase Street, ending on the Village Green for a ceremony. On Sunday, May 29, 2016, Playland will be holding a special event for active and retired members of the military. Councilman McCartney encouraged anyone in active duty or as a veteran to attend. There will be free admission to the event for those individuals. Councilman McCartney then stated that the Rye Golf Club Opening Day Scramble had a great turnout. He acknowledged Rye Golf Club Greens Keeper Chip Lafferty who was recently praised in an article in Cornell University's Best Management Practices. The article specifically discussed the great work with the Rye Golf Club's water management. Councilman McCartney lastly stated that May 12, 2016 is the last day for the early bird pool membership discounted rate at the Rye Golf Club. He also reminded residents that registration for the Recreation Summer camp is filling up.

Councilman Mecca stated there was nothing of note from the Planning Commission, but that he would update the Council of anything important in the future.

Councilwoman Tagger-Epstein stated that there will be a Town Hall meeting on May 24, 2016 at the Resurrection Preschool. The discussion subject of the meeting will be Rye's youth and substance abuse within our community. Rye Alcohol and Drug Coalition (ACT) will be presenting the results of their recent study. The meeting will also celebrate the winners of the Clear Minds Poster Contest.

Councilwoman Bucci announced that on Sunday, May 22, 2016 from 1:00 to 4:00 P.M., the library will be having an event called, "Celebration of Science." She also announced that the Fire Department recently completed training with Harrison Fire and the Rye Police Department. Councilwoman Bucci thanked the Rye Fire Department for recently rescuing an infant from a locked car at Rye Town Park.

Councilwoman Hurd announced that on behalf of the Chamber of Commerce, she is pleased to see that residents have provided feedback on the surveys that were recently distributed to the community. She then announced that there are still slips available at the Boat Basin.

4. Approval of the election of one new member to the Rye Fire Department.

Councilman Mecca stated that Kevin Ramsey has been elected to the Milton Point and Hose Company. He welcomed Mr. Ramsey to the Fire department and wished him good luck with his training.

Councilman Mecca made a motion, seconded by Councilman McCartney, to approve the election of Kevin Ramsey to the Rye Fire Department.

5. Draft unapproved minutes of the regular meeting of the City Council held April 27, 2016.

Councilwoman Hurd recommended an amendment to the minutes, to ensure that the "Community Emergency Response Team" be specifically included.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adopt the minutes as modified of the regular meeting of the City Council held April 27, 2016.

6. Issues Update/Old Business.

Mayor Sack announced that the affordable housing project on Theodore Fremd Avenue is underway. He stated that there may be issues with runoff when a construction site is present, but the City is ensuring that any and all issues are handled in due course. Mayor Sack further stated that anyone wishing to be added to the waiting list for this affordable housing unit should call (914) 939-5736. He then announced that the Final Environmental Impact Study (FEIS) for the proposed site at United Hospital has been released. While the applicant is not required to hold hearings on the FEIS, they will be held on May 24, 2016. The City of Rye traffic consultant has been reviewing this document and providing feedback on the project. Finally, with regard to the Master Plan revision, the members of the Master Plan subcommittee are asking the City Planner to prepare an RFP for a consultant to help drive the process.

Councilwoman Hurd inquired as to the timeframe of the Master Plan, and Mayor Sack responded that it could take the better part of a year. Councilwoman Hurd asked if it may be prudent for the Committee to include councilmembers who may be on the Council in the future, and Mayor Sack responded that the committee will remain the same for the current time.

Councilwoman Hurd announced that there is a new sign at Playland, which is rather large. She inquired about whether the City of Rye would have any authorization or approval process with regard to future changes such as this one. Mayor Sack responded and stated that with regard to signs, there is sign legislation within the City of Rye. Based on the size of the letters of the new sign, they may not comply with the City's sign regulations. The matter could be referred to the building department. With regard to any other structures, any construction would need to go through City of Rye land use boards and commissions. The County has not indicated they will be building structures in the near future.

Councilman Mecca stated he was curious to see if County Legislator Parker could weigh in on how the County could continue to circumvent City processes with no prior communication to the City.

There was general discussion over the legality of the size of the new Playland sign. City Manager Serrano was asked to provide the Council with a future update on the topic.

7. Authorization for City Manager to sign the proposed amendment to the existing License Agreement for 88 Davis LLC.

Corporation Counsel Wilson stated that in 2000, the owner of 88 Davis approached the City for a license agreement to maintain a stone wall within the City's right of way. The current applicant has requested that the City approve an amendment to that agreement. Leo Napior, Esq. addressed the Council on the applicant's behalf. He explained that the cul-de-sac, as it was situated, served as an extension of the applicant's original driveway, which was not a formal turnaround of any kind. The applicant is now asking for a license agreement to use this piece of land to create an improved turnaround area, with an abutting grass area. The license agreement contemplates that if and when 88 Davis is redeveloped, this area would be restored. There will be indemnity and insurance provided.

Councilman Mecca inquired as to whether the proposed turnaround will help the City with the turnaround of fire trucks. Mr. Napior responded that it will improve the turnaround. There was further discussion among the Council.

Councilwoman Hurd asked for Mr. Napior to provide a map of the properties and proposed improvements. Councilwoman Bucci stated she visited the site. Mayor Sack suggested that the attorney provide a neighbor letter of support and smaller scale maps to the Council.

Mayor Sack inquired if the licensed area will be for the enjoyment of the entire neighborhood or just the exclusive use for the licensee. Mr. Napior responded that it would be for the applicant's exclusive use.

Corporation Counsel Wilson explained that the City would be providing a license agreement, but not de-mapping this property.

Councilwoman Tagger Epstein inquired as to who would be responsible for restoring the property to its original condition if the license was revoked. Corporation Counsel Wilson stated that the property owner would be responsible, should this occur.

The Agenda item was held over to the May 25, 2016 City Council meeting.

- 7A. Resolution to transfer \$50,000 from the Contingent Account to the Building and Vehicle Fund, Recreation Thruway Fields Project for a feasibility review associated with an athletic facility development at the NYS Thruway property.

Mayor Sack stated that the City is contemplating purchasing the Thruway property. Despite the fact that the concept has been talked about for so long, the City would like to make sure that it is feasible for the City's intended use. This resolution would authorize the retaining of Woodard and Curran to do this type of analysis for due diligence. Mayor Sack stated he felt that it would be smart to take this step.

Motion McCartney made a motion, seconded by Councilman Mecca to adopt the following Resolution 2016-21:

WHEREAS, City staff has determined that the amounts required for a feasibility review associated with an athletic facility development at the NYS Thruway property were not anticipated and were not provided for in the 2016 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$350,000, now therefore be it;

RESOLVED, that the Deputy City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the Building and Vehicle Fund, Recreation Thruway Fields Project.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

Mayor sack asked the City Manager's office to provide an interim update on the issue.

- 7B. Home Rule Resolution supporting A10100(Otis)/S7602(Latimer) authorizing the lease of advertising space on sports field fences in the City of Rye, Westchester County

Councilman McCartney explained that the Little League wanted to engage in field improvements and the advertising raises money to fund these improvements. By allowing advertising on the field, the League raised \$10,000 last year. This Home Rule would bring the Little League into compliance with state law on this issue.

Corporation Counsel Wilson read the proposed Home Rule law into the record:

AN ACT to amend the general municipal law, in relation to authorizing the lease of space on sports field fences in the city of Rye, Westchester County.

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

Section 1. The general municipal law is amended by adding a new section 77-g to read as follows:

§ 77-g. Sports field fence leases in the city of Rye, Westchester County. Notwithstanding any provision of any general, special or local law or of any charter to the contrary, the city of Rye, Westchester county, may lease any and all sports field fences at Disbrow Park, Gagliardo or Recreation Park annually, at a nominal rent, to a not-for-profit corporation or organization, organized under the laws of the state of New York for the purpose of permitting the sale of advertising, with the revenues to be used solely for the care of said parks in the city of Rye, Westchester county.

§ 2. This act shall take effect immediately.

Councilman McCartney made a motion, seconded by Councilman Mecca, to adopt a Home Rule Resolution, 2016-22, supporting A10100(Otis)/S7602(Latimer) authorizing the lease of advertising space on sports field fences in the City of Rye, Westchester County.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

8. Consideration to set a Public Hearing for June 8, 2016 regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Corporation Counsel Wilson stated that Crowne Castle appeared before the BAR on Monday. The BAR approved the 73 locations proposed for Crown Castle's nodes throughout the City. Each community has treated Crown Castle differently. Corporation Counsel Wilson stated that it was her recommendation to the City Council to hold the Public Hearing. Mayor Sack agreed and stated that the City residents should be given the opportunity to comment.

Esme Lombard, Crown Castle, stated to the Council that their proposal was unanimously approved by the BAR. With respect to the Corporation Counsel's statements, Ms. Lombard

stated that they have attachments in White Plains, Harrison, Greenburgh, and others, all with existing right of way use agreements.

Councilwoman Bucci inquired as to who benefits from the nodes. Ms. Lombard responded that it currently would be the customers of Verizon, with the possibility of more vendors later. Councilwoman Bucci and Ms. Lombard then discussed the EMF reports and specifics concerning bandwidth, EMFs and collocation.

Ms. Lombard stated that all cell carriers are currently located on Blind Brook Lodge and many studies suggest that the EMF levels there are below federal standards.

Councilwoman Hurd inquired on whether Crown Castle had amended other agreements with respect to the other municipalities. Ms. Lombard responded that in other municipalities, the language of the license agreements do not require amendments for this type of work.

There was general discussion about other municipalities and the factors that are considered when deciding the number of nodes throughout a specific municipality.

Councilwoman Hurd and Councilwoman Tagger-Epstein asked Crown Castle to provide a map of the existing and proposed nodes within the City, as well as the cell towers.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein to set a Public Hearing on the issue for June 8, 2016.

9. Consideration of Resolution establishing a new policy for grievance filings for current and former City employees, Rye City Officials, and members of the Board of Assessment Review.

Mayor Sack stated that the overall rationale behind this proposed resolution is to ensure that if a potential conflict of interest arises, the City has a process in place to deal with assessment grievances. Mayor Sack further stated that the City should avoid a situation where the integrity of the process is called into question. He recommended giving everyone another opportunity to consider this resolution further. He will continue to work with the Corporation Counsel to put a new version of this resolution on the agenda for the next meeting.

Councilwoman Tagger-Epstein stated that before she can make an informed decision, she would like to receive an orientation from the City Assessor concerning the process.

Corporation Counsel Wilson stated that other municipalities only send grievances to other municipalities for the Board of Assessment Review, following state law.

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

Joseph Murphy, 57 Franklin Avenue, addressed the council. He requested on behalf of the senior citizens to be heard earlier in the evening if possible. He spoke about Rye Manor and stated that smoking is an issue within the units. The second issue he mentioned was concerning

the dumpsters on the adjoining property to Rye Manor. He stated that the office park has moved their dumpsters within 15 feet from Rye Manor and awakens residents at 3:30 AM and asked the Council for help.

Mayor Sack responded that he spoke with the manager of the adjoining office park and was informed that the dumpster will be moved within 30 days. In terms of the smoking issue, it is not likely that the City can legally regulate the activities that occur within someone's home. Mayor Sack asked Corporation Counsel Wilson and City Manager Serrano to look into the issue and report back.

Philip Cicchiello, 203 Purchase Street, addressed the Council and spoke at length about the fence that is located on the property line between his property and his neighbor's property. He asked the Council about the FOIL request that was recently filled, providing Mr. Cicchiello with 73 pages of documents.

11. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

12. New Business.

There was nothing discussed under this agenda item.

13. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney, to adjourn the regular meeting at 10:57 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: May 25, 2016

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

May 25, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 6 DEPT.: Corporation Counsel DATE: May 25, 2016
CONTACT: Kristen K. Wilson, Esq., Corporation Counsel

AGENDA ITEM: Authorization for City Manager to sign the proposed amendment to the existing License Agreement for 88 Davis LLC.

FOR THE MEETING OF:

May 25, 2016
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council review the proposed amendment to the existing License Agreement for 88 Davis LLC and provide authorization to the City Manager to sign.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The City entered into a License Agreement with the former owners of 88 Davis Avenue on April 19, 2000 which allowed the owners to maintain a wall and landscaping within the City right-of-way at the end of Davis Avenue. The current owners of 88 Davis Avenue are requesting a modification to this License Agreement to allow the maintenance of additional landscaping and a fence within the Davis Avenue right-of-way until such time as the property is redeveloped.

See attached:

- Letter from Petitioner
- Proposed Amended License Agreement
- Original License Agreement

LEO NAPIOR

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LNAPIOR@HKPLAW.COM

May 17, 2016
VIA E-MAIL

Marcus Serrano
Rye City Manager
1051 Boston Post Road
Rye, New York 10580

Re: ***88 Davis Avenue – Amended License Agreement***

Dear Mr. Serrano:

As you know, we represent 88 Davis, LLC, the owner of 88 Davis Avenue (the “Subject Property”).

We submit this letter in response to comments and questions raised by the City Council in connection with this matter on May 11, 2016. Transmitted herewith is the Davis Avenue Street Improvement Plan that we presented at the Council meeting.

As we indicated at the Council meeting, the License Agreement was entered into by the prior owner of the Subject Property and the City when the Subject Property was first developed with a single-family residence. The southernmost end of Davis Avenue served principally as an extension of the driveway for the Subject Property and was not designed for a functional turnaround area.

The principal of 88 Davis, LLC, resides at 14 Ann Lane and also owns 83 Davis Avenue. When our client demolished the previously existing residence at 88 Davis Avenue and the driveway was removed this extension of the driveway into the right-of-way was also removed with the understanding that this portion of Davis Avenue is a private street and not within the City’s jurisdiction or control. It was subsequently discovered that the City may have some form of an interest in Davis Avenue based on the existence of the prior unrecorded License Agreement and our client was directed by City staff to request an amendment to the License Agreement reflecting the change in circumstances.

Our client simply wishes to continue utilizing the area as open vegetated space between the properties rather than returning it to a paved condition and essentially creating a road to nowhere. Prior to the development of 88 Davis Avenue with a single family residence, which has now been removed, this area was unimproved and Davis Avenue ended where the proposed improvements are indicated on the Street Improvement Plan. The proposed Amended License



Agreement obligates the owner of 88 Davis Avenue to restore the extension of Davis Avenue if and when 88 Davis Avenue is redeveloped.

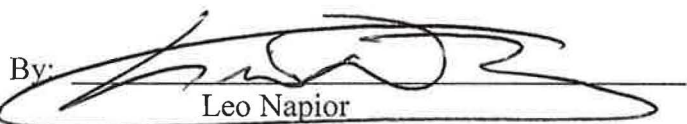
Moreover, the improvements shown on the attached Street Improvement Plan will be installed in connection with the current redevelopment of 83 Davis Avenue, which will serve as a more functional turnaround area than the prior existing conditions. In addition, the maintenance of the area as open vegetated space serves as a reduction in unnecessary impervious surfaces in the area which will improve stormwater quality and the volume of runoff in the area.

Furthermore, we have also attached hereto four (4) letters of support from the owners of: (i) 76 Davis Avenue; (ii) 74 & 60 Davis Avenue; (iii) 16 Ann Lane; and (iv) 12 Ann Lane. These four properties are all within the immediate vicinity of the southern end of the Davis Avenue right-of-way and would be the most impacted by the License Agreement. As you can see, all of the neighbors support the granting of the License Agreement and view the landscaping as an improvement over the previously existing conditions.

Please forward this information to the Council members for their review in advance of the next Council meeting. Thank you for your attention to this matter.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By: 
Leo Napior

CC: Christian Miller, Rye City Planner
Kristen Wilson, Corporation Counsel
Ryan Coyne, City Engineer

CONSULTANTS:

SURVEYOR:
The Mueser Company
1000 West 10th Street
Elmhurst, NY 10523

ISSUED:
Modifications to Street Improvement 05/20/2016
see

OWNERSHIP AND USE OF DOCUMENTS

THIS DRAWING IS THE PROPERTY OF THE CONSULTANT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT.

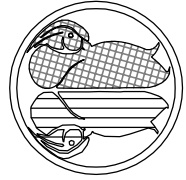
No part of these drawings shall be copied, reproduced, or used in connection with any work or project other than the project for which they were prepared, without the written consent of the licensed professional who prepared the document.

SEAL:



PROJECT NAME:
DAVIS AVE STREET IMPROVEMENT PLAN
83 Davis Avenue
City of Rye, N.Y.

ENGINEER & ENVIRONMENTAL CONSULTANT:
EVANS ASSOCIATES
ENVIRONMENTAL CONSULTING, INC.
205 Amity Road
Bethany, Connecticut 06524
T: (203) 393-0690
F: (203) 393-0196
email: evans.associates@eaec-inc.com



Drawing Title:

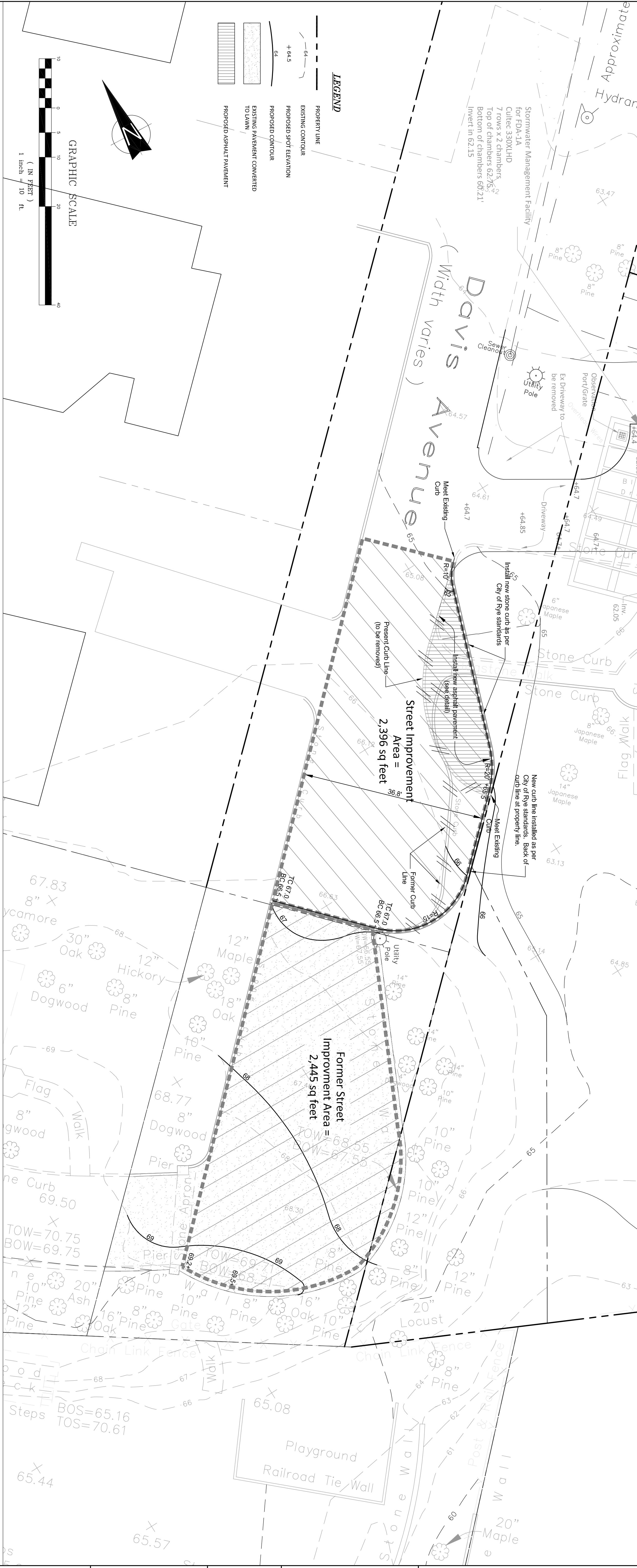
**Street Improvement
Plan / Details**

Date: April 15, 2016

Dwn. by: alp

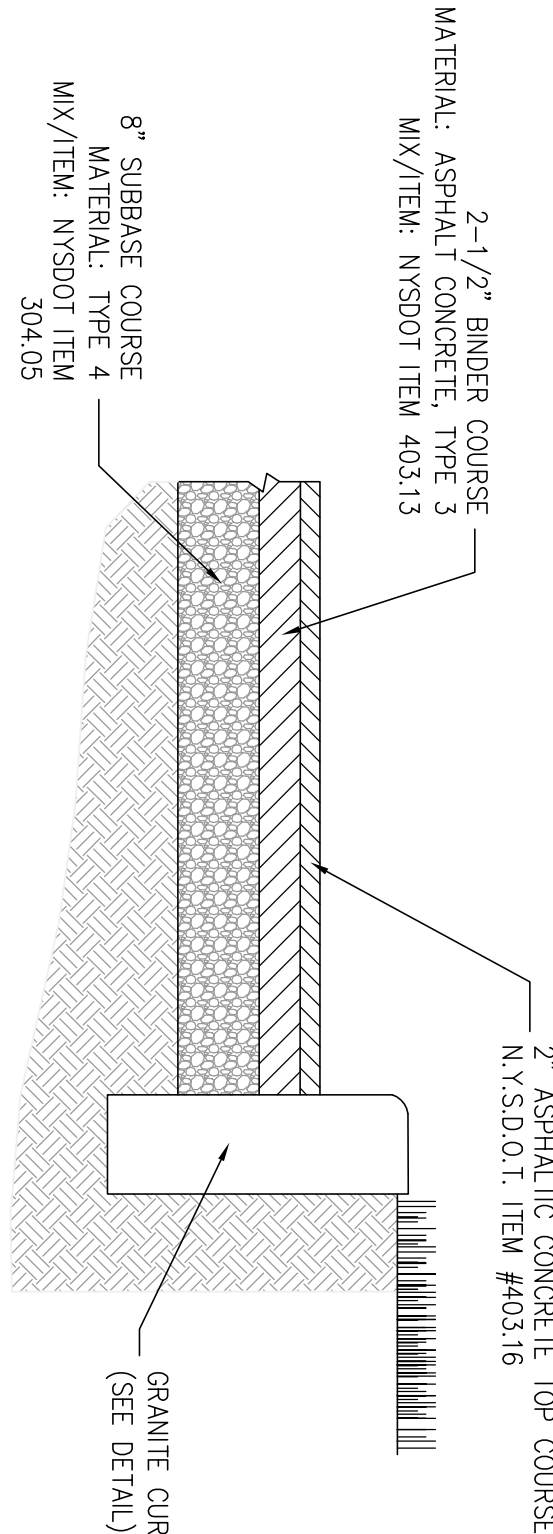
ID: 83 Davis Ave Site_04-15-2016

SP-1



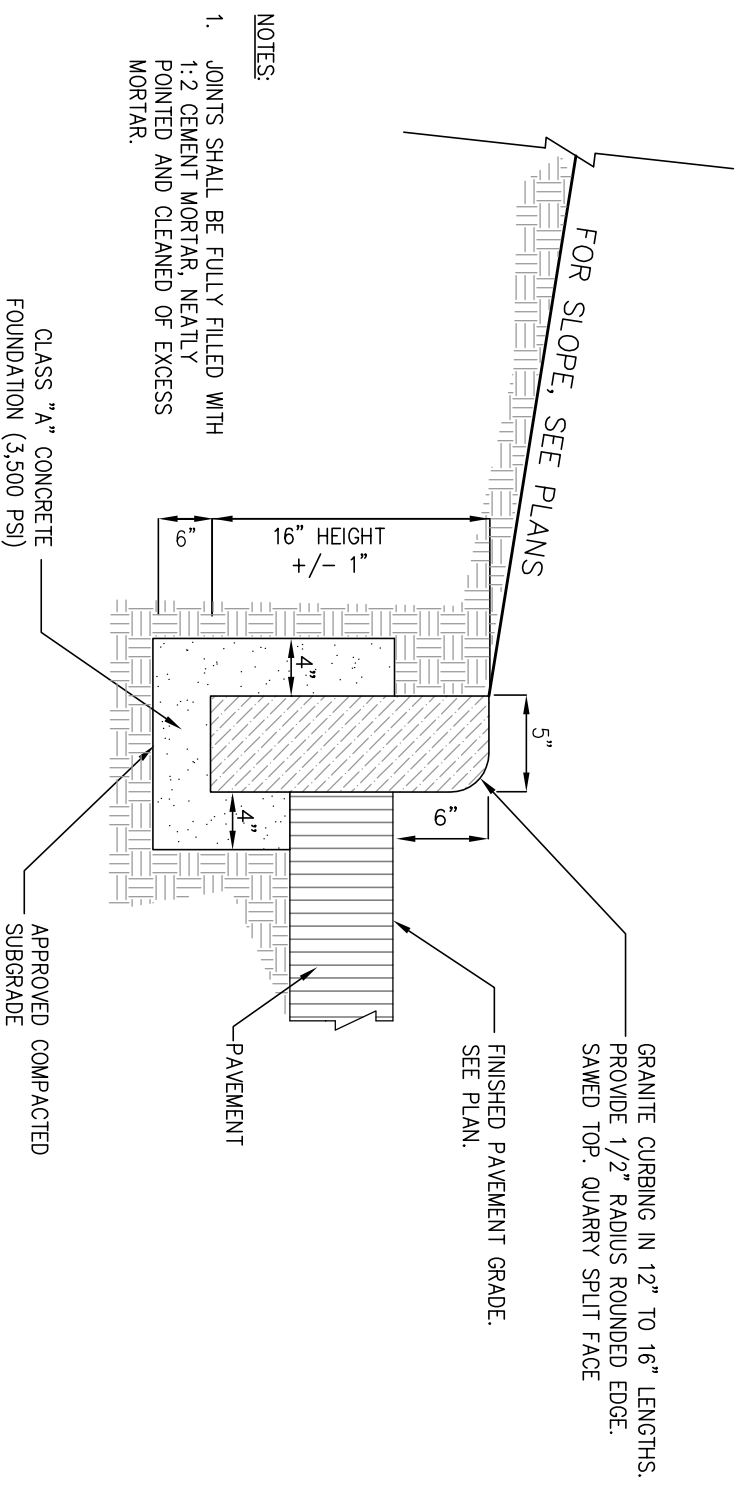
Asphalt Pavement

1



Stone Curb Installation

2



Consultants:
Amey L. Hsu
205 Amity Road
Bethany, Connecticut 06524
P: (203) 393-0690
C: (203) 393-0196
F: (203) 393-0196
E: evans.associates@eaec-inc.com

LEO NAPIOR

DIRECT TEL.: 914-701-0800
MAIN FAX: 914-701-0808
LNAPIOR@HKPLAW.COM

May 5, 2016
VIA HAND DELIVERY

Marcus Serrano
Rye City Manager
1051 Boston Post Road
Rye, New York 10580

Re: ***88 Davis Avenue – Amended License Agreement***

Dear Mr. Serrano:

We represent 88 Davis, LLC, the owner of 88 Davis Avenue (the “Subject Property”). Our client has recently removed the prior single family residence from the Subject Property and intends to keep the Subject Property vacant for the foreseeable future.

There was an existing License Agreement between the City and the former owners of the Subject Property, Grace Associates, LLC, dated April 19, 2000, which allowed the owners of the Subject Property to maintain a wall and landscaping within the City right-of-way at the end of Davis Avenue. Our client is seeking to modify the terms of that License Agreement to allow the maintenance of additional landscaping and a fence within the Davis Avenue right-of-way until such time as the Subject Property is redeveloped.

A copy of the existing License Agreement and the proposed Amended License Agreement are attached hereto. We respectfully request that this matter be placed on the City Council agenda for May 11, 2016.

Please contact the undersigned if you require any additional information concerning this matter.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By: 

Leo Napior

CC: Christian Miller, Rye City Planner
Kristen Wilson, Corporation Counsel

AMENDED LICENSE AGREEMENT

THE AGREEMENT made the ____ day of _____, 2016, by and between the CITY OF RYE, a municipal corporation organized under the laws of the State of New York, with its principal place of business at Rye City Hall, 1051 Boston Post Road, Rye, New York (hereinafter referred to as the "FIRST PARTY") and 88 DAVIS, LLC, (hereinafter referred to as the "SECOND PARTY") owner of property located at 88 Davis Avenue, Rye, New York, also known on the current tax assessment map of the City of Rye as Sheet No. 146.11, Block 3, Lot 82 (hereinafter referred to as the "Property").

WITNESSETH

WHEREAS, there is an existing License Agreement between the FIRST PARTY and the SECOND PARTY, as the successor in interest to the Property of GRACE ASSOCIATES, LLC, dated April 19, 2000, allowing the SECOND PARTY to maintain a wall and landscaping in the right-of-way of Davis Avenue in front of the Property;

WHEREAS, the SECOND PARTY desires to maintain a lawn, landscaping, wall and/or fencing (hereinafter the "Improvements") within the Davis Avenue right-of-way in front of the Property; and

WHEREAS, the FIRST PARTY is willing to amend the prior license to permit the Improvements in the City right-of-way.

NOW, THEREFORE, in consideration of the payment of \$10.00, receipt of which is acknowledged by the FIRST PARTY, and other consideration, the parties hereto agree as follows:

1. That the SECOND PARTY is hereby granted a license to place the Improvements in the right-of-way of Davis Avenue in front of the Property.

2. The SECOND PARTY, its successors, heirs or assigns, shall at all times be responsible for and have a license to maintain the Improvements within the City right-of-way.

3. The SECOND PARTY, its successors, heirs or assigns, shall indemnify and save harmless the FIRST PARTY and its employees, officers and agents, from all claims, suits and actions and all damages and costs to which they may be put by reason of death or injury to all persons or property of another resulting from unskillfulness, willfulness, negligence or carelessness in the installation and maintenance of the Improvements. The SECOND PARTY will maintain liability insurance issued by an insurance company licensed to do business in the State of New York in form and amount deemed sufficient by the City Attorney and shall provide a certificate of insurance evidencing the same and which shall provide thirty days notice of cancellation of the same to the City. Said policy of insurance and certificate shall name the City of Rye as additional insured.

4. The entire cost of constructing and maintaining the Improvements shall be the sole responsibility of the SECOND PARTY, and the FIRST PARTY shall have no financial obligation therein.

5. The SECOND PARTY agrees that if the SECOND PARTY, its successors, heirs or assigns, shall at any time proceed to develop the Property with a new residence, upon request by the FIRST PARTY the SECOND PARTY shall remove the Improvements and restore the disturbed areas within the Davis Avenue right-of-way to their prior condition or as reasonably directed by the FIRST PARTY to provide an appropriate turnaround, and such removal and restoration shall be at the expense of the SECOND PARTY, its successors, heirs or assigns.

6. This Agreement shall inure to the benefit of and be binding on the successors and assigns in interest of the SECOND PARTY, which covenant shall run with the land.

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

CITY OF RYE

By: _____
Marcus Serrano
City Manager

88 DAVIS, LLC

By: _____

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On _____, 2016, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On _____, 2016, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

Notary Public

LICENSE AGREEMENT

THE AGREEMENT made the 19th day of April, 2000, by and between the CITY OF RYE, a municipal corporation organized under the laws of the State of New York, with its principal place of business at Rye City Hall, 1051 Boston Post Road, Rye, New York (hereinafter referred to as the "FIRST PARTY") and GRACE ASSOCIATES, LLC, (hereinafter referred to as the "SECOND PARTY"), owner of property at 80 Davis Avenue, Rye, New York, also known of the current tax assessment map of the City of Rye as Sheet No. 146.11, Block 3, Lot 82 (hereinafter the "Property")

WITNESSETH

WHEREAS, the SECOND PARTY desires to maintain a wall and landscaping within the Davis Avenue City right-of-way in the area of the Property; and

WHEREAS, the FIRST PARTY is willing to grant a license to permit the wall and landscaping in the City right-of-way.

NOW, THEREFORE, in consideration of the payment of \$10.00, receipt of which is acknowledged by the FIRST PARTY, and other consideration, the parties hereto agree as follows:

1. That the SECOND PARTY is hereby granted a license to place the wall and landscaping in the right-of-way of Davis Avenue in front of the Property.
2. The SECOND PARTY, its successors, heirs or assigns, shall at all times be responsible for and have a license to maintain the wall and landscaping within the City right-of-way.
3. The SECOND PARTY, its successors, heirs or assigns, shall indemnify and save harmless the FIRST PARTY and its employees, officers, and agents, from all claims, suits and actions and all damages and costs to which they may be put by reason of death or injury to all persons or property of another resulting from unskillfulness, willfulness, negligence or carelessness in the

installation and maintenance of the wall and landscaping. Licensee will maintain liability insurance issued by an insurance company licensed to do business in the State of New York in form and amount deemed sufficient by the City Attorney and shall provide a certificate of insurance evidencing the same and which shall provide thirty days notice of cancellation of the same to the City. Said policy of insurance and certificate shall name the City of Rye as additional named insured.

4. The entire cost of constructing and maintaining the wall and landscaping shall be the sole responsibility of the SECOND PARTY, and the FIRST PARTY shall have no financial obligation therein.

5. The SECOND PARTY agrees that if the adjacent neighbor to the Property shall at any time proceed to improve access from said neighbor's property to Davis Avenue, the SECOND PARTY, its successors, heirs or assigns, shall allow a twelve foot (12') opening in the wall for such access and shall restore the area as necessary, including to original grade, to allow for such connection to Davis Avenue, and such wall removal and restoration shall be at the expense of the SECOND PARTY, its successors, heirs or assigns, provided however, that nothing herein shall be construed to require the SECOND PARTY, its successors, heirs or assigns, to make any improvements to allow for such access beyond restoring the property to the condition it was in prior to construction of the wall and installation of landscaping.

6. If, within two (2) years from the date of this Agreement, it appears that the trees which have been planted by the SECOND PARTY in the portion of the right-of-way in which the grade has been modified with fill are not healthy or appear to be dying due to being planted in the fill, the FIRST PARTY shall give notice of such condition to the SECOND PARTY and the SECOND PARTY shall thereafter be required to remove the dead or dying trees and the fill so as to restore the area to its

original grade and shall replant trees at this original grade.

7. This Agreement shall inure to the benefit of and be binding on the successors and assigns in interest of the SECOND PARTY, which covenant shall run with the land.

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

CITY OF RYE

BY: 

Christopher J. Bradbury
Interim City Manager

Grace Associates, LLC

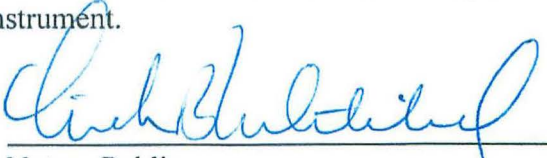
By: 

ROBERT C. HOWARD
MANAGING MEMBER

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:


On April 18, 2000 before me, the undersigned, personally appeared ^{Robert C. Howard}~~Christopher J. Bradbury~~, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature on the instrument, the individual, or the personal upon behalf of which the individual acted, executed the instrument.

LINDA B. WHITEHEAD
Notary Public, State of New York
No. 4890973
Qualified in Westchester County
Commission Expires April 6, 2001


Notary Public

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On April 19, 2000 before me, the undersigned, personally appeared CHRISTOPHER J. BRADBURY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature on the instrument, the individual, or the personal upon behalf of which the individual acted, executed the instrument.


Notary Public

LICENSE AGREEMENT

**GRACE ASSOCIATES, LLC
With
CITY OF RYE**

Property Affected:

Davis Avenue, City of Rye

**City of Rye
Sheet 146.11
Block 3
Lot 82**

**RECORD AND RETURN
City of Rye
1051 Boston Post Road
Rye, New York 10580**



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: May 25, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Discussion on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.

FOR THE MEETING OF:

May 25, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council review the proposed revision to the Rye City Charter regarding the establishment of a "Department of Public Safety" and the creation of a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: At the July 8, 2015 City Council meeting the Mayor appointed a study group to study the issues of the Fire Department and provide feedback to the City Council. The Study Group includes Councilmembers Richard Mecca, Kirstin Bucci, Mayor Sack and the Chiefs of the Fire Department. Meetings have been held with the professional firefighters, volunteer firefighters, and the Board of Wardens. The recommendation from the Study Group is to establish a Department of Public Safety and to create a new position of Commissioner of Public Safety who will oversee the supervision of the Police and Fire Departments.

See attached proposed Local Law.

CITY OF RYE
LOCAL LAW NO. 2016

A local law to rescind Article 12 “Police Department” and Article 13 “Fire Department” of the Rye City Charter and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety”, which position shall have charge and supervision of the Police and Fire Departments as follows:

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

Section 1: Repeal City Charter Article 12 “Department of Police” in its entirety and replace same with a new Article C12 “Department of Public Safety”

Section 2: Repeal City Charter Article 13 “Fire Department” in its entirety.

Section 3: Department of Public Safety.

Article C12-1. “Commissioner of Public Safety”

- A. There shall be Department of Public Safety, the head of which shall be the Commissioner of Public Safety, who shall be appointed by the City Manager, and he/she shall serve at the pleasure of the City Manager. The Commissioner of Public Safety shall have at least the qualifications and experience specified by the City Council. The Commissioner of Public Safety shall report directly to the City Manager.
- B. The Commissioner of Public Safety shall have charge and supervision of the Fire and Police Departments and shall provide in all ways possible for the safety, care, comfort and protection of the inhabitants of the City of Rye and of their property.

Article C12-2. Powers and Duties of Commissioner of Public Safety.

- A. The Commissioner of Public Safety shall have jurisdiction, supervision and control of the government, administration, disposition and discipline of the officers and members of the Fire and Police Departments; and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of the fire department, and the apparatus and property thereof, and buildings furnished therefore and of the Police Department and equipment furnished therefore, and shall have the general directions and supervision of the expenditure of all moneys appropriated to the Department of Public Safety. He/she shall have authority to administer oaths and take evidence, affidavits and acknowledgements in all matters and proceedings pertaining to the Department of Public Safety.
- B. The Commissioner of Public Safety shall have the power to make rules and regulations, approved by the City Council, in regard to the government, administration, disposition and discipline of the members Fire Department and the Police Department. Such rules and regulations may provide for the hearing,

examination, investigation, trial and determination of charges made or prepared against any officer or member of said department for neglect of official duty or incompetency or incapacity to perform his official duties, or some delinquency seriously affecting his general character or fitness for the office, and may, in his/her discretion, punish, discipline and/or terminate any officer or member found guilty thereof, after reasonable notice and upon due trial by the aforesaid Commissioner of Public Safety in the form and manner prescribed by the rules and regulations of his Department.

- C. The Commissioner of Public Safety shall have the power to appoint all officers and members of the Fire Department, except those positions which are elected positions by the Volunteer Fire Department and all officers and members of the Police Department, including Bay Constables, subject to civil service rules and regulations, to such positions in said departments as are established by the City Council.
- D. The Commissioner of Public Safety shall have general supervision over the records of the Department of Public Safety and its officers and employees and shall possess such other powers and perform such other duties as may be prescribed by law or by resolution of the City Council.
- E. The Commissioner of Public Safety shall be responsible for the administration and supervision of police officers assigned to policing and enforcing all laws and ordinances applicable to Rye Town Park and the maintenance of order therein.
- F. The Commissioner of Public Safety shall assist the City Manager in the administration of flood, disaster and other emergency plans.
- G. The Commissioner of Public Safety shall be responsible for the administration, in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the City.

Article C12-3. Constitution of the Fire Department and the Police Department.

The Fire Department shall be supervised by the supervisory career officers and such other officers as the Commissioner of Public Safety shall authorize. The Police Department shall consist of the paid division, including the Bay Constables, and the auxiliary police division and shall be supervised by the supervisory career officers of the Police Department and such other officers as the Commissioner of Public Safety shall authorize. The supervisory career officers of the Fire Department and the supervisory career officers of the Police Department, under the direction and control of the Commissioner of Public Safety, shall have the supervision and management of the officers, employees and members of the respective departments.

Article C12-4. Election and approval of officers of the Rye Volunteer Fire Department.

The Rye Volunteer Fire Department shall be constituted of a/several volunteer fire company(ies) and shall have the power to elect a chief, a first assistant chief, a second

assistant chief, and all company officers to be elected from the company(ies); however, such positions shall only be filled if such volunteers meet all of the training requirements established by the Commissioner of Public Safety. All elected officers shall be approved by the Commissioner of Public Safety and the City Council. The chief, first assistant chief and second assistant chief shall work with the supervisory career officers of the Fire Department and report directly to the Commissioner of Public Safety. Each company shall have the power to elect company officers as are necessary and to select members to fill any vacancies which may occur in their ranks. The company(ies) may adopt by-laws, subject to the approval of the Public Safety Commissioner, City Manager and City Council, to govern the leadership, management and direction of their respective company(ies). The Commissioner of Public Safety may remove any member on the ground of incompetence or misconduct after a hearing upon due notice and upon stated charges with the right of such officer and member to a review pursuant to article seventy-eight of the civil practice law and rules.

Section 5: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 6: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: May 25, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding voting procedures and the Commission level of members.

FOR THE MEETING OF:

May 25, 2016

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council approve the proposed changes regarding voting procedures and Commission level for the Rye Golf Club Commission.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye Golf Club Commission has proposed governance changes to their Nominations, Elections and Voting Eligibility procedures. Upon approval by the City Council, the Golf Club Commission will implement the following changes:

- the RGC Commission will consist of seven members; the Commission will maintain the eligibility of one non-resident member
- A Commission member-elect shall be allowed to attend Commission meetings from their date of election but may not participate in voting until they are sworn in
- A quorum of the Commission is established by four members being present at a meeting
- Candidates for the RGC Commission must complete a petition for candidacy form available from the Club Manager between June 15 to July 5

See attached redline version of the proposed changes and final draft.

Rye Golf Club
Nominations, Elections and Voting Eligibility

1) Commission

- a) The Rye Golf Club Commission will consist of seven adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) A Commission member-elect shall be allowed to attend Commission meetings from their date of election but may not participate in voting until they are sworn in.
- d) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- e) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below seven members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain seven Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain seven Commission members until the next regular election.
- f) A quorum of the Commission is established by four members present at a meeting.

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2) Nominating Committee and Nominations

- a) For each election, a Nominating Committee shall be formed and comprised of three adult Club members in good standing, comprised as follows:
 - i) One club member appointed by the Commission (this member shall not be a current Commission member); and
 - ii) One current Commission member who is not standing for re-election shall be appointed by the Commission Chairperson. This member will serve as chairperson of the Nominating Committee; and
 - iii) One club member elected by the membership in the previous regular election.

- b) The Nominating Committee will review all submissions for Commission candidacy and Nominating Committee candidacy as described in Paragraph 2(e). The Nominating Committee shall provide a ballot with at least one more candidate than the number of members being elected. If the Nominating Committee receives fewer submissions by the submission deadline date than the number of members that will be elected, the Nominating Committee shall provide a ballot with at least as many candidates as the number of Commission members to be elected.
- c) No member of the Nominating Committee shall be eligible for election as a candidate for the Commission for the regular election for which the Nominating Committee member is providing nominations.
- d) The term of each Nominating Committee member shall be for one year, commencing January 1 of the year following the regular election. There is no limit to the number of terms a Nominating Committee member may serve.
- e) Nominations
 - i) The Nominating Committee shall not be required to include more than the minimum number of candidates as provided in Paragraph 2(b);
 - ii) A proposed candidate for election to the Commission or Nominating Committee shall be an adult member in good standing. The Golf Club Member Handbook shall indicate membership categories and members entitled to be considered for candidacy.
 - iii) A Club member may request to be considered as a candidate for election to the Commission or the Nominating Committee in the next regular election by submitting a written request to the Nominating Committee chairperson on or after January 1 and prior to May 15 of such year. Any such request must be submitted by email to nomination@ryegolfclub.com or in person to the membership office during regular business hours in a sealed envelope addressed to the "Nominating Committee Chairperson" indicating whether such person wishes to be considered as a candidate for the Commission or the Nominating Committee and such other information as a member may wish to provide the Nominating Committee for its consideration. The Nominating Committee may in its sole discretion select or reject any such submissions or select one or more other eligible Club members, subject to the minimum candidate requirements set forth in Paragraph 2(b). The proposed slate of candidates shall be posted on the Club website by July 1.
 - iv) Any eligible member submitting a valid request for consideration as a candidate that is not selected by the Nominating Committee may be included as a candidate on the ballot by fulfilling each of the following requirements:
 - (1) Completing a petition for candidacy form available from the Club Manager for the period June 15 to July 5 of such year;

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(2) Receiving and submitting signatures of fifty (50) eligible voting members in support of the petition for candidacy (see Golf Club Member Handbook for eligible voting members).

(3) Submitting a complete petition form in accordance with the instructions supplied therewith to the Club Manager prior to July 5.

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The Club Manager shall verify the status of members signing in support of such petition. Any submitted petition form not complying with the foregoing requirements shall not be considered and such member shall not be included on the ballot.

v) The final ballot form will be posted on the Club website at least one week prior to the start of the annual election.

3) Election

- a) Voting will take place over a two-week period online through a secure online service approved by the Nominating Committee and/or Commission that suits our needs.
- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at the club during normal business hours throughout the voting time period.
- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
 - i) Vote is not cast within the specified time period; or
 - ii) Vote is not cast in accordance with specified instructions; or
 - iii) Vote is rejected for any reason by the online service being used.
- e) Valid ballots shall be tallied for each Commission candidate and Nominating Committee candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

4) Voting eligibility

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.

- c) No Club member shall be entitled to vote more than once in an election.

Rye Golf Club Commission Responsibilities

1) The Commission.

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.
- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.
- c) *Responsibilities.* The Commission shall:
 - i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
 - ii) review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
 - iii) select a Commission Chairperson; and
 - iv) decide such matters as may be properly brought before the Commission for a decision.

- d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:
- i) to appoint a chairperson to each Standing Committee of the Commission;
 - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
 - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
 - iv) to serve as an ex-officio member on each Committee of the Commission;
 - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson during the absence of the Chairperson; and
 - vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

2) Committees of the Commission.

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
- c) *Nominating Committee.* The Nominating Committee shall not be considered a Standing Committee or Ad Hoc Committee and shall be subject solely to the rules set forth in the **Rye Golf Club Nominations, Elections and Voting Eligibility** Section 2 concerning Nominating Committee and Nominations.
- d) *Committee Members and Chairpersons.*
- i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
 - ii) A Committee member shall be a member of the Golf Club holding a valid current

membership entitling such member to voting privileges.

- iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
- iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
- v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: May 25, 2016

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Consideration of Resolution establishing a new policy for filing Small Claims Assessment Review Petitions and for reviewing the assessment of properties when building permits are issued for property owned by City Department Heads and Rye City Council Members.

FOR THE MEETING OF:

May 25, 2016

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider a Resolution establishing a new policy for filing Small Claims Assessment Review Petitions and for reviewing the assessment of properties when building permits are issued for property owned by City Department Heads and Rye City Council Members.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

See attached Resolution.

CITY COUNCIL OF THE CITY OF RYE

A RESOLUTION ESTABLISHING A NEW POLICY FOR FILING SMALL CLAIMS ASSESSMENT REVIEW PETITIONS AND FOR REVIEWING THE ASSESSMENT OF PROPERTIES WHEN BUILDING PERMITS ARE ISSUED FOR PROPERTY OWNED BY CITY DEPARTMENT HEADS AND RYE CITY COUNCIL MEMBERS

WHEREAS, every year numerous City of Rye property owners avail themselves of the opportunity under the law to file grievances and small claims assessment review petitions in New York State Supreme Court (SCAR petitions) seeking reductions to their property tax assessments; and

WHEREAS, City of Rye property owners also apply for and receive building permits to make certain improvements to their properties within the City, which prompt a review of the assessed value; and

WHEREAS, the City of Rye has an interest in avoiding any possible conflict of interest issues with regard to such SCAR petitions and in the review of building improvements for purposes of assessment of value; therefore

BE IT RESOLVED, that it is now and hereafter the policy of the City of Rye to have the City Corporation Counsel upon consultation with an independent appraiser, review and resolve, whether by hearing or settlement, any SCAR petition filed by a City Council Member, City Manager, Assistant City Manager or other Department Head; and

BE IT FURTHER RESOLVED, that it is now and hereafter the policy of the City of Rye that when a property is owned by a City Council Member, the City Manager, Assistant City Manager or other Department Head, the assessor shall engage an independent appraiser to review any property improvements made as the result of a building permit and the assessor shall consult with such independent appraiser for purposes of assessing the value of such improvement(s); and

BE IT FURTHER RESOLVED, that this policy applies to any residential or commercial property interest within the boundaries of the City of Rye.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: May 25, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.

FOR THE MEETING OF:

May 25, 2016

RYE CITY CODE:

CHAPTER
SECTION

RECOMMENDATION: That the Council amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The 2016 fees and charges schedule for the Boat Basin stipulates that the deadline for the removal of boats from dry storage is June 15th. If the boat has not been placed in the water by this date a daily fee of \$20 for resident/\$25 for non-resident will be charged. The unseasonable weather and the lack of available mechanics have prevented a timely prepping of boats this Spring. Due to this, the Boat Basin Commission recommends that the deadline for the removal from dry storage be extended until July 8th.

The 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund must be amended to reflect this extension before late fees are assessed.

See attached 2016 Adopted Fee Schedule for the Rye Boat Basin Enterprise Fund

Boat Basin 2016 proposed fee schedule

	2015 rates	proposed 2016
Annual Non-Resident Slip surcharge	\$75	\$75
Additional Parking permit or lost permit fee	\$50	\$50
One day parking fee	\$10	\$10
Overnight tie up per day, transient, storm tie up (36 hr/max)	\$1.00/ft	\$2.00/ft
Use of launching Ramp per/trailer round trip during open hours	\$25	\$25
Seasonal Ramp Fee (unlimited use during open hours)	\$185	\$200
Car top Launching (paddle boards and kayaks only)	\$15	\$15
Non Permit Holder use of work/storage area	\$11/day + tax	\$25/day + tax
Winter Storage on land - resident	\$27/ft + tax	\$30/ft + tax
Winter Storage on land - non resident	\$41/ft + tax	\$43/ft + tax
Winter Storage in water - resident	\$29/ft + tax	\$35/ft + tax
Winter Storage in water - non resident	\$43/ft + tax	\$50/ft + tax
Winter Wet Float Storage	\$10/ft	\$12/ft
Late fines for all storage/docking areas - resident	\$12/day	\$20/day
Late fines for all storage/docking areas - non resident		\$25/day
Summer trailer storage	\$290 + tax	\$350 + tax
Kayak Storage Wet/Dry	\$280 + tax	\$325 + tax
Finger slip, if assigned	\$175	\$200
New York State/County tax rate	7.375%	

* Second boat discount: Members who have more than one boat may receive a discount on the smaller boat (18' or less) of 20% off of their slip fee. This applies only to the boats in "B" section only. It does not apply to kayaks, paddle boards, jet ski or PWC. Restrictions apply

	20%	eliminate
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New Fees:

Permit Fee for Contractors working on Boat Basin Property	\$250
Daily permit fee for Contractors working on Marina Property	\$25
Moored Floats	\$500
Mooring Fee**	\$100

** This represents the increase above the \$150 that is currently charged. The \$100 increase will go directly to the Boat Basin fund.



CITY COUNCIL AGENDA

NO. 12

DEPT.: Recreation

DATE: May 25, 2016

CONTACT: Sally Rogol, Rye Recreation Supervisor

ACTION: Consideration of Bid for 2016 Rye Recreation Summer Camp Bus Services (Contract #2016-04).

FOR THE MEETING OF:

May 25, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Contract #2016-04 be rejected due to inconsistencies in the bids received and the project be re-bid.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Three bids were received and tabulated from County Coach Corporation, J&R Tours, and Royal Coach Lines. Two of the bids failed to meet the standards of a complete submission and the third was a partial bid of the required services. Due to this, Recreation Supervisor Sally Rogol recommends rejecting the bids and re-bidding for the bus services.

See attached memo from Recreation Supervisor Sally Rogol.



Memo to: Marcus Serrano, City Manager
From: Sally Rogol, Superintendent of Recreation
Date: May 18, 2016
Subject: Rebid of Contract 2016-04 Bus Services-Recreation

Bids were opened May 17, 2016 at 11:00 AM by the City Clerk for Contract 2016-04, Bus Services-Recreation.

Bid returns were reviewed by Sally Rogol, Superintendent of Recreation and Carolyn D'Andrea, City Clerk.

Three bids were submitted and tabulated. A copy of the bid results is attached. Two of the bids failed to meet the standards of a complete submission and the third was a partial bid of the required services.

1. **County Coach Corporation** omitted Addendum #4 of the Bidder's Proposal but was the only responsive bidder who could provide both Coach and School Bus services.
2. **J & R Tours** omitted the Bid Bond and could provide Coach Buses services only.
3. **Royal Coach Lines** could provide School Bus services only.

Therefore, my recommendation is that all bids be rejected and the Recreation Department re-bid the project immediately.

Bid #2016-04 Bus Services

	J & R Tours	County Coach	Royal Coach
Performance Bond	not provided	provided	provided
Staff Orientation Swim Bus (Addendum 1)	\$ -	\$ 200.00	\$ 225.00
Swim Bus Shuttle Schedule - Lower Camp (Addendum 2)	\$ -	\$ 3,440.00	\$ 4,080.00
Swim Bus Shuttle Schedule - Upper Camp (Addendum 3)	\$ -	\$ 2,150.00	\$ 2,550.00
Lower Camp Trip Buses (Addendum 4)	\$ -	\$ 4,550.00	\$ 4,405.00
Upper Camp Trip Buses (Addendum 5)	\$ -	\$ 6,100.00	\$ 5,180.00
Camp 78 (Travel) Trip Buses (Addendum 6)	\$ 43,890.00	\$ 37,155.00	\$ 3,220.00
Total	\$ 43,890.00	\$ 53,595.00	\$ 19,660.00

Notes:

J & R tours only bid on 23 of 32 trips in addendum 6; cannot provide school buses as needed

Royal Coach Tours only bid on 9 of 32 trips in addendum 6; cannot provide coach buses as needed



CITY COUNCIL AGENDA

NO. 13

DEPT.: Rye Merchants Association

DATE: May 25, 2016

CONTACT: Margaret Ricketts, President

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 22, 2016 through December 4, 2016 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

FOR THE MEETING OF:

May 25, 2016

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Merchants Association requests the use of the southern end of Car Park #2 on Sundays from May 22, 2016 through December 4, 2016 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market. The City Council is asked to approve the request.

See attached request.



May 17, 2016

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

RE: Rye Farmers Market

Dear Ms. D'Andrea:

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of Parking Lot # 2 southern end on Sundays from 6:30 am – 3:30 pm from May 22 –December 4, 2016 for the Rye Farmers Market. Market hours are from 8:30 am – 2 pm.

Our members will be setting out their own tables and tents with a mindful eye to keep the ends delineated with traffic cones.

I will contact Commissioner Corcoran of the Rye City Police Department to make sure the village officer is aware of this seasonal activity. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Margaret Ricketts

Margaret Ann Ricketts

President,
Rye Chamber of Commerce