

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, June 7, 2017, 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 17, 2017.
5. Issues Update/Old Business.
6. Presentation of the City of Rye Stormwater Management Program 2016 Annual Report.
7. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.
8. Consideration to set a Public Scoping Meeting for July 12, 2017 on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).
9. Authorization for the City Manager to enter into an agreement with Best, Best & Krieger LLP (BB&K) to participate in the Federal Communications Commission's Infrastructure Dockets.
Roll Call.
10. Consideration to set a Public Hearing for July 12, 2017 to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.
11. Consideration of a Resolution to petition the Public Service Commission (PSC) to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.
12. Consideration of a Resolution to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

13. Discussion on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for an investment in downtown parking and an investment in fields.
14. Discussion on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for charitable gaming.
15. Home Rule Resolution supporting A07987(Otis)/S6474(Latimer) to authorize the Rye Town Park Commission to extend the lease term for a restaurant located in the park not to exceed twenty years.
Roll Call.
16. Residents may be heard on matters for Council consideration that do not appear on the agenda.
17. Resolution to transfer \$200,000 from the Contingent Account to Salaries & Wages for the General Fund, Cable Fund, Boat Fund, Golf Fund, and Building and Vehicle Fund, for the Administrative Pay Group.
Roll Call.
18. Resolution to transfer \$26,615 from the Boat Basin Unrestricted Fund balance to the Boat Basin Operating Budget for the for the dredging project consultant fees.
Roll Call.
19. Resolution to transfer \$18,060 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.
Roll Call.
20. Resolution to transfer \$1,205.46 from the Police Donations Fund to the Police General Fund Donations reserved for Police Programs for the purchase of items for the Adopt-a-School Program.
Roll Call.
21. Resolution authorizing the City Manager to enter into an indemnification agreement with the Town of Harrison and the Village of Harrison for the use of the Town of Harrison Police Department Pistol Range.
22. Consideration of a request by Christ's Church for use of City streets on Sunday, June 11, 2017 from 8:30 a.m. to 12:30 p.m. for their semi-annual picnic.
23. Miscellaneous communications and reports.
24. New Business.
25. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, July 12, 2017 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: June 7, 2017

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the regular meeting of the City Council held May 17, 2017.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Approve the minutes of regular meeting of the City Council held May 17, 2017, as attached.

DRAFT UNAPPROVED MINUTES of
the Regular Meeting of the City Council of the
City of Rye held in City Hall on May 17, 2017, at
7:30 P.M.

PRESENT:

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

ABSENT:

None

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 City Clerk to call the roll; a quorum was present to conduct official City business.

4. Presentation by students of the Rye Middle School and Rye High School on the Oyster Restoration Project.

Debbie Davis Galliard, Rye Middle School teacher, thanked the Council for the opportunity to speak. The Council welcomed Breanna Brownson Rye Middle School student, who made a presentation on the Rye Middle and High School's Billion Oyster Project. Ms. Brownson and Ms. Kamer provided a slideshow within information regarding the ecosystem and restoration education project, aimed to bring oysters and their reefs back to New York. The student group has facilitated the growing population of oysters at the Rye Boat Basin and reports their findings back to the Billion Oyster Project.

13. Consideration of a request by the Rye Free Reading Room to have a food truck at the Vehicle Fair to be held on Sunday, May 21, 2017 from 11:30 a.m. to 3:00 p.m.

Chris Shoemaker, Rye Free Reading Room Director, stated that the Library was looking forward to their upcoming Vehicle Fair and were interested in providing a food truck to the residents. Mayor Sack made a motion, seconded by Councilwoman Bucci, to approve

the request by the Rye Free Reading Room to have a food truck at the Vehicle Fair to be held on Sunday, May 21, 2017 from 11:30 a.m. to 3:00 p.m.

14. Consideration of a request by the Rye Free Reading Room for use of the Village Green on Thursday, July 20, 2017 from 6:00 p.m. to 9:00 p.m. for *Shakespeare on The Green*.

Chris Shoemaker, Rye Free Reading Room Director, stated that the Library was planning a performance of *A Midsummer Night's Dream*. Mayor Sack made a motion, seconded by Councilwoman Bucci, to approve a request by the Rye Free Reading Room for use of the Village Green on Thursday, July 20, 2017 from 6:00 p.m. to 9:00 p.m. for *Shakespeare on The Green*.

15. Consideration of a request by the Rye Free Reading Room for use of the Village Green on Saturday, May 19, 2018 from 8:00 p.m. to 11:00 p.m. for *Novel Night*.

Chris Shoemaker, Rye Free Reading Room Director, stated that *Novel Night* is an annual event, and the request for the Village Green was being submitted one year ahead of time. This item was adjourned to a later date for further discussion.

10. Resolution to appropriate \$300,000 from the General Fund, Unassigned Fund Balance to the Safe Routes to School Projects for sidewalk and pedestrian improvements at Rye City schools.
Roll Call.

City Engineer Coyne gave a brief overview of the Safe Routes to School Projects and pedestrian improvement history. He explained that the project was put out to bid, and the City received five responses. He explained that the fund appropriation proposed would help pay for the project.

There was general discussion about project priorities throughout the City.

Mayor Sack made a motion, seconded by Councilman McCartney, to adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the Safe Routes to School Projects for sidewalk and pedestrian improvements at Rye City schools exceeded the grant funding and were not provided for in the adopted 2017 budget by \$300,000, and

WHEREAS, the General Fund, Unassigned Fund Balance has enough funds to be appropriated for the projects, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$300,000 from the General Fund, Unassigned Fund Balance to the Safe Routes to School Projects for sidewalk and pedestrian improvements in the Capital Projects Fund at Rye City schools.

ROLL CALL

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

11. Bid Award for the Safe Routes to School contract (Contract #2017-01).
Roll Call.

Mayor Sack made a motion, seconded by Councilman Mecca, that Contract #2017-01 be awarded to the low bidder, Gianfia Corp., in the amount of Three Hundred Eighty Six Thousand, Six Hundred Ninety Five dollars and fifty cents (\$386,695.50) as recommended by the City Engineer and contingent upon approval by the New York State Department of Transportation (NYSDOT).

ROLL CALL

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

6. Issues Update/Old Business.

Mayor Sack stated that the United Hospital proposed development site for Starwood has been an ongoing issue for the past several years. He stated that there has been some concern from the Rye Park neighborhood and the City on traffic issues associated with the development. Mayor Sack recounted the history of the project and discussed the findings of the City's traffic engineers. He also noted that several agreements have been put in place to avoid litigation. He welcomed the residents from the Rye Park neighborhood to make a statement.

Richard Smith, 127 Evergreen Avenue, stated that the Starwood project was a massive project that would create more traffic in the area. He stated that the community group and City have been very active at the meeting with Port Chester and the developer. He felt unhappy with the solution from Port Chester and the potential for traffic. He presented a petition signed by residents. Mr. Smith also showed a slideshow presentation about the concerns of the residents.

Patrick McGovern, 142 Grandview Avenue, discussed the traffic implications and concern about the Starwood project. He stated that the development would generate 1,000 new trips per hour. He also said that 70% of traffic would be diverted to High Street. He asked that the Council take action prior to traffic becoming a serious issue. He discussed several mitigation options that the community group was proposing.

Suzanne O'Keefe, Rye resident, thanked the Council for their help with the issue. She expressed concern about the noise and traffic potential with the proposed construction. She asked the Council to intervene with regarding to traffic and noise issues.

Cindy Savage, Grandview Avenue, thanked the Council for their hard work with this issue. She expressed concern about the change of the character of the neighborhood and safety with regard to the proposed construction.

Mr. Smith briefly discussed possible next steps. He asked the City to use the funding from the agreements to mitigate the issues.

City Engineer Coyne updated the City on the Purchase Street construction updates. He stated that the sidewalk will be completed on May 18, 2017. The work on the street will begin and be done as soon as possible. Traffic will be detoured periodically while the work is completed.

3. General Announcements.

Councilwoman Tagger-Epstein announced that on May 25, 2017, the Second Annual Senior Summit Program will be held at the Library, with informative programs. Commissioner Corcoran and other guest speakers will be present. She also announced that the Rye Sustainability Committee is sponsoring an initiative with various businesses called "Put a Cork in It." She encouraged all to recycle their corks with local businesses, as these items can be recycled and repurposed.

Councilman McCartney announced that Rye Recreation had its first Disbrow Park Rye Improvement meeting. There will be a survey on the website on the improvements, and May 31, 2017 will be the next meeting. He also announced that there are limited spots left for summer day camp, but the fees will increase on June 1, 2017. He commented that the Rye Golf Club is doing well, and that the new practice green will soon be open. He was happy to report that membership is up by 55 new members. Pool registration early deadline closed on May 12, 2017, but anyone interested can still register.

Councilwoman Killian announced that the Ocean Grill in Rye Town Park is open and will begin serving breakfast at 7:00 A.M. She congratulated the Rye High School Crew Team on their recent success. Councilwoman Killian also stated that the Rye ACT's Parent University event was a success, and can be accessed on Rye TV.

Councilwoman Hurd announced that the School Board Budget passed by 83%. She also stated that the Community Conversation will be held on Sunday, May 21, 2017 at 9:00

a.m. at Rye Town Park. On behalf of the Chamber of Commerce, she announced that Green Cube has opened in the central business district. The Spring Soiree will be June 6, 2017 at the Westchester Children's Museum from 6:00 to 8:00 p.m. She stated that with regard to New York Rising, DASNY has been authorized to continue the study to sluice gate. She was hopeful that they will authorize O'Brien and Gear to finish the work prior to July 2017. On behalf of the Boat Basin, she announced that dredging will not be happening this year. Councilwoman Hurd also discussed the possibility of changing the Homerule Gaming Law to be placed on a referendum in November.

Corporation Counsel Wilson announced that Crown Castle filed litigation in Federal Court on May 11, 2017, followed by a preliminary injunction to prevent the City from voiding the right-of-way use agreement.

5. Draft unapproved minutes of the regular meeting of the City Council held May 3, 2017.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to approve the minutes of the regular meeting of the City Council held May 3, 2017.

6A. Home Rule Resolution supporting legislation proposed by Assemblyman Steven Otis and Senator George Latimer to authorize the Rye Town Park Commission to extend the lease term for a restaurant located in the park not to exceed twenty years.

Corporation Counsel Wilson stated that currently Senator Latimer and Assemblyman Otis are proposing Homerule legislation at the City of Rye's request to allow for a longer term lease for the restaurant and snack bar spaces at Rye Town Park. The Rye Town Park Commission passed a similar resolution.

Councilwoman Killian recommended some changes to language to reflect the current state of Rye as a city, and not a village.

Mayor Sack made a motion, seconded by Councilwoman Killian, to adopt the resolution with language amended under the advisement of corporation counsel to support legislation proposed by Assemblyman Steven Otis and Senator George Latimer to authorize the Rye Town Park Commission to extend the lease term for a restaurant located in the park not to exceed twenty years.

ROLL CALL

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

**** Please note that the Public Hearing to amend the Rye City Code for telecommunications devices will be held over until the June 7, 2017 City Council Meeting.**

7. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

This item was adjourned to the June 7, 2017 meeting.

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

Joshua Cohn, 24 Green Avenue, stated that he submitted detailed comments on the proposed code revisions with regard to telecommunications. He asked the Council to not be intimidated by the Crown

Caren DeFillipo, Rye resident, stated concern over the hours of Rye Town Park and the access to parking. She was hopeful that all citizens would be able to arrive at the park at 6:00 A.M. at the same time as those with the off-leash dog permits.

Bob Zahm, 7 Ridgewood Drive, thanked the City for a great job on the construction within the downtown. He expressed concern over those construction vehicles parked within the downtown. He asked the City to look into a possible odor on Locust.

9. Two appointments to the Rye Golf Club Commission, by the Council, to fill a term expiring on January 1, 2018.

Councilman McCartney stated that the Council recently voted to amend the Rye Golf Club procedures regarding unexpired terms.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, that the Council appoint Mack Cunningham and Akhil Kumar to fill the vacancies on the Rye Golf Club Commission for terms expiring January 1, 2018.

12. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck at the Memorial Day event to be held on Monday, May 29, 2017 from 9:45 a.m. to 10:15 a.m.

Mayor Sack made a motion, carried unanimously, to approve the request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck at the Memorial Day event to be held on Monday, May 29, 2017 from 9:45 a.m. to 10:15 a.m.

16. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

17. New Business.

There was nothing discussed under this agenda item.

18. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the regular meeting of the City Council at 10:22 P.M.

Respectfully submitted,

Carolyn E. D'Andrea



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: June 7, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

June 7, 2017

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.: Engineering

DATE: June 7, 2017

CONTACT: Ryan X. Coyne, PE, City Engineer

AGENDA ITEM: Presentation of the City of Rye Stormwater Management Program 2016 Annual Report.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: Review and comment on the attached Draft Annual Report.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Pursuant to the requirements of the Phase II Stormwater Regulations, attached is the 2016 annual report indicating the extent to which the City is complying with Stormwater Management Program filed with NYSDEC in 2003. The City is required to file this annual report with the NYSDEC; the report shows the activities that City conducted in 2016 to improve water quality and the activities that will be undertaking/continuing in the future.

The Council should review and comment on the draft report.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new Article IV "Placement of Permanent Facilities in the Rights of Way", Sections §167-66 through §167-71, to regulate placement of devices in the right of way; and (c) local law Chapter 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

FOR THE MEETING OF:

June 7, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council continue the Public Hearing to approve the changes in the City Code regarding telecommunications devices.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Local law Chapter 196, "Wireless Telecommunications Facilities" was adopted in 1997 with modifications in 2003. Due to the continuing evolution of telecommunications technology and demands, the recommendation is to make changes to Chapters 133, 167 and 196 of the Rye City Code to address telecommunications devices regarding size, visual impact, placement and permit process.

Draft Local Laws revised as of April 3, 2017 are available on the City website.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration to set a Public Scoping Meeting for July 12, 2017 on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council set a Public Scoping Meeting for July 12, 2017 on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council issued the SEQRA Notice of Intent to serve as Lead Agency for Crown Castle's request to amend the Right of Way Use Agreement at their at their October 5, 2016 City Council meeting. Crown Castle submitted the Full Environmental Assessment Form (EAF) at the City Council meeting on October 19, 2016. The City Council issued a Positive Determination of Significance under SEQRA relating to Crown Castle's request to modify the existing Right of Way Use Agreement at their April 19, 2017 meeting citing the following reasons: (1) the potential for significant aesthetic/design/visual resource impacts and neighborhood character impacts, (2) the potential for significant impacts related to noise associated with the two and three ion boxes and (3) the potential for significant impacts to the community character and locally designated historic districts and landmarks. A Public Scoping meeting will be scheduled for Wednesday, July 12, 2017 to review these issues and identify mitigation measures and provide the public with an opportunity to participate in the discussion of the impacts.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an agreement with Best, Best & Krieger LLP (BB&K) to participate in the Federal Communications Commission's Infrastructure Dockets.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council is asked to approve Best, Best & Krieger LLP (BB&K) to represent the City as a member of a Coalition entitled "Smart Communities Siting Coalition" that will participate in the two recently opened Federal Communications Commission's Infrastructure dockets. These proceedings are very broad and pose great threats to local governments in their roles as regulators and local governments and special districts in their roles as owners of rights of way, public property and facilities that providers of wireline and wireless services may wish to use. The City may join the coalition through this agreement at a cost not to exceed five thousand dollars (\$5,000) toward the fees and costs of those filings. BB&K plans to file initial comments and reply comments in both dockets, and work with coalition members to schedule meetings with Commission members after comments are filed.

See attached Agreement.

Indian Wells
(760) 568-2611
Irvine
(949) 263-2600
Los Angeles
(213) 617-8100
Ontario
(909) 989-8584



BEST BEST & KRIEGER
ATTORNEYS AT LAW

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May 26, 2017

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

Re: Engagement of BB&K to Participate In Federal Communications
Commission's Infrastructure Dockets WT Docket Nos. 17-79 and WC
Docket No. 17-84.

Dear Marcus:

ABOUT OUR REPRESENTATION

Best Best & Krieger LLP (BB&K) is pleased to represent the City of Rye, New York ("City") as a member of a Coalition entitled "Smart Communities Siting Coalition" that will participate in the two recently opened Federal Communications Commission's Infrastructure dockets, WT Docket Nos. 17-79 and WC Docket No. 17-84. This retention letter constitutes our agreement setting the terms of our representation.

YOUR OBLIGATIONS ABOUT FEES AND BILLINGS

The proceedings identified above are very broad proceedings and pose great threats to local governments in their roles as regulators and local governments and special districts in their roles as owners of rights of way, public property and facilities that providers of wireline and wireless services may wish to use. In the context of seeking to promote wireless and wireline broadband availability, the FCC is asking, among other things: whether it should take additional steps to limit local control over wireless and wireline siting; whether it should regulate rates for access to rights of way and other government property (including, for example, street lights and water towers); whether it should adopt new legal standards that determine when an application for placement of a facility *must* be granted, and impose a shot clock for action on applications for access to government property or for placement of facilities on private property. We have worked with our clients to create a coalition that will share costs to participate in these dockets. City may join that coalition by signing this letter, which obligates it to pay an amount not to exceed five thousand dollars (\$5,000) toward the fees and costs of those filings.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

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We plan to file initial comments and reply comments in both dockets, and, consistent with FCC practice, work with coalition members to schedule meetings with Commission members after comments are filed. However, we must tailor our efforts based on the total commitments we receive from all coalition members and obviously will let you know if we believe that the budget will not allow us to address issues of importance to you. We will send an invoice to you which will show the hours worked at the rates specified below for each attorney and timekeeper who works on the project, and expenses incurred, including expenses incurred for experts who may be retained to work with us on the project. The billing detail will show all time worked on the project as a whole rather than allocating specific time entries to individual coalition member bills. You will be billed for a share of total fees and expenses based on your commitment to the work. Your cumulative billings will not exceed the amount of your capped commitment, unless you have authorized an increase in your commitment level. This process will allow us to reduce administrative costs associated with the coalition work, and allow us to represent your interests more cost-effectively.

The billing rates for this matter are \$355 per hour for Partners, Of Counsel and Contract Attorneys; \$285 per hour for Associates; and \$175 per hour for Paralegals, Clerks and Legislative Administrative Assistants. Attached to this letter is a memorandum that describes other aspects of our firm's billing policies. You should consider this memorandum part of this agreement as it binds both of us. For that reason, you should read it carefully. Please note that this engagement letter is for these FCC proceedings only, and does not alter the terms or conditions of any other agreement we may have with you.

CONFIDENTIALITY AND ABSENCE OF CONFLICTS

An attorney-client relationship requires mutual trust between the client and the attorney. It is understood that communications exclusively between counsel and the client are confidential and protected by the attorney-client privilege.

To also assure mutuality of trust, we have maintained a conflict of interest index. The relevant Rules of Professional Conduct define whether a past or present relationship with any party prevents us from representing you. The names of each of your communities will be included in our list of clients to ensure we comply with the Rules of Professional Conduct.

We do anticipate that cable companies, wireline and wireless voice, video and data providers such Comcast, Charter, Verizon, Verizon Wireless, AT&T, Sprint, T-Mobile and wireless infrastructure providers such as Crown Castle, ExteNet and American Tower, in addition to each of the industry national associations (e.g., U.S. Telecom Association, National Cable and Telecomm Association, Wireless Infrastructure Association, and CTIA) will be



BEST BEST & KRIEGER
ATTORNEYS AT LAW

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adverse to the interests of members of the Coalition. Please inform us immediately if you become aware of any additional adverse parties.

In addition, because the filing will be a joint filing, there are some unique elements to our representation to which we ask that you agree.

First, the filings we make must be acceptable to all the members of the coalition. This may affect what issues are addressed and what positions we take. However, unless we advise you otherwise and you consent, all the coalition members will all be public agencies, or organizations of public agencies. By signing this engagement letter, you agree to this arrangement and agree that we may represent you and other members of the coalition as a part of the joint filing. We will consult with you and other coalition members as the filings are prepared. You waive any objections that you may have to this joint representation; agree that we may represent each of the coalition members in this effort individually and jointly; and agree that you have joint interests with the other coalition members that will permit us to communicate information about this matter to you and other coalition members without waiving privileges that may apply.

Second, the coalition is not a fixed group, but is instead an evolving group: communities or organizations may join or leave during the course of our representation. It may be that your community is adverse to one or more of the other members of the coalition in another, unrelated matter. By signing this engagement letter, you agree that we may represent these additional members as part of this filing. Likewise, except to the extent there is a conflict that is not waivable, you agree that our representation of you as part of the coalition will not disqualify the Firm or any of its members from representing another client in an unrelated proceeding where the client's interest is adverse to yours. We will keep you apprised of the coalition members as we receive signed engagements and we ask that you advise us immediately if you believe that there is a conflict that is not waivable.

Third, we will not represent any entity in this matter that takes a position adverse to yours. We may be asked by some clients to make individual filings in this proceeding in addition to the joint filing. You and other members of the coalition may decide at any time to withdraw from participation in the matter. Should you do so, you also agree that we may continue to represent the other members of the coalition in this matter.

INSURANCE

We are also pleased to let you know that Best Best & Krieger LLP carries errors and omissions insurance with Lloyd's of London.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

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NEW MATTERS

When we are engaged by a new client on a particular matter, we are often later asked to work on additional matters. You should know that such new matters will be the subject of a new signed supplement to this engagement letter. Similarly, this engagement letter does not cover and is not a commitment by either of us that we will undertake any petitions for rehearing or rehearing en banc, petitions for a writ of certiorari, appeals, or any collection procedures. Any such future work would also have to be agreed upon in a signed supplement.

Should you and other members of the coalition decide that there are additional efforts that they wish to fund jointly, or should you decide that you wish to take additional actions separately, we will address those matters through a supplement to this letter.

HOW THIS AGREEMENT MAY BE TERMINATED

You, of course, have the right to end our services at any time. If you do so, you will be responsible for the payment of fees and costs accrued but not yet paid up to the capped amount, plus reasonable fees and costs in transferring the case to you or your new counsel. By the same token, we reserve the right to terminate our services to you upon written notice, order of the court, or in accordance with our attached memorandum. This could happen if you fail to pay our fees and costs as agreed, fail to cooperate with us in this matter, or if we determine we cannot continue to represent you for ethical or practical concerns.

CLIENT FILE

If you do not request the return of your file, we will retain your file for five years. After five years, we may have your file destroyed. If you would like your file maintained for more than five years or returned, you must make separate arrangements with us.

THANK YOU

On a personal note, we are pleased that you have selected Best Best & Krieger LLP to represent you. We look forward to working with you and appreciate your confidence in selecting us to represent you in this matter. If you have any questions at any time about our services or billings, please do not hesitate to call me.

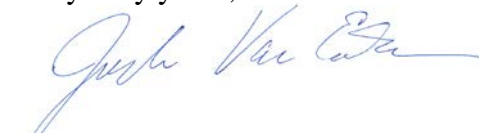
If this letter meets with your approval, please sign and date it, and return the original to us. Please feel free to call me if you have any questions about this letter or the attachment.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

City of Rye
May 26, 2017
Page 5

Very truly yours,



of BEST BEST & KRIEGER LLP

AGREED AND ACCEPTED:

By: _____
Dated: _____

BEST BEST & KRIEGER LLP'S BILLING POLICIES

Our century of experience has shown that the attorney-client relationship works best when there is mutual understanding about fees, expenses, billing and payment terms. Therefore, this statement is intended to explain our billing policies and procedures. Clients are encouraged to discuss with us any questions they have about these policies and procedures. Clients may direct specific questions about a bill to the attorney with whom the client works or to our Accounts Receivable Department. Any specific billing arrangements different from those set forth below will be confirmed in a separate written agreement between the client and the firm.

Fees for Professional Services

Unless a flat fee is set forth in our engagement letter with a client, our fees for the legal work we will undertake will be based in substantial part on time spent by personnel in our office on that client's behalf. In special circumstances which will be discussed with the client and agreed upon in writing, fees will be based upon the novelty or difficulty of the matter, or the time or other special limitations imposed by the client.

Hourly rates are set to reflect the skill and experience of the attorney or other legal personnel rendering services on the client's behalf. Time is accrued on an incremental basis for such matters as telephone calls (minimum .3 hour) and letters (minimum .5 hour), and on an actual basis for all other work. Our attorneys are currently billed at rates from \$245 to \$750 per hour, and our administrative assistants, law clerks, litigation analysts, research analysts, and paralegals are billed at rates from \$160 to \$290 per hour. These hourly rates are reviewed annually to accommodate rising firm costs and to reflect changes in attorney status as lawyers attain new levels of legal experience. Any increases resulting from such reviews will be instituted automatically and will apply to each affected client, after advance notice.

Non-Attorney Personnel

BBK may employ the services of non-attorney personnel under the supervision of a BBK attorney in order to perform services called for in the legal services agreement. The most common non-attorney personnel utilized are paralegals. Other types of non-attorney personnel include, but are not limited to, case clerks, IT analysts, and specialty consultants. The client agrees

that BBK may use such non-attorney personnel to perform its services when it is reasonably necessary in the judgment of the responsible BBK attorney. Hourly fees for non-attorney personnel will be charged at the rate then in effect for such personnel. A copy of BBK's current rates and titles for non-attorney personnel will be provided upon request. Except for paralegals, BBK will not incur more than \$525 in fees for a non-attorney's work on a client matter without first confirming by email or written correspondence with the client the intended use of the non-attorney and the hourly rate for that person.

Fees For Other Services, Costs and Expenses

We attempt to serve all our clients with the most effective support systems available. Therefore, in addition to fees for professional legal services, we also charge separately for some other services and expenses to the extent of their use by individual clients. These charges include but are not limited to, mileage at the current IRS approved rate per mile, extraordinary telephone and document delivery charges, copying charges, computerized research, court filing fees and other court-related expenditures including court reporter and transcription fees. No separate charge is made for secretarial or word processing services; those costs are included within the above hourly rates.

ESI: BBK provides Electronically Stored Information (ESI) services for matters requiring ESI support – typically litigation or threatened litigation matters. BBK shall receive payment for ESI support, if needed, at BBK's then current rates. A copy of BBK's current rates for such services will be provided upon request. BBK shall not incur costs for ESI support on a particular matter without first confirming by email or written correspondence with the client that the client agrees such services are necessary for the matter at hand.

We may need to advance costs and incur expenses on your behalf on an ongoing basis. These items are separate and apart from attorneys' fees and, as they are out-of-pocket charges, we need to have sufficient funds on hand from you to pay them when due. We will advise the client from time to time when we expect items of significant cost to be incurred, and it is required that the client send us advances to cover those costs before they are due.

Advance Deposit Toward Fees And Costs

Because new client matters involve both a substantial undertaking by our firm and the establishment of client credit with our accounting office, we require an advance payment from clients. The amount of this advance deposit is determined on a case-by-case basis discussed first with the client, and is specified in our engagement letter.

Upon receipt, the advance deposit will be deposited into the firm's client trust account. Our monthly billings will reflect such applications of the advance deposit to costs and not to attorney's fees (unless otherwise noted in our accompanying engagement letter). At the end of engagement, we will apply any remaining balance first to costs and then to fees. We also reserve the right to require increases or renewals of these advanced deposits.

By signing the initial engagement letter, each client is agreeing that trust account balances may be withdrawn and applied to costs as they are incurred and to our billings, when we issue our invoice to the client. If we succeed in resolving your matter before the amounts deposited are used, any balance will be promptly refunded.

Monthly Invoices and Payment

Best Best & Krieger LLP provides our clients with monthly invoices for legal services performed and expenses incurred. Invoices are due and payable upon receipt.

Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses is delayed until the next month and billed thereafter.

Our fees are not contingent upon any aspect of the matter and are due upon receipt. All billings are due and payable within ten days of presentation unless the full amount is covered by the balance of an advance held in our trust account. If a bill is not paid within 30 days, a late charge of one percent per month on the unpaid invoice shall be added to the balance owed, commencing with the next statement and continuing until paid.

It is our policy to treat every question about a bill promptly and fairly. It is also our policy that if a client

does not pay an invoice within 60 days of mailing, we assume the client is, for whatever reason, refusing to pay. We reserve the right to terminate our engagement and withdraw as attorney of record whenever our invoices are not paid. If an invoice is 60 days late, however, we may advise the client by letter that the client must pay the invoice within 14 days or the firm will take appropriate steps to withdraw as attorney of record. If the delay is caused by a problem in the invoice, we must rely upon the client to raise that with us during the 14-day period. This same policy applies to fee arrangements which require the client to replenish fee deposits or make deposits for anticipated costs.

From time to time clients have questions about the format of the bill or description of work performed. If you have any such questions, please ask them when you receive the bill so we may address them on a current basis.

Changes in Fee Arrangements and Budgets

It may be necessary under certain circumstances for a client to increase the size of required advances for fees after the commencement of our engagement and depending upon the scope of the work. For example, prior to a protracted trial or hearing, the firm may require a further advance payment to the firm's trust account sufficient to cover expected fees. Any such changes in fee arrangements will be discussed with the client and mutually agreed in writing.

Because of the uncertainties involved, any estimates of anticipated fees that we provide at the request of a client for budgeting purposes, or otherwise, can only be an approximation of potential fees.

BEST BEST & KRIEGER LLP



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration to set a Public Hearing for July 12, 2017 to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER	161
SECTION	5-14

RECOMMENDATION: That the Council set a Public Hearing to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been put forward to impose annual charges against properties that utilize the City's sewers. The annual sewer rents as provided in the attached Draft Local Law shall be applied to pay the costs of the operation, maintenance, upkeep, repair and replacement of the sanitary sewer system. The purpose of the local law is to preclude the cost of the sanitary sewer system from being funded solely from the property tax and to more equitably distribute such cost on all properties, including tax exempt properties.

See attached proposed Local Law.

CITY OF RYE
LOCAL LAW NO. 2017

A local law to amend Chapter 161, Article II “Sewer Rents” by adding provisions related to the imposition of sewer rents as follows:

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

Section 1:

Article II. Sewer Rents

Section 161-5. Imposition of sewer rent.

- A. Pursuant to Article 14-F of the General Municipal Law, there is hereby established and imposed a plan of sewer rents applicable to the City of Rye’s sanitary sewer system. Such plan shall consist of annual charges against properties that utilize the City’s sewers. The annual sewer rents as provided for in this chapter shall be applied to pay the costs of the operation, maintenance, upkeep, repair and replacement of the sanitary sewer system. The purpose of the local law is to preclude the cost of the sanitary sewer system from being funded solely from the property tax and to more equitably distribute such cost on all properties, including tax exempt properties.
- B. In addition to any charges provided by law, the owner of any real property within the City of Rye served by a sewer system maintained by a municipality other than the City of Rye shall pay to the City of Rye a sewer rent for the use of such sewer system. Such sewer rent shall be at the rate of \$210 per connection thereto or shall be such pro rata amount allocable to such property as the City of Rye shall be required to pay for the use of such sewer system.

Section 161--6. Definitions

For the purpose of this Section, the definitions set forth herein shall be controlling:

SANITARY SEWER SYSTEM – The system for the collection of sewage, including all sewer mains, pumping stations, appurtenances or other facilities, which are owned, operated and maintained by the City of Rye, whether in or outside the City.

SEWER RENTS – A schedule of annual charges established and imposed by the City of Rye for the use of the sanitary sewer system.

SYSTEM USERS – The record owners of real properties that have sanitary facilities which discharge into the sanitary sewer system, whether the properties are located in or outside of the City of Rye.

TOTAL WATER CONSUMPTION – Shall mean the total volume of water delivered to a property by the water source for which a sewer user is responsible. The total volume of water shall be the sum of the volume of water metered by, or otherwise calculated by, the water source.

WATER CONSUMPTION – The consumption of water, measured in hundreds of cubic feet (“CCF”); one CCF equals 748 gallons.

WATER SOURCE – Shall mean any entity that delivers water to a property such as United Water Westchester or its’ successors in interest or assigns

Section 161--7. Collection of sewer rent; lien.

[renumbered from existing law as § 161-6 will now become § 161-7]

All sewer rents imposed hereunder shall be levied, connected and enforced in the same manner and at the same time as provided for the collection and enforcement of city taxes. If such sewer rents are not paid when due, it shall be the duty of the City Comptroller to charge and collect interest thereon at the same rates specified for the collection of city taxes. Such sewer rents shall constitute a lien upon the real property served by such sewer system, and such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge.

Section 161-8. Sewer rent; adjustments; changes

- A. Sewer Rent. System users shall pay an amount based on the actual water consumption as determined by the water source using a water meter or other measuring device, or an estimated amount if the water source is unable to obtain a reading.**
- B. Adjustment. System users may apply to the City Manager for an adjustment of the amount of water consumption. Such application shall in writing, accompanied by any prescribed filing fee, and include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system. The Manager may grant an adjustment on an appeal as provided hereinafter, but in no event shall such adjustment exceed ten (10) percent of the water consumption.**
- C. Changes. The initial rate of the sewer rent shall be established by resolution of the City Council after public hearing on five days’ notice. Subsequent changes to the rate of the sewer rent and amount of penalty shall be made in the same manner.**

Section 161-9. Annual costs of the sanitary sewer system

The annual operation and maintenance costs of the sanitary sewer system shall be determined as part of the City' budget process. The annual costs shall include, but not be limited to:

- A. Personnel services, including salaries and fringe benefits**
- B. Contractual services**
- C. Repairs and replacement to the sanitary sewer system**
- D. Materials and supplies**
- E. Utilities**
- F. Building repair and maintenance**
- G. Equipment**
- H. Testing and sampling**
- I. Insurance**
- J. Indebtedness**
- K. Auditor's Fees**
- L. Reserve Fund**
- M. Contingency**

Section 161-10. Billing and payments.

- A. System users shall be billed by the City or entity to which billing authority has been designated on a frequency established by the City.**
- B. Sewer rents shall be paid to the City of Rye.**
- C. Sewer rent bills shall be sent to system users to the address to which real estate bills would be sent.**
 - (1) The failure of a system owner to receive a bill shall not excuse non-payment thereof, nor shall it act as a waiver of a penalty imposed herein prescribed.**
 - (2) A system user that intends to convey property shall notify the City or entity to which billing authority has been delegated sufficiently in**

advance of the closing title for a final reading and new ownership information.

D. System users may be afforded the option of receiving e-bills or direct deposit of payments. System users may request that a tenant receive bills, and such additional notice may be given as an accommodation.

E. Any adjustments granted, issued or agreed upon with regard to actual water consumption shall be indicated to system users and reflected in the next succeeding bill.

Section 161--11. Disposition of sewer rents.

[renumbered from existing law as § 161-7 will now become § 161-11]

Revenues derived from sewer rents, including interest, shall be credited to a special fund to be known as the "Sewer Rent Fund." Moneys in such fund shall be used for the payment of charges the City of Rye shall be required to pay for the use of such system.

Section 161--12. Exemption

The property of the City of Rye is solely exempt from the obligation to pay sewer rent.

Section 161-13. Agreement with water sources

Together with United Water Westchester, the City of Rye has petitioned the New York State Public Service Commission for authorization to contract with the water company to utilize its water consumption data, perform billing functions, as well as provide any other services necessary to administer this chapter. Similarly, the City of Rye has petitioned the Westchester Joint Water Works Board to utilize its water consumption data, perform billing functions, as well as provide any other services necessary to administer this chapter for those users receiving water from Westchester Joint Water Works.

Section 161-14. Applicable rules and regulations

[renumbered from existing law as § 161-8 will now become § 161-14]

The owner and occupant of real property served by such sewer system shall be subjected to the rules and regulations of the City of Rye and the municipality maintaining such sewer system relating to the use of such sewer system, insofar as applicable.

Section 2: 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 3: Effective date.

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



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a Resolution to petition the Public Service Commission (PSC) to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider the Resolution to petition the Public Service Commission (PSC) to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been put forward to apply to the Public Service Commission to have any infrastructure maintenance and access costs it is charged by a water-works corporation to be charged to all customers across all customer classes located in the municipality. This would apply to all residences who receive their water from SUEZ water.

See attached Resolution to the Public Service Commission (PSC).

CITY OF RYE

RESOLUTION IN SUPPORT OF CHAPTER 433 OF THE LAWS OF NEW YORK, 2013 AUTHORIZING THE PUBLIC SERVICE COMMISSION, UPON APPLICATION BY THE CITY OF RYE, TO ORDER COSTS FOR INFRASTRUCTURE MAINTENANCE AND ACCESS TO BE CHARGED TO ALL CUSTOMER CLASSES LOCATED IN SUCH MUNICIPALITY

WHEREAS, Chapter 433 of the laws of 2013 provides that a municipality as defined therein may apply to the Public Service Commission to have any infrastructure maintenance and access costs it is charged by a water-works corporation to be charged to all customers across all customer classes located in the municipality provided the municipality has held a public hearing with notice on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

WHEREAS, the City of Rye duly held a public hearing with notice on the matter.

NOW, THEREFORE, BE IT RESOLVED, after a public hearing, that the City of Rye determines that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

BE IT FURTHER RESOLVED, that the City Manager shall make an application to the Public Service Commission by transmittal of this Resolution and any other necessary papers requesting that the costs for infrastructure maintenance and access be included in the rate charges to all customer classes and apportioned amount all customers located in this municipality.



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a Resolution to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider the Resolution to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been put forward to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to have any infrastructure maintenance and access costs it is charged by a water-works corporation to be charged to all customers across all customer classes located in the municipality. This would apply to all residences who receive their water from Westchester Joint Water Works.

See attached Resolution to the Westchester Joint Water Works (WJWW) Transportation Corporation Board.

CITY OF RYE

**RESOLUTION IN SUPPORT OF PETITION TO
WESTCHESTER JOINT WATER WORKS TO ORDER
COSTS FOR INFRASTRUCTURE MAINTENANCE AND
ACCESS TO BE CHARGED TO ALL CUSTOMER
CLASSES LOCATED IN SUCH MUNICIPALITY**

WHEREAS, the City would like to have any infrastructure maintenance and access costs it is charged by a Westchester Joint Water Works to be charged to all customers across all customer classes located in the municipality; and

WHEREAS, the City of Rye duly held a public hearing with notice on the matter.

NOW, THEREFORE, BE IT RESOLVED, after a public hearing, that the City of Rye determines that it is in the overall public interest to have such costs charged to all customers across all customer classes; and

BE IT FURTHER RESOLVED, that the City Manager shall make an application to the Westchester Joint Water Works Board by transmittal of this Resolution and any other necessary papers requesting that the costs for infrastructure maintenance and access be included in the rate charges to all customer classes and apportioned amount all customers located in this municipality.



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Discussion on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for an investment in downtown parking and an investment in fields.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council discuss items for a November, 2017 Referendum.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council will discuss two major needs which have been identified for the community: (1) an investment in downtown parking as the current parking situation is at a premium and (2) an investment in playing fields for local use.

Both options would be subject to the approval of a majority of the qualified voters in a November, 2017 Bond Referendum. The timing for the Referendum would include a decision by the Council on the projects, and an adoption of the Bond resolution by a 60% Council majority at the July 12, 2017 City Council meeting. The Ballot information will need to be sent to the Board of Elections by September, 2017.

See attached City of Rye Charter Article 21, "Financial Procedures", Section §C-21-9, "Bond Resolutions".

City of Rye, NY
Friday, June 2, 2017

Chapter C. Charter

Article 21. Financial Procedures

§ C21-9. Bond resolutions.

[Amended 9-5-2001 by L.L. No. 3-2001; 12-15-2004 by L.L. No. 4-2004; 12-7-2011 by L.L. No. 8-2011; 11-2-2016 by L.L. No. 3-2016]

- A. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 30% of the average of the gross annual budget of the city for the preceding three years shall be adopted by a vote of at least five members of the council and shall be subject to the approval of a majority of the qualified voters voting at a general or special election.
- B. The Council may, by a vote of at least five members thereof, authorize the issuance of bonds not in excess of 30% of the average of the gross annual budget of the city for the preceding three years, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued without being subject to any referendum does not exceed 30% of such average.
- C. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of \$1,000,000 for the acquisition of real property shall be adopted by a vote of at least five members of the council and shall be subject to the approval of a majority of the qualified voters voting at a general or special election.
- D. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of judgment, or compromised or settled claims against the City, or awards or sums payable by the City pursuant to a determination by a court, or an officer, body or agency in an administrative or quasi-judicial capacity, or any capital improvement or equipment proposed to be constructed or acquired where the expense thereof, other than operation and maintenance, is to be borne by local assessment upon the several lots and parcels of land which the Council shall determine and specify to be especially benefited thereby, or capital improvements or equipment to be constructed or acquired which have been determined by resolution of the council to be required to implement a Federal, State or County of Westchester mandate failure of which to comply with could, in the

judgment of the Council expressed in resolution, result in the imposition of a fine or penalty, or authorizing the issuance of obligations to be sold to the New York State Environmental Facilities Corporation or any successor thereto.

- E. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolutions of the council to be required for public safety purposes requiring urgent action, in an amount not exceeding \$1,000,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for public safety purposes requiring urgent action in reliance on this paragraph E does not exceed \$2,500,000. In making such determination, the Council shall disregard certain such outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph E, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for public safety purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the question of whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for public safety purposes requiring urgent action in reliance on this paragraph E on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph E.
- F. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolution of the Council to be required for natural disaster reconstruction as a result of a natural disaster, as declared by the Federal Government or the State government requiring urgent action, in an amount not exceeding \$2,500,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for natural disaster reconstruction purposes requiring urgent action in reliance on this paragraph F does not exceed \$2,500,000. In making such determination, the Council shall disregard certain outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph F, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for natural disaster reconstruction purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the

questions whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for natural disaster reconstruction purposes requiring urgent action in reliance on this paragraph F on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph F.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Council

DATE: June 7, 2017

CONTACT: Councilwoman Emily Hurd

AGENDA ITEM: Discussion on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for charitable gaming.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council discuss the item of charitable gaming for a November, 2017 Referendum.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: In New York it is illegal for any organization to hold any games of chance (raffles, bingo, bell jar games or casino games) for any purpose, including charitable, unless the municipality has a local games of chance ordinance. A proposal has been put forward for the City to enact a Local Law for "Games of Chance".

The City would need to hold a Public Hearing to pass a Local Law on "Games of Chance" and it would be subject to the approval of a majority of the qualified voters in a November, 2017 Bond Referendum. The timing for the Referendum would include a decision by the Council on the local law at the July 12, 2017 City Council meeting. The Ballot information will need to be sent to the Board of Elections by September, 2017.

See attached sample Local Law passed by the Town of New Castle, New York.

Town of New Castle, NY
Friday, June 2, 2017

Chapter 71. Games of Chance

[HISTORY: Adopted by the Town Board of the Town of New Castle 4-10-2007 by L.L. No. 6-2007.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Master Fee Schedule — See Ch. **17**.

Amusement devices — See Ch. **40**.

[1] *Editor's Note: This local law passed mandatory referendum 5-9-2007. This local law also provided that it was adopted pursuant to the authority granted by Subdivision 1(d)(3) of Municipal Home Rule Law § 10 and General Municipal Law §§ 187 and 188, and that it shall supersede any provision of New York State law which is inconsistent with it.*

§ 71-1. Title.

This chapter shall be known as the "Games of Chance Law."

§ 71-2. Incorporation of statute.

Except as may be specifically provided otherwise, this chapter shall be deemed to include all of the provisions of General Municipal Law Article 9-A and any amendment thereto to the extent that such provisions and amendments are otherwise applicable to games of chance authorized under this chapter.

§ 71-3. Definitions.

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

AUTHORIZED ORGANIZATION

An authorized organization as defined in Subdivision 4 of General Municipal Law § 186.

GAMES OF CHANCE

A game of chance as defined in Subdivision 3 of General Municipal Law § 186.

LICENSEE

An authorized organization licensed by the Town to conduct games of chance under this chapter.

LICENSE PERIOD

A period of time running from January 1 to December 31 of each year in the case of raffles and bell jars, and a period of time not to exceed 14 consecutive hours for all other games of chance, all as provided in Subdivision 15 of General Municipal Law § 186.

STATE BOARD

The New York State Racing and Wagering Board.

TOWN

The Town of New Castle, New York.

§ 71-4. Games of chance authorized.

An authorized organization may obtain a license from the Town Clerk and conduct games of chance within the Town in accordance with the New York State law, the rules and regulations of the State Board, this chapter, and all other applicable federal, state, and local laws.

§ 71-5. Fees.

- A. License fee. Any authorized organization applying for a license under this chapter shall pay to the Town Clerk a license fee in an amount set forth in the Town's Master Fee Schedule,^[1] which may be amended from time to time.

[1] *Editor's Note: See Ch. 17, Master Fee Schedule.*

- B. Administration fee. Any authorized organization required to file a statement of receipts and expenses pursuant to Subdivision 1 or Subdivision 2 of General Municipal Law § 195-f shall pay to the Town Clerk an additional license fee based upon the reported net proceeds, if any, for the license period or, in the case of a raffle, for the occasion covered by such statement and determined in accordance with such schedule as shall be established from time to time by the State Board in accordance with General Municipal Law § 195-f.

§ 71-6. Restrictions; penalties for offenses.

The conduct of games of chance authorized by this chapter shall be subject to the restrictions set forth in General Municipal Law § 189:

- A. No person, partnership, company, corporation, organization, or entity other than a licensee under the provisions of General Municipal Law § 191 shall conduct such game or shall lease or otherwise make available for

- conducting games of chance premises for any consideration whatsoever, directly or indirectly.
- B. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.
 - C. No licensee shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the State Board.
 - D. The entire net proceeds of any game of chance shall be exclusively devoted to the lawful purposes of the licensee conducting the same, and the net proceeds of any rental derived therefrom shall be exclusively devoted to the lawful purposes of the authorized games of chance lessor.
 - E. In addition to merchandise wheels, raffles, and bell jars, no more than five other single types of games of chance shall be conducted during any one license period.
 - F. The limitation on the sum or value for any single prize awarded or series of prizes for games of chance shall be as set forth in Subdivision 5, Subdivision 6, and Subdivision 8 of General Municipal Law § 189.
 - G. Except for the limitations on the sum or value for single prizes and series of prizes, no limit shall be imposed on the sum or value of prizes awarded to any one participant during any occasion or any license period.
 - H. No person except a bona fide member of the licensed authorized organization shall participate in the management of such games; no person except a bona fide member of the licensed authorized organization or its auxiliary or affiliated organization shall participate in the operation of such game, as set forth in General Municipal Law § 195-c1.
 - I. No person shall receive any remuneration for participating in the management or operation of any such game.
 - J. No authorized organization shall extend credit to a person to participate in playing a game of chance.
 - K. No game of chance shall be conducted on other than the premises of an authorized organization or an authorized games of chance lessor. Nothing herein shall prohibit the sale of raffle tickets to the public outside the premises of an authorized organization or an authorized games of chance lessor; provided, however, that no sale of raffle tickets shall be made more than 180 days prior to the date scheduled for the occasion at which the raffle will be conducted. The winner of any single prize in a raffle shall not be required to be present at the time such raffle is conducted.
 - L. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

§ 71-7. Days of games.

Games of chance may be conducted on any day other than Easter Sunday, Christmas Day, and New Year's Eve.

§ 71-8. Enforcement.

The Town's Chief of Police shall exercise control and supervision over all games of chance conducted by a licensee to the end that they are fairly conducted in accordance with the license therefor, the rules and regulations of the State Board, and the provisions of General Municipal Law Article 9-A, and the Chief shall have all of the powers and duties set forth in General Municipal Law Article 9-A.



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Home Rule Resolution supporting A07987(Otis)/S6474(Latimer) to authorize the Rye Town Park Commission to extend the lease term for a restaurant located in the park not to exceed twenty years.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt a Home Rule message.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Rye Town Park was established in 1907 by New York State Legislature which set forth the Park's rules in unconsolidated state law, Chapter 711. The laws were amended in 1999 and 2002 to allow for a lease renewal term longer than the statute's original three-year permitted term. Assemblyman Steven Otis and Senator George Latimer are sponsoring legislation to authorize the Rye Town Park Commission to extend the lease term for a restaurant located in the park for a time period not to exceed twenty years.

See attached draft legislation.

A7987 Otis Same as [S 6474](#) LATIMER

Parks

TITLE....Relates to the duration of certain leases or agreements at Rye town park

05/24/17 referred to local governments

OTIS

Amd §§8 & 9, Chap 711 of 1907

Relates to the duration of certain leases or agreements relating to the sale of food and beverages at Rye town park.

STATE OF NEW YORK

7987

2017-2018 Regular Sessions

IN ASSEMBLY

May 24, 2017

Introduced by M. of A. OTIS -- read once and referred to the Committee on Local Governments

AN ACT to amend chapter 711 of the laws of 1907 relating to providing for a public park in the town of Rye, county of Westchester, in relation to the duration of certain leases or agreements at Rye town park

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

1 Section 1. Sections 8 and 9 of chapter 711 of the laws of 1907 relating to providing for a public park in the town of Rye, county of Westchester, section 8 as amended by chapter 236 of the laws of 2002 and section 9 as amended by chapter 778 of the laws of 1952, are amended to read as follows:

2 § 8. The said commissioners of parks shall have power and are directed to lay out, construct, grade and improve said park; to appoint, in their discretion, such employees as they deem necessary for the care and custody of said park; to employ all necessary workmen, assistants and contractors, and to prescribe their duties and fix their compensation; to seize and impound all cattle and other animals found roaming at large in said park; to make reasonable rules and ordinances for the use of said park not inconsistent with the ordinances of the village of Rye. All persons offending against such ordinances shall be deemed guilty of a misdemeanor and shall be punished on conviction before any court of competent jurisdiction in the town of Rye by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of the court. Said commissioners are authorized and empowered to bring an action in the name of the town to recover damages for the breach of any agreement relating to or growing out of the management or improvement of the park, or damages for injuries to any of the property appertaining to the park. Said commissioners are authorized and empowered to let to any person or persons or corporation for any period

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

LBD10705-04-7

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1 of time not exceeding three [~~or seven years in the case of agreements~~
2 ~~executed before May 1, 2000 if approved with the support of the supervi-~~
3 ~~sor of the town of Rye and the mayor of the city of Rye]~~ years, and
4 under such rules and regulations as shall be made by said commissioners
5 of parks, the privilege of maintaining and offering boats for hire at
6 said park; the privilege of maintaining bath houses and bathing facili-
7 ties for hire at said park, and the privilege of maintaining a public
8 restaurant at said park; the privilege of selling ice cream at said
9 park; the privilege of selling candy at said park; [~~the privilege of~~
10 ~~selling cigars and cigarettes at said park;~~] the privilege of selling
11 soda water at said park; the privilege of selling beer at said park; the
12 privilege of selling wine or liquor at said park; the privilege of sell-
13 ing post cards and souvenirs at said park, and the privilege of parking
14 automobiles and vehicles at said park, or any or all of said privileges.
15 [~~In the case of seven year agreements executed before May 1, 2000, said~~
16 ~~commissioners are authorized and empowered to extend such agreements for~~
17 ~~any period of time not exceeding an additional ten years if such exten-~~
18 ~~sion is executed before December 31, 2002 and is approved with the~~
19 ~~support of the supervisor of the town of Rye and the mayor of the city~~
20 ~~of Rye.] Said commissioners are authorized and empowered to let to any
21 person or persons or corporation for any period of time not exceeding
22 twenty years for the privilege of maintaining a public restaurant at
23 said park; the privilege of selling ice cream at said park; the privi-
24 lege of selling candy at said park; the privilege of selling soda water
25 at said park; the privilege of selling beer at said park; the privilege
26 of selling wine or liquor at said park if such agreement is executed
27 prior to December thirty-first, two thousand eighteen and is approved
28 with the support of the supervisor of the town of Rye and the mayor of
29 the city of Rye. Copies of proposed leases or contracts extending such
30 privileges shall be provided to the town board of the town of Rye and
31 the city council of the city of Rye for their comment at least one month
32 in advance of determination by the commissioners, the supervisor of the
33 town of Rye and the mayor of the city of Rye. Said commissioners of
34 parks shall have no power to lease any portion of said park for any
35 other purpose than as above provided. Whenever said commissioners of
36 parks shall determine to let any or all of said privileges, they shall
37 cause any or all of said privileges to be sold by advertising as herein-
38 after provided for sealed bids in accordance with such terms and spec-
39 ifications as the said commissioners of parks may determine, or at
40 public auction to the highest responsible bidder, who in the discretion
41 of the park commissioners is deemed to be to the best interest and
42 advantage of the town park and its management, such determination shall
43 be made by a resolution passed by a majority of the commissioners of
44 parks at a meeting, after notice calling for sealed bids for said privi-
45 leges under such terms and specifications as the said commissioners of
46 parks shall determine, or of such public auction, shall have been adver-
47 tised in all the newspapers of said town of Rye at least once a week for
48 two weeks successively. Said commissioners of parks shall have the power
49 to reject any or all of the sealed bids, or bids at such public auction.
50 The person or persons or corporation to whom the privilege or privileges
51 shall be sold and awarded shall furnish a bond in such sum as may be
52 determined, and with such sureties as may be approved by said commis-
53 sioners of parks. Said commissioners of parks shall not have the power
54 to lease said privileges so as to exclude the people of the town of Rye
55 from a full and free enjoyment of the waters of Long Island sound adja-~~

56 cent to said park, and of the right to embark and disembark to and from

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1 the said park from boats and yachts. No liquors, beer, wine or intoxi-
2 cants of any kind whatsoever shall be allowed or sold in any part of
3 said park except under license agreement with the Rye Town Park commis-
4 sion. The town board of the town of Rye and the city council of the
5 city of Rye each shall have the authority to suspend or revoke the use
6 of wine or liquor at Rye Town Park on an annual basis. This authority
7 can be exercised through the passage of a resolution by either municipal
8 government. Suspension or revocation can be rescinded by passage of a
9 resolution by the same municipal government. Said commissioners of parks
10 shall have the power by a resolution passed by a majority of the park
11 commissioners to operate and conduct any or all of said privileges under
12 their own supervision and direction, to employ a manager for that
13 purpose, and contract, hire, and employ labor and assistants for that
14 purpose and purchase provisions, supplies, goods, wares, merchandise,
15 fixtures and bathing equipment to be sold, hired and used under the
16 privileges hereinbefore enumerated from time to time for that purpose.
17 The said commissioners of parks may determine by a resolution passed by
18 a majority of the commissioners of parks at a meeting to operate and
19 conduct any or all of the said privileges, for the benefit of the town
20 of Rye, under their own supervision and direction and the said commis-
21 sioners of parks are hereby empowered and authorized to use whatever
22 funds are in the hands of the commissioners of parks for that purpose
23 and if such funds are insufficient the said commissioners of parks may
24 raise by taxation a sum not exceeding twenty-five thousand dollars for
25 that purpose, in any year. The principal of and interest on any obli-
26 gations of the town of Rye issued for any of the purposes of this act
27 shall be levied and collected in the manner required by law and the
28 board of supervisors of the county of Westchester, upon request of the
29 town board of the town of Rye, shall levy and assess the said sum of
30 money upon the taxable property of the town of Rye. The trustees of the
31 village of Rye shall provide a sufficient number of policemen for the
32 proper policing of and for the enforcement of all laws and ordinances
33 applicable to the said park and the maintenance of order therein and the
34 reasonable cost thereof and therefor, approved by the said commis-
35 sioners, shall be paid by the supervisor, in the same manner as other park
36 charges, to the treasurer of the village of Rye.

37 § 9. The income from whatever leases may be made by the said commis-
38 sioners, and from the sale of any or all of said privileges in said
39 park, or the income derived from the conduct and operation of any or all
40 of said privileges enumerated in section eight of this act, under the
41 supervision and direction of the park commissioners for the benefit of
42 the town of Rye shall be paid to the supervisor of the said town of Rye
43 by the said commissioners of parks, and shall be applied by said super-
44 visor as follows: to the proper care, expenses of maintenance, repairs
45 and improvements of said lands and premises, and for the operation,
46 maintenance and conduct of said privileges by the commissioners of parks
47 and the balance of said revenue, if any, to the payment of the principal
48 of and interest on the obligations of said town, issued for the purposes
49 of this act[~~, and the balance, if any, shall be applied to general town~~
50 ~~purposes~~]. All payments shall be made upon vouchers certified by a
51 majority of said commissioners of parks. The supervisor of the town of
52 Rye shall be the treasurer of said commissioners of parks, and shall
53 execute and deliver yearly a bond to the town of Rye in such an amount
54 and with such sureties as may be approved by the town board of Rye. If
55 the expense of maintaining the park, the operation and conduct of any or

56 all of said privileges enumerated in section eight of this act by the

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1 commissioners of parks for the benefit of the town of Rye, and the
2 amount of the principal of an interest on any obligations issued for the
3 purposes of this act, shall in any year exceed the amount of said
4 income, the town board shall raise annually, by tax to be assessed upon
5 the taxable property in said town of Rye, at the same time and in the
6 same manner that general taxes are raised therein, a sufficient sum to
7 meet such excess; and if the amount of income shall exceed the amount
8 required for such maintenance, principal of and interest on any obli-
9 gations, the town board [~~may apply such excess to the general purposes~~
10 ~~of the town~~] shall apply such excess to repairs and improvements in said
11 park. The commissioners of parks shall have power, from time to time, to
12 construct buildings or other improvements in said park which they may
13 deem expedient and necessary, and all such sums of money as shall be
14 necessary, not exceeding one-tenth of one per centum per annum of the
15 assessed valuation of said town as shown by the assessment roll of the
16 preceding year, to pay therefor shall be levied and collected in the
17 manner required by law, and the board of supervisors of the county of
18 Westchester, upon request by the town board of the said town of Rye,
19 shall levy and assess the said sum of money upon the taxable property of
20 the town of Rye. Said commissioner of parks shall hold public stated
21 meetings at least once a month between April first and November first,
22 in each year. Nothing contained in this or any other section of this
23 chapter shall be construed to prevent the financing in whole or in part,
24 pursuant to the local finance law, of expenditures for the construction
25 of buildings or other improvements which the commissioner of parks deem
26 expedient or necessary, and such expenditures may be financed in such
27 manner whether or not the amount thereof is less than one-tenth of one
28 per centum of such assessed valuation.

29 § 2. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7987

SPONSOR: Otis

TITLE OF BILL:

An act to amend chapter 711 of the laws of 1907 relating to providing for a public park in the town of Rye, county of Westchester, in relation to the duration of certain leases or agreements at Rye town park

PURPOSE OR GENERAL IDEA OF BILL:

This bill amends chapter 711 of the laws of 1907 by changing from three to twenty the number of years the Rye Town Park Commission can enter into a lease or contract for the restaurant and related activities at the park. Previous authorizations to allow extended lease periods were enacted in 1999 (seven years) and 2002 (ten years).

SUMMARY OF PROVISIONS:

This bill would amend the provisions of chapter 711 of the laws of 1907 which is the state statute that established and contains rules for the Rye Town Park. The park is owned jointly by the Town of Rye and the City of Rye. The authority to execute a lease under this legislation will expire on December 31, 2018.

The legislation allows the Rye Town Park Commission to execute a lease for the restaurant activities at the park for any period of time not exceeding twenty years.

The legislation also clarifies an outdated provision of the original statute by making clear that revenues in excess of costs for the park "shall apply such excess to repairs and improvements in said park." This is already the practice.

JUSTIFICATION:

This legislation has been requested by the Rye Town Park Commission. Without special authorization the Commission can only enter into three year leases. A longer term lease would allow the park to negotiate for capital investments by vendors that would not be possible under the three year limitation. This legislation is necessary because the rules relating to Rye Town Park are found in unconsolidated state law dating back to 1907. The provisions of this bill will allow for a lease not exceeding twenty years only for the next bid of the vendor lease. This

legislation does not change the three year limitation for leases executed after December 31, 2018.

This legislation includes involvement of the municipal boards of the Town of Rye and the City of Rye as has been past practice. They are both statutory members of the Rye Town Park Commission. This legislation must be acted upon this year as the new lease may be executed as soon as this fall.

PRIOR LEGISLATIVE HISTORY:

Similar authorizations cited above were approved in Chapter 555 of the Laws of 2009 and Chapter 236 of the Laws of 2002.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

The ability to provide a long term lease will allow the Rye Town Park Commission, the Town of Rye and the City of Rye the ability to attract better competitive proposals through an RFP process that is planned.

EFFECTIVE DATE:

This act shall take effect immediately.



CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to transfer \$200,000 from the Contingent Account to Salaries & Wages for the General Fund, Cable Fund, Boat Fund, Golf Fund, and Building and Vehicle Fund, for the Administrative Pay Group.

FOR THE MEETING OF:

June 7, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for an increase for the Administrative Pay Group was provided for in the adopted 2017 budget by \$200,000, and;

WHEREAS, the funds were provided for in the adopted 2017 budget in the Contingent account to be appropriated for this purpose, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$200,000 from the Contingent Account to Salaries & Wages for the General Fund, Cable Fund, Boat Fund, Golf Fund, and Building and Vehicle Fund, for the Administrative Pay Group.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The administrative pay plan encompasses all full time employees of the City of Rye who are not represented by one of the four collective bargaining units with the exception of the City Manager and the Corporation Counsel. The proposed changes modify the pay grades for these employees. Modifications to the pay ranges and grades do not result in an automatic increase for employees within the established pay ranges. Administrative employees receive merit increases determined by the City Manager based on performance and accomplishment of identified objectives during the previous year.



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to transfer \$26,615 from the Boat Basin Unrestricted Fund balance to the Boat Basin Operating Budget for the dredging project consultant fees.

FOR THE MEETING OF:
June 7, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the Boat Basin dredging project consultant fees were not anticipated and were not provided for in the adopted 2017 budget by \$26,615, and;

WHEREAS, the Boat Basin Unrestricted Fund balance has enough funds to be appropriated for the dredging project consultant fees, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$26,615 from the Boat Basin Unrestricted Fund balance to the Boat Basin Operating Budget for the dredging project consultant fees.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The current dredging project will encompass the Boat Basin Marina and the Federal Channel. The project will remove up to 25,000 cubic yards from the Boat Basin; disposal options for removal of the soil include open water disposal or upland disposal via trucking or barge based on soil test results. The dredging project is a multi-step process including the (1) development of a dredge plan which details the area which will be dredged, (2) a testing plan noting the sites where soil will be removed for testing, (3) testing of the soil, (4) application for the dredging permits (this can only be done after the testing is completed as the state of the soil determines the dumpsite), (5) approval and receipt of the permits from the necessary regulatory Agencies, (6) the City must go out to bid for the company to perform the dredge work, and (7) the actual dredging project and removal of soil. The Boat Basin Commission and City Staff met with David Provencher of Coastline Consulting at the May 15, 2017 Boat Basin Commission meeting for a presentation on the dredging project. Mr. Provencher presented a dredge plan which was approved by the Boat Basin Commission. Given the scope and necessary regulatory Agency approvals for the project, the tentative timing for the dredging start is fall 2018.



CITY COUNCIL AGENDA

NO. 19

DEPT.: City Manager

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to transfer \$18,060 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.

FOR THE MEETING OF:
June 7, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the relocation of the RyeTV control room at the Rye High School were not anticipated and were not provided for in the adopted 2017 budget by \$18,060, and;

WHEREAS, the Cable TV Unassigned Fund balance has enough funds to be appropriated for the relocation of the RyeTV control room at the Rye High School, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$18,060 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to Rye City School District requirements for ADA compliance, RyeTV must relocate the control room to within the existing classroom space. Unique Media Systems, an audio visual company, submitted a quote of \$18,060 to move all the technical equipment to the new area. Additional costs are pending for the project and will be brought for Council approval at the July City Council meeting.



CITY COUNCIL AGENDA

NO. 20

DEPT.: Police

DATE: June 7, 2017

CONTACT: Commissioner of Public Safety Michael C. Corcoran, Jr.

AGENDA ITEM: Resolution to transfer \$1,205.46 from the Police Donations Fund to the Police General Fund Donations reserved for Police Programs for the purchase of items for the Adopt-a-School Program.

FOR THE MEETING OF:

June 7, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Manager and the Public Safety Commissioner have approved a request of the Rye Police Department to purchase items to be used in the Adopt-a-School Program in the amount of \$1,205.46 with funds available in the police donations account, and;

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the Rye Police Department; now therefore be it;

RESOLVED, that \$1,205.46 be appropriated from the police donations account to increase 2017 General Fund Donations Reserved for Police programs.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Police Donations account was established to account for donations made by the general public for the specific purpose of benefiting the City of Rye Police Department. The process to release these funds requires that a request made by the Rye Police Department is approved by the Public Safety Commissioner and City Manager, and finally by resolution of the City Council. The Rye Rotary Club presented the Police Department with a donation of \$1,500.00 for continuing efforts in the Police Department's Adopt-a-School Program. The City Council is asked to authorize the request for funds to be used in the Rye Police Department Adopt-a-School Program.



CITY COUNCIL AGENDA

NO. 21

DEPT.: City Manager's Office

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution authorizing the City Manager to enter into an indemnification agreement with the Town of Harrison for the use of the Town of Harrison Police Department Pistol Range.

FOR THE MEETING OF:

June 7, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and City Council authorize the City Manager to enter into the agreement.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Police Department conducts the majority of their joint firearms training with the Harrison Police Department. The bulk of firearms training is done at the City range. However, the City continues to utilize the Harrison range for training with long guns, as the firing of these guns is not recommended at the indoor facility. The Town of Harrison is requesting the City approve the attached resolution and provide the necessary insurances.

See attached.

TOWN OF HARRISON
VILLAGE OF HARRISON

Certificate of Insurance Requirements for
Use of the Pistol Range

The Town of Harrison and Village of Harrison require the following information on all insurance certificates in connection with the use of the pistol range, which are held either in the Town of Harrison and Village of Harrison or held at any Town and Village of Harrison facilities.

- The Town of Harrison and Village of Harrison must be named as additional insured and as certificate holder.
- Certificate of General Liability must be at least \$1,000,000.00; Property - \$500k/500k; Bodily Injury \$2,000,000.00 -Aggregate
- Auto Liability must be at least \$1,000,000.00
- Certificate of Workers Compensation as required by the State of New York must be listed on Form C105.2, U26.3 or show proof of exemption on a CE-200 form
- Certificate for New York State Disability Benefits Law (DBL) as required by the State of New York must be listed on Form DB120.1, DB-155 OR show proof of exemption on a Form CE-200
- Insurance companies must be licensed to do business in the State of New York and such language must be included on the certificate and must provide the NAIC number
- Cancellation of Insurance: 10 days expiration notice unless otherwise authorized by the Town Attorney's office.
- Insurance Coverage must be provided for at least one (1) year unless otherwise authorized by the Town Attorney's office.
- Certificates must include policy numbers
- Original Certificates of Insurance must be submitted to:

Town Attorney's Office
Town of Harrison
Village of Harrison
1 Heineman Place
Harrison, NY 10528

INSURANCE CERTIFICATES WILL NOT BE ACCEPTED
BY THE TOWN and VILLAGE OF HARRISON UNLESS ALL OF THE ABOVE
REQUIREMENTS HAVE BEEN MET.

**MODEL RESOLUTION FOR USE OF TOWN OF HARRISON
POLICE DEPARTMENT PISTOL RANGE**

WHEREAS, the _____ Police Department desires to use the Town of Harrison Police Department Pistol Range.

WHEREAS, the Town of Harrison and Village of Harrison require from any municipality requesting use of its Pistol Range proper insurance naming the Town of Harrison and Village of Harrison as additional insured and a fully executed Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison;

NOW THEREFORE, BE IT RESOLVED that an Indemnification Agreement inuring to the benefit of the Town of Harrison and Village of Harrison be executed, and be it further

RESOLVED that the Town Council/Village Board of Trustees /City Council of the Town/Village/City of _____ authorize _____ to execute the attached Indemnification Agreement, and to deliver same to the Town Attorney of the Town of Harrison, and be it further

RESOLVED that a copy of this Resolution be forwarded to the Town Attorney of the Town of Harrison with a fully executed copy of the Indemnification Agreement.

Clerk

Indemnification Agreement

_____, agrees to protect, defend, indemnify and hold the Town of Harrison and the Village of Harrison, their officers, agents and employees free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees, or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind of character in connection with or arising, directly or indirectly, out of the Town/Village/City of _____'s use of the Town of Harrison Police Department Pistol Range. Without limiting the generality of the foregoing, all such claims, etc., relating to personal injury, death, damage to property, defects in material, workmanship, actual or alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal property or property right, or any alleged violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court shall be included in the indemnity hereunder.

_____, further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc., at its sole expense and agrees to bear all other costs and expenses related thereto, even if it (claims, etc.) is groundless, false or fraudulent. In any case in which such indemnification would violate Section 5-322.1 of the New York General Obligations Law, or any other applicable legal prohibition, the foregoing provisions concerning indemnification shall not be construed to indemnify the owner for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the owner or its employees.”

By: _____
Authorized Signature

Title: _____

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On this ____ day of _____, ____ before me came _____, to me known who being by me duly sworn, did depose and say that he/she is the _____ of _____, the municipality described in _____ and which executed the foregoing instrument, that he/she signed his/her name thereto in like order.

Notary Public



CITY COUNCIL AGENDA

NO. 22

DEPT.: City Manager's Office

DATE: June 7, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by Christ's Church for use of City streets on Sunday, June 11, 2017 from 8:30 a.m. to 12:30 p.m. for their semi-annual picnic.

FOR THE MEETING OF:

June 7, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the request from Christ's Church.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Christ's Church is requesting use of City streets for their semi-annual picnic, asking that traffic be restricted on Rectory Street on Sunday, June 11, 2017 from 8:30 am to 12:30 pm.

See attached request from Dorothee Caulfield, Christ's Church Deacon.



Christ's
Church
Rye, New York

The Rev. Robert D. Flanagan, *Interim Pastor*
The Rev. Sanford A. Key, *Associate Rector*
The Rev. Dorothee R. Caulfield, *Deacon*

May 30, 2017

VIA email DMOORE@RYENY.GOV

The Mayor and the City Council
Rye City Hall
1051 Boston Post Road
Rye NY 10580

Dear Mr. Mayor and members of the City Council:

On Sunday, June 11, 2017 after our 10:00 am service, Christ's Church will have its semi - annual Picnic in both the church and rectory gardens. We would like to "close" the street between 8:30am and 12:30 pm. May we assume that, as in the past, the DPW will provide the barriers to properly address the street? We understand that in the event of an emergency the road will need to be accessible.

We are making this request as the event will take place on both sides of Rectory Street, and we are concerned about the safety of the children who will attend. We are troubled by the limited visibility on the street coming off of Milton Avenue. I have requested a certificate of insurance from our provider and email it to you ASAP.

Thank you for your assistance with this request. If you have any questions, please feel free to contact me.

Faithfully,


Dorothee R. Caulfield
Deacon & Parish Secretary

Rectory Street, Rye NY 10580
(914) 967-1749 - www.ccrye.org
(914) 967-0398 fax