

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 27, 2016, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss litigation and personnel.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held January 13, 2016.
5. Issues Update/Old Business.
 - Discussion of Resolution regarding Confidential Information to Council Members-elect
6. Consideration of a request from the Rye Fire Department that Captain Dan Bochicchio of the Milton Point Engine & Hose Company fill the position of Second Assistant Chief on a temporary basis.
7. Appointments to Boards and Commissions, by the Mayor with Council approval.
 - A) Two appointments to the Board of Appeals for a three-year term.
 - B) One appointment to the Board of Ethics for a three-year term.
 - C) Four appointments to the Flood Advisory Committee for a three-year term.
 - D) Eight appointments to the Rye Cable and Communications Committee for a three-year term.
 - E) Two appointments to the Rye Playland Advisory Committee for a three-year term.
 - F) Two appointments to the Rye Town Park Advisory Committee for a three-year term.
 - G) Six appointments to the Traffic & Pedestrian Safety Committee for a three-year term.
8. Residents may be heard on matters for Council consideration that do not appear on the agenda.
9. Discussion regarding a switch to LED lighting for street lights in the City of Rye.
10. Discussion on the legislation and use of Drones in the City of Rye.
11. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 59th Little League Season on Saturday, April 9, 2016 beginning at 12:00 p.m.

12. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 16, 2016 from 9:00 a.m. to 10:15 a.m.
13. Consideration of a request by the Rye YMCA for the use of City streets for the 28th Annual Rye Derby on Sunday, April 24, 2016 from 9:00 a.m. to 2:00 p.m.
14. Miscellaneous communications and reports.
15. Old Business.
16. New Business.
17. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, February 10, 2016.

** 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: January 27, 2016

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held January 13, 2016.

FOR THE MEETING OF:

January 27, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Approve the minutes of the Regular Meeting of the City Council held January 13, 2016, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on January 13, 2016 at 7:30
P.M.

PRESENT:

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

ABSENT: JULIE KILLIAN
Councilmember

The Council convened at 6:30 PM. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the Executive Session at 7:30 PM. The regular meeting convened at 7:35 PM.

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.

3. The State of the City Address by the Mayor.

“First, as we start the New Year, I would like to welcome two new members of the Rye City Council – Danielle Tagger-Epstein and Emily Hurd. I would also like to welcome back Council member Richard Mecca. Congratulations and good luck to you all.

Further, I would like to recognize all former Council members and current elected officials who are present, including Judge Latwin and Judge Carey.

We have as our most special guests this evening, the fourth and fifth grade student government leaders from the Midland, Milton and Osborn schools.

When you hear your name, please stand and remain standing until I have called all names. From Midland School: Kyan Cox, Lucca Cristiano, Casey Delfs, Maelin Doran, Andrew

Lukes, Owen Myers, Lara Nemeth, Lily O'Connor, Charles Reddoch, Avery Smith, Ryan Wade, and Charlie Williams.

From Milton School, Thomas Anderson, Paddy Harrigan, Hannah Keegan, James Kennedy, Ellie Kruijtzter, Brette Moore, Maggie O'Connor, Henry Paul, Kendall Reidy, Kendall Scansaroli, Marra Storey, Amalie Tuypens, Nick Vlasto, and Meredith Ward.

From Osborn School: Graham Alban, Delia Bajuk, Bri Bieber, Tyler Canna, Delia Degnan, Dylan Garbutt, Emily Hirsch, Alli Hochberg, Ian Khemlani, Samantha Khemlani, AJ Miller, Laura Morris, Noel Regan, Julian Rozowsky, Scarlett Russo, Jake Sammon and Dillion Schmidt.

I would like to thank the school principals, Jim Boylan, Joanne Nardone and Angela Garcia, as well as Mary Partington, Michelle Johnson and Laura O'Leary, for their help in arranging the students to be present. I would also like to thank Superintendent Frank Alvarez, Dr. Betty Ann Wyks, and Board President Katy Glassberg for working as partners on issues that affect us all.

Girls and boys, you have ahead of you: middle school and high school, college and beyond, and unlimited potential. That may seem like a long road, but I assure you, as the parent of three daughters myself, all about your age, it goes by very quickly.

And indeed Katie, Allie and Mary Sack are here tonight. It's not too embarrassing to be the mayor's daughter, is it?

You may someday move away from Rye, but when you put roots down elsewhere, you will draw strength from the memory of the community in which you were raised.

And for those of you who will return to Rye to raise families of your own, as far off as that may seem, you will no doubt take leadership roles in organizations which have served as pillars of our community – the Rye Little League, the Rye Arts Center, the Rye Nature Center, the Rye Free Reading Room.

I am sure that among you right now are future City Council members, a future Mayor of Rye.

Because of you, and because of your families, the state of our City is strong, and will continue to be strong.

My colleagues and I on the City Council play important roles. However, we are volunteers and serve in a part-time capacity. We all have careers and/or other responsibilities aside and apart from our public service.

The day-to-day operations of the City are run by a full-time professional Rye City Manager, who oversees all other Rye City employees. Therefore, one of the most important responsibilities that the City Council has is to hire a good and trustworthy person to fill this role.

In 2015, we did just that when our long and diligent search led us to Marcus Serrano.

Our top mandate to Marcus has been, and continues to be, to lead City operations in an open, honest and responsive manner. In short order, Marcus has exceeded our high expectations in that regard. Marcus, we are very glad that you are here.

Subsequently, Marcus proceeded to select two new key City department heads, with the hiring of Michael Corcoran as Police Commissioner and Carolyn D'Andrea as City Clerk, bringing fresh perspectives to Police Headquarters and to City Hall. Michael and Carolyn will continue to make significant contributions towards solidifying the public's renewed trust and confidence in our City government.

They have joined top-notch veterans on the City staff, who are also here tonight: Assistant City Manager Eleanor Militana, Recreation Superintendent Sally Rogol, Assessor Noreen Whitty, Planner Christian Miller, Engineer Ryan Coyne, Building Inspector Maureen Eckman, Comptroller Joe Fazzino, Golf Club GM Jim Buonaiuto, Personnel Manager Maryann Cianci, Corporation Counsel Kristen Wilson, Fire Lt. Kurt Tietjen, Boat Basin Supervisor Pete Fox, and Cable Coordinator Nicole Levitsky.

Thank you to all City employees for the great work that you do, day-in and day-out. Like Fred Astaire dancing, you do it so well, that you make something quite difficult look rather effortless. Your service helps make Rye such a terrific place to live.

In 2015, together we achieved good outcomes on a number of long-standing issues, including: the passage of historic new rock-chipping legislation, the creation of a new downtown historic district, the implementation of the innovative new off-leash dog policy at Rye Town Park, the successful search for and retention of a new insurance broker, the investment of \$1 million dollars in repaving our roads, the approval of rezoning for a senior housing project on the site of a vacant building on Old Post Road, and with the help of Council members Terry McCartney and Kirstin Bucci especially, the navigation of a difficult summer at Rye Golf Club which saw the closing of greens, but which culminated in a positive financial resolution.

How did we do it? In the words of former Mayor and Judge John Carey: hard work, team work, imagination and guts, from all seven members of the Council. And by the way, John has been a tremendous resource and role model for me as I have developed in my role as mayor.

For the past two years, the City Council has worked very hard to set a new trend in how we conduct our business.

In dealing with the public, the Council has been committed to listening to and considering all good-faith points of view. While residents sometimes hold passionately to one perspective or another, which is their right, Council members do not have the luxury of serving only as partisan advocates.

In dealing with the City Manager and his staff, the Council has chosen to encourage creativity and to allow our professionals the leeway to do their jobs, while also appropriately exercising a necessary level of guidance and oversight.

In dealing with each other, the Council has made an affirmative effort to develop consensus around workable solutions. Members of the Council have had, and no doubt will continue to have, differing points of view on the substance of issues. But we have been united in supporting a process of productively working through disagreements.

Moreover, the Council has learned that achieving buy-in from all members on controversial issues carries greater moral value, and garners wider and deeper acceptance, especially when public opinion is initially divided. We have found that it is better to be personally effective, than to take uncompromising stands or to engage in political posturing, which serves no beneficial purpose.

Collaboration and equanimity have been our hallmarks. This has generated good will and mutual respect in our community. Residents appreciate it, expect it, and deserve it. Let's keep the positive momentum going.

At the end of the day, we are one community. We are One Rye.

This approach will continue to be essential as we address other new and continuing issues in 2016, including: the negotiation of new collective bargaining agreements, which deal with unchecked long-term health care liabilities, the re-structuring of our fire department, to provide for appropriate supervision and to re-calibrate the dynamics between professional and volunteer members, the establishment of better emergency preparedness protocols and procedures, the publication of a revised Master Plan for the next 30 years, the continued monitoring of Port Chester's plans at the former United Hospital site, the resolution of the continuing litigation at the Rye Golf Club, the activation of a comprehensive deer control strategy, the development of a plan to meet sewer line influx and infiltration requirements, the maintenance of forward progress at Rye Town Park, in partnership with our neighboring municipalities, as we look to negotiate new contracts for park amenities, at the Boat Basin, a continued search for new revenue and planning for the future, at Playland, a continued commitment to protecting Rye's interests, the purchase of energy efficient lighting and green technology, the study of a City-wide 25 MPH speed limit, the implementation of flood mitigation strategies using the promised New York Rising grant money, the funding and prioritizing of other needed infrastructure improvements, the consideration of a Charter change to increase our relatively low debt limit, and the overall achievement of preserving both essential and desired City services in a tax-capped environment with ever-increasing costs.

This presentation summarizes just a partial list of our past highlights, and our new challenges ahead. We have a lot on our plate, but we look forward to rising to the occasion.

Sadly, 2015 marked the loss of two of Rye's most prominent citizens: John Carolin and Judge Peter Lane.

John was 99 years old when he passed, but he was one of the youngest people I knew. He was a kindred spirit – we both benefitted from a Jesuit education – and I admired his unique combination of rectitude and irreverence.

Peter was a fine jurist, a caring family man, a trusted confidante, and – truth be told – a first-class schmoozer. As mayor, as in life, Peter always beseeched me to be “presidential.” And I hope that that word does not lose its true meaning in today’s world of less than inspiring national political candidates.

It must also be noted that in the last year or so, three former Mayors of Rye have died: Warren Ross, Fred Hunziker and Ed Grainger. On the wall in this Council chamber are affixed their portraits, which now serve as eternal tributes to their great service to our City.

Along with luminaries such as Theodore Fremd, John Motley Morehead, Livingston Platt and Clay Johnson, Ed Grainger is one of Rye’s most famous mayors, for his role during the late 1960’s and early 1970’s in fighting New York Governor Nelson Rockefeller and the powerful Robert Moses over their plans to build a bridge from Oyster Bay, across the Long Island Sound, and right through the heart of Rye. Ed will always be remembered for winning that fight and saving our community.

Not long ago, in December 2014, at the celebration of the 50th Anniversary of City Hall, Ed regaled us from this very spot, about how he did it. That videotape, which you can find on the City website, is quite a piece of oral history. I’d encourage you students to take a look, and maybe even do a report for some extra credit at school.

I’d like to recognize Mayor Grainger’s wife, Mrs. Ginie Grainger. I’d also like to recognize Ed and Ginie’s daughter and son-in-law, Kathy and John Hobbins, and their granddaughters, Samantha and Tori. Kathy serves on our Board of Architectural Review, and the girls attend Osborn school. Thank you for all your family has done and continues to do for Rye across multiple generations.

Unbelievably, the same threat which Mayor Grainger thwarted over 40 years ago is upon us again. Last week, Governor Cuomo announced plans to study not a bridge, but a tunnel, from Long Island, possibly to Westchester, possibly through Rye.

The resulting construction and traffic would have devastating impacts on the Sound Shore region. In Rye, it would forever alter for the worse our quality of life.

Another former Rye Mayor, Steve Otis, whose picture also hangs on the wall, now serves us in the state legislature, as does former Council member George Latimer. I am confident that they will strongly represent our interests on this issue in Albany.

I myself would encourage Governor Cuomo to think more like a mayor. He ought to consider the impacts that this project would have on what matters most to most people – the place we live with our families, the place we call home.

The Governor should know that we will vigorously oppose any bridge or tunnel that interferes with the homes and environment of our City. And we pledge to support other Sound Shore communities in their opposition to any bridge or tunnel running through their towns.

Just as the bumper stickers from decades ago implored the Governor to “Ban the Bridge,” the rallying cry today from the City of Rye’s perspective must be “Topple the Tunnel.”

Earlier this month, at the new Council member swearing in, Resurrection Church pastor Monsignor Dwyer referenced in his Invocation: “We pray especially for the well-being of our young people. Some of our kids are over-worked, stressed out and too busy. This leads to poor judgment and dangerous behaviors. Lord, there are incidents in our community of teen-agers who are playing with fire by abusing alcohol, prescription drugs, and other illegal substances. Oh God, help us to admit that this is a problem, and guide us to a solution.”

At the start of 2016, Monsignor vocalized simply but powerfully in a public forum, what has been in the front of our minds, and what we have been speaking about privately and quietly amongst ourselves. As we set our priorities for the coming year and into the future, we can set none higher than raising awareness about and dealing with this issue.

Girls and boys: You, the children in this room, represent the most precious asset and treasure that we have, and we ought to do more to address this difficult but important topic.

To that end, we should all support the efforts of the newly-formed alcohol and drug coalition, comprised of a variety of local organizations and individuals, called Rye-ACT (Rye Action for Children and Teens) and led by one of our own, Julie Killian. The coalition is committed to promoting long-term health and wellness by inspiring youth, parents and community leaders to foster healthy behaviors and reduce youth substance use.

As we begin 2016 together, there is change, there is always change. Change to the composition of the Council, change to our priorities, and even change to these very Council chambers. Within the next few weeks, this stately room will be completely re-furnished with a new coat of paint, new (and more comfortable!) chairs, and a new floor.

We must always be ready for change, and we must inevitably embrace change. But as we move forward, we may also take solace in the immutable constants in our City, in our beloved Rye. And that always begins and ends with our mutual support for, and fidelity to each other.

Thank you, God Bless you, and God Bless Rye.”

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

Councilman Mecca advised the Council that the Board of Fire Wardens has reported that Kenneth Meszkat has been elected as new member to the Rye Fire Department. It is the recommendation of the Board to approve the election of Mr. Meszkat.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to approve the election of Kenneth Meszkat to the Rye Fire Department.

5. General Announcements by the Council.

Councilman Mecca announced that last Wednesday, January 6, 2016, the Rye Chamber of Commerce had its first meeting of the year. They are really looking forward to 2016. Councilman Mecca also reported that there has been a lot of activity on Purchase Street, with new restaurants and shops. He also reported that Suzanne Short from Rye High School recently made a presentation about the high school internship program.

Councilman McCartney reported that the Rye Golf Club membership packets will be sent out soon, and will include a release from the 2015 TKI greens issues as discussed previously. If members have any questions, they may contact the Rye Golf Club membership committee. Councilman McCartney also discussed items from the Recreation Department and encouraged residents to read the winter brochure, featuring winter activities. He also announced that there will be a Recreation Commission meeting on January 14, 2016 at 6:30 P.M. Lastly, the Rye Rotary will hold their annual fundraiser on March 2, 2016 at the Rye Bar and Grill to raise funds for need-based scholarships at Rye High School. This year, the fundraiser will be the first annual “Crazy Legs Contest,” in which Councilman McCartney will participate.

Councilwoman Hurd announced that on January 29, 2016 at 7:00 P.M., “Idle Threat Man on a Mission” will be playing at Rye Country Day School. Refreshments will be served at 6:30. The creative star of this documentary will be present. The film deals with Rye’s “No Idling” policy. Councilwoman Hurd also announced that the City of Rye Sustainability Committee and Friends of Rye Nature Center will collaborate for a presentation entitled, “What’s Under Your Lawn?: The Secret to Healthy Soil” on Wednesday February 10th from 10-11 A.M. at the Wainwright House. This event is free of charge. Lastly, the Lions Club will be conducting their annual fundraising the Lions Club Raffle Extravaganza.

6. Draft unapproved minutes of the Regular Meeting of the City Council held December 16, 2015.

City Clerk D’Andrea and Councilman McCartney clarified that the Council has received the most updated version of the draft minutes, with the exception that paragraph 5 of page 6 will be removed to avoid redundancy.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried to approve the minutes as modified of the regular meeting of the City Council held on December 16, 2016.

7. Issues Update/Old Business.

There was no discussion under this agenda item.

8. Appointment of the 2016 Deputy Mayor by the Mayor.

Mayor Sack appointed Councilwoman Killian as the Deputy Mayor. He stated that he felt that Councilwoman Killian’s judgement and experience would serve the Council well as deputy. The following Resolution 2016-02, was adopted:

RESOLVED, that Councilwoman Julie Killian be appointed the Deputy Mayor for a one-year term commencing January 1, 2016, to serve as Acting Mayor in the Mayor's absence.

9. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.

Mayor Sack appointed Councilman McCartney to serve as Trustee of the Police Pension fund for a one year term. Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the following Resolution 2016-03:

RESOLVED, that Councilman McCartney be appointed as Trustee of the Police Pension Fund for a one-year term commencing on January 1, 2016.

10. Designation of the City Council's Audit Committee by the Mayor.

Mayor Sack designated Councilwomen Killian and Bucci and himself to the City Council's Audit Committee. The following Resolution 2016-04 was adopted:

RESOLVED, that two Council members be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2016.

11. Designation of the City Council Liaisons by the Mayor.

Mayor Sack designated City Council Liaisons as follows:

Board of Architectural Review – Mayor Sack
Boat Basin Commission – Councilwoman Hurd
Conservation Commission/Advisory Council – Councilwoman Tagger-Epstein
Deer Committee – Mayor Sack and Councilwoman Tagger-Epstein
Emergency Services – Councilwoman Tagger-Epstein
Finance Committee – Councilwoman Killian
Fire Department Study Group – Councilwoman Bucci and Councilman Mecca
Flood Advisory Committee – Councilwoman Hurd
Landmarks Advisory Committee – Councilwoman Hurd
Litigation Committee – Mayor Sack, Councilman McCartney and Councilwoman Hurd
Master Plan Committee – Mayor Sack, Councilwoman Killian and Councilman McCartney
Planning Commission – Councilman Mecca
Recreation Commission – Councilman McCartney
Rye Cable and Communications Committee – Councilwoman Killian
Rye Chamber of Commerce – Councilwoman Hurd

Rye City School Board – Mayor Sack
Rye Free Reading Room – Councilwoman Bucci
Rye Golf Club Commission – Councilwoman Bucci and Councilman McCartney
Rye Playland Advisory Committee – Mayor Sack
Rye Town Park Commission – Mayor Sack and Councilwoman Killian
Traffic and Pedestrian Safety Committee – Councilwoman Tagger-Epstein
Rye Senior Advocacy Committee – Councilwoman Tagger-Epstein
Sustainability Committee – Councilwomen Killian and Tagger-Epstein
Zoning Board of Appeals – Mayor Sack

12. Designation of official City newspaper.

Mayor Sack made a motion, unanimously approved by the Council, to adopt the following Resolution 2016-05:

RESOLVED, that the Journal News is hereby designated as the official City newspaper for purposes of publishing legal notices.

13. Designation of alternate City newspaper.

Mayor Sack made a motion, unanimously approved by the Council, to adopt the following Resolution 2016-06:

RESOLVED, that the Rye City Review is hereby designated as the alternate City newspaper for purposes of publishing legal notices.

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

There was no discussion under this agenda item.

15. Designation of the amounts of faithful performance bonds:

Mayor Sack made a motion, unanimously carried by the Council, to recommend the following amounts of faithful performance bonds:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshall	\$ 100,000

ROLL CALL

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

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

A) Two appointments to the Planning Commission for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Andy Ball and to appoint Laura Brett to the Planning Commission for three-year terms expiring on January 1, 2019.

B) Two appointments to the Landmarks Advisory Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Jack Zahringer and Rex Gedney to the Landmarks Advisory Committee for three-year terms expiring on January 1, 2019.

C) Two appointments to the Conservation Commission/Advisory Council for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Carolyn Cunningham and Birgit Townley to the Conservation Commission/Advisory Council for three-year terms expiring on January 1, 2019.

D) Two appointments to the Rye Town Park Advisory Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to reappoint Jason Mehler and appoint Jeff Taylor to the Rye Town Park Advisory Committee for a three-year term expiring on January 1, 2019.

E) Two appointments and one Chairperson designation to the Board of Architectural Review for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to appoint Frank Gadaleta and Jim Cornacchia to the Board of Architectural Review for a three-year term expiring on January 1, 2019. Mayor Sack designated Kevin Grainger as Chair to the Board of Architectural Review as a mayoral appointment.

F) One appointment to the Board of Assessment Review.

Mayor Sack made a motion, unanimously approved by the Council to reappoint Robert Byrne to the Board of Assessment Review for a five-year term ending on September 30, 2021.

G) Four appointments to the Recreation Commission for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Chairperson Bart DiNardo and Lisa Dempsey, and appoint Jay Wyckoff and Shelley Wolfson to the Recreation Commission for three-year terms expiring on January 1, 2019.

H) Two appointments to the Rye Playland Advisory Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Steven Vasko and James Lubeck to the Rye Playland Advisory Committee for three-year terms expiring on January 1, 2019.

Mayor Sack stated that he felt this is a good mix of people who contribute their fresh perspectives. Tonight has been a good start.

17. Resolution authorizing the implantation and funding of the Rye City School District Pedestrian Improvements Project (PIN 8761.10) providing authorization for the City Manager to enter into an agreement with the New York State Department of Transportation (NYSDOT) for the Pedestrian Safety improvement projects.

City Manager Serrano explained that the resolution is regarding a Safe Routes to School grant approved several years ago. The City must sign an agreement with the New York State Department of Transportation (DOT), and any amounts or bids also need to be submitted to the DOT.

Councilwoman Hurd stated that moving forward, it is important to think about pedestrian safety in a more holistic context.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried by the Council, to adopt the following resolution:

**RESOLUTION OF THE CITY OF RYE
AUTHORIZING THE IMPLEMENTATION AND FUNDING
OF THE RYE CITY SCHOOL DISTRICT
PEDESTRIAN IMPROVEMENTS PROJECT (PIN 8761.10)
RESOLUTION 2016-01**

Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the **Rye City School District Pedestrian Improvements in the City of Rye, Westchester County, PIN 8761.10** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds; and

WHEREAS, the City of Rye desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection and construction supervision.

the Rye City Hall on January 13, 2016 by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Rye, New York, this 13th day of January, 2016.

Clerk, City of Rye

PIN 8761.10

ROLL CALL

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

18. Resolution authorizing the City Manager to enter into a contract with the County of Westchester for Snow and Ice Removal on County Roads for the period October 1, 2015 to September 30, 2020.

City Manager Serrano explained that unlike prior years, this new agreement will be for a five-year term. Councilwoman Hurd inquired, and City Manager Serrano confirmed that entering into this agreement would not impede on the local snow removal efforts of the City of Rye Department of Public Works.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried to adopt the following Resolution 2016-07:

RESOLVED, that the City Manager is authorized to enter into a contract with the County of Westchester for Snow and Ice removal on County Roads for the period of October 1, 2015 to September 30, 2020.

ROLL CALL

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

19. Resolution to grant permission to the Rye Free Reading Room to hold a free community event on the Village Green on Sunday, May 22, 2016 from 11:30 a.m. to at 3:00 p.m.

Chris Shoemaker, Director of the Rye Free Reading Room, announced that the library wishes to hold this year's Celebration of Science event, with family activities. Teens will be able to volunteer their time to the event as well.

Councilwoman Bucci made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the following Resolution 2016-08:

RESOLVED, that permission is granted to the Rye Free Reading Room to hold a free community event on the Village Green on Sunday, May 22, 2016 from 11:30 A.M. to 3:00 P.M.

20. Resolution to declare certain City of Rye Police equipment as surplus.

City Manager Serrano explained that this agenda item is regarding a list of equipment that is no longer able to be used by the City. He stated that pursuant to state law, the City Council must approve this list as surplus, followed by an auction for the surplus materials. The staff will report back to Council if money is made from the auction.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to declare certain City of Rye Police equipment as surplus. The following Resolution 2016-09 was adopted by the Council:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2016, and,

WHEREAS, the Police Department has recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment are declared surplus, and, be it further

RESOLVED, that authorization is given to the City comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and Tagger-Epstein

NAYS: None

ABSENT: Councilmember Killian

21. New Business.

There was nothing discussed under this agenda item.

22. Adjournment.

There being no further business to discuss within the public meeting of the City Council, Mayor Sack made a motion at 8:45 P.M., seconded by Councilman Mecca and unanimously carried, to enter into Executive Session to discuss litigation with Traveler's Insurance Company. It was anticipated that the Council would not reconvene for the public meeting.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: January 27, 2016

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

January 27, 2016

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

- Discussion of Resolution regarding Confidential Information to Council Members-elect

See attached Resolution

**RESOLUTION OF THE CITY OF RYE
REGARDING CONFIDENTIAL INFORMATION
TO COUNCIL MEMBERS-ELECT**

WHEREAS, individuals who are elected to the City Council in November by law do not take the oath of office and do not become fiduciaries of the City until the commencement of their terms in January; and

WHEREAS, new Council members-elect have much information, both publicly available and privileged, to learn and digest both before and after actually being sworn in; and

WHEREAS, duly-sworn Council members often receive confidential material, including from the City Manager and Corporation Counsel, in the performance of their fiduciary duties; and

WHEREAS, to encourage optimum performance in their new roles after they take office, it may be beneficial for Council members-elect to also become privy to such confidential material before they take office; and

WHEREAS, the City Council sometimes conducts discussions in Executive Session pursuant to the Public Officers Law; and

WHEREAS, the City Council sometimes, depending on the circumstances, invites certain individuals, including City staff members and members of the public, to attend portions of Executive Sessions; thereby

BE IT RESOLVED, that it is the desire of the City Council to have such confidential information be made available to Council members-elect, provided that these recipients execute a document indicating that they agree to assume such fiduciary responsibilities, to disclose any conflicts of interest, to maintain and produce any personal e-mails regarding City-related issues, and to be subject to any other similar requirements of a full-fledged Council member; and

BE IT FURTHER RESOLVED, that the City Council may at its discretion continue to invite certain individuals, including Council members-elect, into Executive Sessions as the Council may deem helpful and appropriate.



CITY COUNCIL AGENDA

NO. 6

DEPT.: Fire Department

DATE: January 27, 2016

CONTACT: Fire Department

AGENDA ITEM: Consideration of a request from the Rye Fire Department that Captain Dan Bochicchio of the Milton Point Engine & Hose Company fill the position of Second Assistant Chief on a temporary basis.

FOR THE MEETING OF:

January 27, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointment of Dan Bochicchio as Second Assistant Chief.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has requested that Dan Bochicchio of the Milton Point Engine & Hose Company fill the vacant position of Second Assistant Chief on a temporary basis. He has been a Company officer for 16 years and is currently the Department Secretary.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: January 27, 2016

CONTACT: Mayor Joseph A. Sack

ACTION: Appointments to Boards and Commissions, by the Mayor with Council approval.

FOR THE MEETING OF:

January 27, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: that the City Council approve the appointments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

- A) Two appointments to the Board of Appeals for a three-year term.
- B) One appointment to the Board of Ethics for a three-year term.
- C) Four appointments to the Flood Advisory Committee for a three-year term.
- D) Eight appointments to the Rye Cable and Communications Committee for a three-year term.
- E) Two appointments to the Rye Playland Advisory Committee for a three-year term.
- F) Six appointments to the Traffic & Pedestrian Safety Committee for a three-year term.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: January 27, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Discussion regarding a switch to LED lighting for street lights in the City of Rye.

FOR THE MEETING OF:

January 27, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider changing the street lights in the City to LED lighting.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: City staff has been reviewing alternatives for converting the current mercury vapor street lighting system to LED (light-emitting diode) lighting. The advantages of LEDs can include:

- Improved nighttime visibility and safety through better color rendering, more uniform lighting distributions and the elimination of many dark areas between poles.
- Reduced direct and reflected upright which are the primary causes of urban sky glow.
- 40-80% energy savings (depending on incumbent lighting source and lighting design criteria).
- 50-75% street lighting maintenance savings.

One proposal would allow the City to piggyback on the City of New Rochelle contract. The Project Cost allows for a full-service turnkey conversion including (1) an audit and mapping of the fixtures, (2) provides an Audit Report for City review and discussion, (3) furnish and installation of the fixtures, and (4) an update to the City's Con Ed database to reflect the changes to ensure cost savings.



CITY COUNCIL AGENDA

NO. 10 DEPT.: City Manager DATE: January 27, 2016
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Discussion on the legislation and use of Drones in the City of Rye.

FOR THE MEETING OF:

January 27, 2016
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A Drone, or an unmanned aerial vehicle (UAV), is an aircraft without a human pilot aboard. The flight of UAVs may be controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle. Drones are currently regulated by the Federal Aviation Administration (FAA) who requires that drones be registered and receive a unique identification number; civil penalties of up to \$27,500 can be assessed for non-compliance. Information on FAA policies regarding the use of drones is available at: <https://www.faa.gov/uas/>.

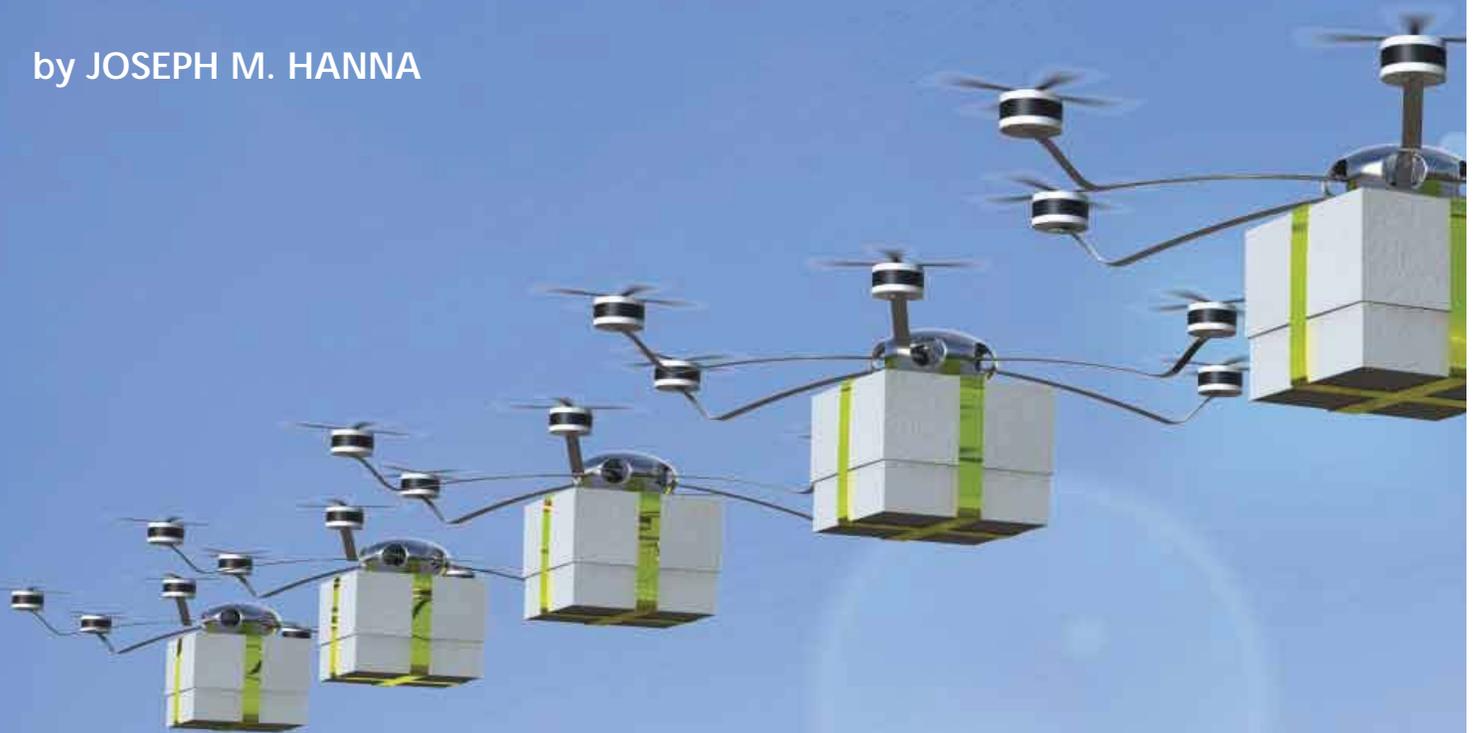
In addition to FAA rules, many States have adopted legislation regarding their use. In 2015, 45 states considered 168 bills related to drones. Twenty states: Arkansas, California, Florida, Hawaii, Illinois, Louisiana, Maine, Maryland, Michigan, Mississippi, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Tennessee, Texas, Utah, Virginia and West Virginia passed 26 pieces of legislation. Five other states: Alaska, Georgia, New Mexico, Pennsylvania and Rhode Island adopted resolutions related to drones. Information on State legislation on drones is available at: <http://www.ncsl.org/research/transportation/current-unmanned-aircraft-state-law-landscape.aspx>

See attached regarding New York's Proposed Regulation of Drones

THE DRONES ARE COMING! IS NEW YORK READY?

New York's Proposed
Regulation of Unmanned
Aerial Vehicles

by JOSEPH M. HANNA





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If many public- and private-sector interests get their way, Amazon's promotional video of a drone delivering a package to a customer's doorstep provides an early glimpse at what will soon be the widespread proliferation of drones in our everyday lives. Although the technology of drones – officially, unmanned aerial vehicles (UAVs) – has been primarily utilized in the military, technological innovation has broadened the market. The emergence of smaller, cheaper, and more capable UAVs has spawned a seemingly endless array of potential business and other applications, but it has also sparked legislative debates about the pros and cons of drone usage nationally. One of the biggest concerns hovering over lawmakers is striking the right balance between privacy and beneficial UAV usage.

This article will explore the routes that the states with drone legislation have taken to find that balance and compare those laws with the UAV bills currently pending in New York. First, this article gives a general overview of current regulatory landscape and domestic drone usage. Second, it examines the pending drone bills in New York. Third, it looks at similar bills in Texas, Utah, and Oregon to identify any loopholes in New York's bills that could potentially disturb the fine balance needed. Fourth, it looks closely at the loopholes revealed in the analysis and suggests ways to improve New York's proposed policies. Last, it provides case studies to give readers more concrete examples of drone usage and any red flags associated with such usage.

National Perspective

Signaling that its 2015 deadline for establishing UAV regulations is likely to be pushed back, the Federal Aviation Administration (FAA) has attempted to clarify some public misconceptions about drone usage.¹ First, the FAA claims U.S. airspace from the ground up.² Second, flying commercial drones below 400 feet, three miles from an airport and/or away from populated areas does and will still violate the FAA regulations.³ Third, any aircraft, manned or unmanned, needs some form of FAA approval.⁴ As of this writing, the FAA has approved one commercial UAV use – by BP for oil-related surveys in Alaska.⁵ In the absence of federal regulations, more pressure has fallen on the states to regulate drone-related activity. In the context of the national economy, although the numbers will depend heavily on the level of government regulations, the Association of Unmanned Vehicle Systems International (AUVSI) estimates the domestic industry will grow to be a \$13.6 billion market by 2018 and an \$82.1 billion market by 2025, with 103,000 new jobs by 2025.⁶

The states definitely have recognized the need for drone regulations. Eighty-eight percent of the states either have laws in place or bills pending or failed, while 12% or six states – Colorado, Delaware, Nevada, Missouri, South Dakota, and West Virginia – have not joined the trend yet. Twelve states have passed laws restricting drone usage; however, the group includes both North Carolina and Virginia, which passed a moratorium on drone usage until 2015 in place of establishing actual regulations.

A closer look at all available current legislation reveals common provisions that address some of the concerns by lawmakers as well as the public.

Warrant Requirement for Use

Most of the current legislation that governs law enforcement use of drones requires a search warrant or some form of court order. The bills without the warrant requirement allow only private or emergency use. Except for Virginia and North Carolina, the states that passed the bills require a warrant to prevent any abuse by law enforcement agencies.

Data Minimization Provision

This provision attempts to control the scope, use, and retention period of data collected by law enforcement agencies using UAVs. Typically, data collected outside the scope of the search warrant must be deleted immediately. Data captured in violation of the state's UAV law is inadmissible in court. More than half the states that have either passed bills or have bills pending include a provision regulating data collection and treatment.

Prohibition of Weaponization

To ensure public safety, 17 states have laws or bills banning weaponization of drones. For example, one of New York's bills prohibits drones capable of firing kinetic pro-

jectiles that can cause harm and makes using such drones a criminal offense.

Civil Remedies

Currently, 20 states provide civil remedies for an aggrieved party against a person or an entity for illegal drone usage. Interestingly, while New York's Bill S04537 allows such an aggrieved party to bring a civil action against a law enforcement agency, it has no provision for law enforcement to recover any damages by an individual's interference with its drone usage.

Domestic UAV Usage

The debate over UAVs tends to focus on the use of the technology in other countries, such as Afghanistan and Pakistan, to target terrorists. Because of rapidly improving UAV technology and the potential threats the technology poses to domestic privacy, it is important to consider how UAVs are currently being used in the United States. It is legal for Americans to fly recreational model airplanes without restriction in most cases; however, it is illegal to operate a UAV above 400 feet and beyond line of sight for any private or commercial reason without FAA approval. The FAA issues "certificates of authorization" to public organizations, such as NASA, the National Oceanic and Atmospheric Administration, police departments, and universities.⁷ In anticipation of UAV proliferation, the 2012 FAA reauthorization requires the FAA to establish guidelines by 2015 to safely integrate unmanned aircraft systems (UAS) into the nation's airspace.⁸

A few examples of how UAVs are used once the FAA has certified them:

1. The Department of Homeland Security (DHS) operates Predator B UAVs to patrol the nation's northern and southern borders for illegal crossing activity.⁹ The UAVs have wingspans of 66 feet and are 36 feet long. They can carry more than 400 pounds of sensors internally and bear over 2,000 pounds in external under-wing pods.¹⁰
2. NASA and the U.S. Forest Service utilized Predator UAVs to capture real-time wildfire imaging and mapping during a series of research UAV flights in the summer and fall of 2007.¹¹
3. Colleges and universities are beginning to offer UAV degree programs. Kansas State University-Salina, the University of North Dakota, and Embry-Riddle Aeronautical University are just a few of the schools that offer degrees in UAV technology.¹² More than a third of 81 publicly funded entities that applied to the FAA for a UAV certificate of authorization in 2011–2012 were colleges.¹³

In addition to the public organizations operating UAVs, media organizations such as the *New York Times*, the Associated Press, and the *Washington Post* argue that the use of UAVs for reporting purposes should be a First Amendment right.¹⁴ As the FAA clarifies its standards

for issuing certificates of authorization to operate UAVs, questions regarding the First Amendment and what qualifies as an educational program in UAV technology must be considered.

The UAV Debate in New York State: Analyzing New York's UAV Bills

The national and international debate over the use of UAVs continues to rage, and New York State is no exception. Currently, New York has four bills crafted to regulate the use of UAVs within the state:

- Bill No. S07639 (7639), the “Personal Privacy Protection Act” sponsored by Senator Greg Ball¹⁵
- Bill No. S04537 (4537), the “Empire State Citizens’ Protection From Unwarranted Surveillance Act,” sponsored by Senator Carl Marcellino¹⁶
- Bill No. S04839 (4839), sponsored by Senator George Latimer¹⁷
- Bill No. S07474 (7474), sponsored by Senator Phil Boyle¹⁸

The following analysis will discuss only the first three bills, as bill 7474 has a limited focus on prohibiting the hunting or taking of wildlife by using a UAV.

The youngest but most extensive of the three bills is 7639, which was reported and committed to the finance committee on May 28, 2014.¹⁹ Proposed by Senator Greg Ball, the Chairman of the Senate Committee on Veterans, Homeland Security and Military Affairs, the purpose of 7639 as stated in the Senate’s memorandum in support of legislation is to “establish guidelines for the use of commercial satellites and unmanned aerial vehicles over New York State airspace, and criminal penalties for the unauthorized use of such satellites and unmanned aerial vehicles.”²⁰

The biggest difference between 7639 and the other two bills is that it regulates the use of commercial UAVs.²¹ The bill lists allowed uses of commercial UAVs and conversely criminalizes all other uses. It defines a “Commercial Unmanned Aerial Vehicle” as an “unmanned aerial vehicle that is placed into flight and/or controlled by a person, corporation, limited liability company, organization or government, other than the federal or state government.”²² However, the definition carves out an exception for recreational aircraft with limited size and flight altitude.²³

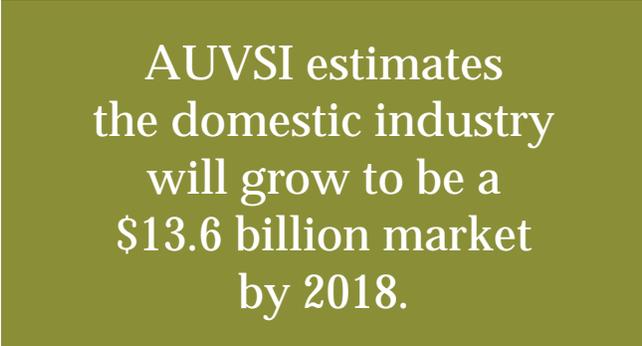
The first half of Bill 7639 lays out 15 exceptions in the following fields: education; military operations; national security;²⁴ mapping, construction or maintenance of utilities facilities; news reporting; traffic maintenance or control; real property construction or maintenance; weather forecasting; nature conservation; agriculture; natural or man-made disasters; and UAV manufacturing.²⁵ Included in the exceptions is a provision that permits capturing an image or recording if the subject of such an image or recording gives a written consent.²⁶

The second half of the bill focuses on the criminal offenses involving commercial use of UAVs. New York classifies such offenses into three felonies. It is a Class E felony, the third degree, to “intentionally use[] a commercial satellite or commercial unmanned aerial vehicle to capture, collect, maintain, post, transmit, or broadcast an image or recording of a person or his or her property” unless it is one of the uses authorized by the bill.²⁷ It is a Class D felony, the second degree, to

intentionally use[], operate[], hijack[] or control[] any satellite or any unmanned aerial vehicle, without the permission of the owner thereof, if such satellite or unmanned aerial vehicle has the capability of capturing, collecting, maintaining, posting, transmitting or broadcasting an image or recording or deploying, firing, launching or transmitting an electronic signal or kinetic projectile, that can cause harm or destruction to a person or property.²⁸

Finally, it is a Class C felony, the first degree, to “intentionally use[], operate[], hijack[] or control[] any satellite or any unmanned aerial vehicle, without the permission of the owner, to deploy, fire, launch or transmit an electronic signal or kinetic projectile, that can cause harm or destruction to a person or property.”²⁹

Bills 4537 and 4839 primarily cover governmental use of UAVs, although 4537 includes some provisions pertaining to non-governmental uses. Bill 4537 amends the civil rights law in relation to regulating the use of UAVs.³⁰ While the bill permits non-governmental use for “lawful purposes, including recreational or hobby purposes,”³¹ it completely bans the use of a UAV by any person or entity “to conduct surveillance of or to monitor any individual” inside “locations where a person would have an expectation of privacy.”³²



AUVSI estimates
the domestic industry
will grow to be a
\$13.6 billion market
by 2018.

While generally prohibiting governmental use of UAVs, the bill makes some exceptions, including use under “exigent circumstances . . . if a law enforcement agency possesses reasonable suspicion that swift action is necessary to prevent imminent danger to life.”³³ It defines “exigent circumstances” as “conditions requiring the preservation of secrecy, and whereby there is a reasonable likelihood that a continuing investigation would be thwarted by alerting any of the persons subject to surveillance to the fact that

such surveillance had occurred.”³⁴ Other allowed uses are those pursuant to a search warrant in an active enforcement of Article 220 of the Penal Law, Controlled Substance Offenses; to guard a national border; or to combat a high risk of a terrorist attack.³⁵ Nevertheless, any information obtained or derived in violation of the provisions of the bill is inadmissible as evidence in any New York court or in an administrative hearing.³⁶ Furthermore, 4537 defines a violation of its provisions as a Class B misdemeanor. If such a violation is committed “in the course of or in conjunction with the commission of a felony,” then the violation becomes a Class C felony.³⁷ The bill also includes a civil remedies provision allowing anyone to bring a civil suit against a law enforcement agency.³⁸

admissible as evidence in judicial proceedings, administrative hearings, or for any intelligence purpose.⁴³

The most distinguishable features of Bill 4839 are its data retention, discipline for misuse, and reporting provisions. The data retention provision requires any non-target information to be deleted “as soon as possible” or at least within 24 hours after collecting the information.⁴⁴ The disciplinary clause provides that when a court or appropriate government body finds an intentional violation, it would determine whether to issue a disciplinary order through a proceeding.⁴⁵ If no disciplinary action is necessary, the grounds for such a decision must be notified to the state inspector general with jurisdiction over the concerned government entity.⁴⁶ The bill establishes



Bill 4839 focuses solely on controlling the governmental use of a UAV so that it “complies with the level of privacy that New Yorkers have come to expect in their lives.”³⁹ Requiring that the acquisition and any use of UAVs be in compliance with the FAA’s requirements and guidelines, the bill bans using a UAV or revealing or obtaining information gathered by using a UAV, with four exceptions: First, disclosing or obtaining such information is permissible so long as the subject of the information or the owner of the subject property gives a written consent.⁴⁰ Second, it is permissible to use a UAV when it is “reasonable to believe that there is an imminent threat to the life or safety of a person,” provided that a supervisory official submits to a court a sworn statement explaining the grounds for the emergency use.⁴¹ Third, the bill allows UAV use pursuant to an eavesdropping warrant and/or a video surveillance warrant.⁴² Finally, governmental use for research purposes is acceptable, provided that no information gained from the use is

when, to whom, where, and what to report. Any government using a UAV must report its usage on or before June 1 each year to the legislature and post the report on its public website.⁴⁷ The report must contain the following:

- The number of times a UAV was used, categorized by the types of incidents and the types of reasons for the usage.
- The number of times a UAV assisted in criminal investigation with a description of how it helped in each investigation.
- The number of times a UAV was used in non-criminal matters with a description of how it helped each matter.
- The frequency and type of non-target data collected.
- The total cost of the government entity’s UAV program.⁴⁸

In sum, while Bill 7639’s prominent concern is commercial UAV uses, Bills 4537 and 4839 cater to governmental uses.

Comparing New York's UAV Bills and Equivalent Laws in Texas, Utah, and Oregon

Currently, 12 states have enacted UAV legislation and more states have bills in the pipeline. Three of these states – Texas, Utah, and Oregon – passed bills with provisions analogous to those of the New York bills.

Texas: *Tex. Gov't Code § 423*

Although Texas's UAV law served as a model for New York's 7639, it differs from Bill 7639. The major difference is the degree of specificity of the enumerated exceptions. Section 423 allows UAV usage in determining and managing a state of emergency and in activities related to a spill, fire, and pipeline management.⁴⁹ While 7639 lacks provisions regarding a state of emergency, spill, or fire, the bill has a provision that covers natural or man-made disasters.⁵⁰

Similarly, the provisions regulating UAV uses in criminal matters differ in their level of specificity. Since New York's Bill 7639 focuses on commercial UAV usage, an appropriate comparison would be between Texas's § 423 provisions related to criminal matters and the provisions in New York's Bills 4537 and 4839. While the two New York bills limit government uses to either controlled substance cases or exigent circumstances, Texas has more specific provisions: hot pursuit, crime scene documentation/investigation, investigation for human fatality or motor vehicle accident, and the search for a missing person.⁵¹

In the absence of more specific provisions regulating government use in New York's UAV bills, the probability of a state agency justifying its use under exigent circumstances or under other broadly defined provisions may increase. Such a broad provision cuts both ways, however. It provides flexibility to a law enforcement agent in its use of a UAV, but it also creates room for misuse or abuse that could result in the invasion of privacy.

Currently, 12 states have enacted UAV legislation.

There are a number of other notable differences between Section 423 and Bill 7639. Section 423 allows UAV usage in port authority surveillance and security,⁵² institutes a two-year statute of limitation for bringing a civil action by an aggrieved party,⁵³ allows the admissibility as evidence of information from a prohibited UAV usage to establish the violation,⁵⁴ and includes statutory defenses to criminal offenses. Section 423 establishes a defense to prosecution if a person uses a UAV to collect images with the intent to spy on an individual or property but deletes the captured images as soon as he or she

finds out before revealing, displaying, or distributing the images.⁵⁵ Furthermore, it is a defense to stop revealing, displaying, or distributing the images once the person learns that the images were captured in violation of Section 423.⁵⁶

The current New York bills lack the above provisions; however, not all of them may be necessary. For example, UAV usage for port authority surveillance can be covered under Bill 4537's border patrol provision. It may be beneficial, however, to add a clause authorizing the information from an illegal use of UAV to be admissible to prove that illegal use. Such a provision would provide direct evidence of a violation for prosecution rather than mere circumstantial evidence. On the other hand, imposing a statute of limitation may be too harsh because it is possible for the subject to be completely unaware of the captured image or anyone using the image for a long time. Additionally, since the major purpose of the law is to protect privacy, having only an intent to conduct surveillance may be punishable regardless of the treatment of the illegally obtained data.

Utah: *SB 167*

Utah's UAV law is distinguishable from other UAV laws in the country because of its extensive provisions on data retention and reporting. New York's 4839 has a data retention provision but simply requires immediate deletion of non-target data, whereas Utah provides several exceptions. Utah allows its law enforcement agencies to retain data from UAVs if the data "relates to the target," is "requisite for the success of the operation," is required to be disclosed by a court order, is received from a "nongovernment actor,"⁵⁷ was collected "inadvertently," relates to the commission of a crime, relates to an emergency and if the data would help alleviate the emergency or was collected while operating a UAV in a public area outside municipal boundaries.⁵⁸

Compared to New York's 4839, Utah's data retention statute provides more leeway for how government actors treat data as the law employs ambiguous terms such as "relates to the target" or "inadvertently." Furthermore, the provision fails to include any limits on the treatment of the data retained pursuant to the exceptions, opening a wide door to potential abuse or misuse. One way for New York to find a balance between proposed Bill 4839 and Utah's data retention provision may be to more clearly define what constitutes a "target." Although it appears to be a crucial term in relation to privacy, none of the bills provide a definition.

While requiring similar content in its usage reports to the Utah Department of Public Safety, a law enforcement agency in Utah also must report the number of times it received data captured by a UAV from an entity that is not a law enforcement agency.⁵⁹ A law enforcement agency may for one year delay disclosing data related to an ongoing investigation.⁶⁰ Further, the Utah Department

of Safety must collect all the usage reports, submit them to the Government Operations Interim Committee, and post a report on the department's website.⁶¹ The report must provide a summary of the usage reports and the total number of warrants authorizing UAV activity as well as the number of warrants denied.⁶²

Because there is not enough data related to UAV usage in New York, requiring more detailed usage reporting may be crucial. The empirical data collected over time would help find the right balance between privacy and effective UAV usage.

Oregon: ORS §§ 837.300–837.390

Oregon's UAV law differs from that of other states in three areas: UAV registration, information on a search warrant, and civil remedies for the owner of a UAV.⁶³ First, the state requires a public body to register its UAV with the Department of Aviation and the department to establish a registry.⁶⁴ Second, Oregon allows a law enforcement agency to use a UAV with a warrant; however, it requires the warrant to specify the duration of the UAV operation and limits the maximum duration to be no more than 30 days.⁶⁵ Third, the law explicitly allows the government owner to recover damages from a person who intentionally interferes with its UAV operation.⁶⁶

Although New York's Bill 4839 similarly requires law enforcement agencies to obtain authorization prior

Even though New York was selected to be a UAV testing site by the FAA in 2013,⁷⁰ none of the bills have provisions allowing training on or testing of a UAV. While the most closely related provisions would be those permitting UAV usage for research purposes,⁷¹ the bills still lack regulations covering data collected during a training or testing session. Considering that such sessions typically involve UAVs whose advanced technology overcomes a barrier faced by UAVs currently available, a provision regulating use of any data collected, similar to that of Oregon, is crucial.

The Other Nine States

In addition to Texas, Utah, and Oregon, nine other states – Florida, Idaho, Illinois, Indiana, Montana, North Carolina, Tennessee, Virginia, and Wisconsin – have enacted UAV laws as of June 2014.⁷² Typically, UAV laws in these states allow governmental use in exigent circumstances such as the search for a missing person or rescue operations. UAV use with a valid warrant is also generally permissible, except in Virginia, which completely bans drone usage for law enforcement purposes.⁷³

Given the FAA's 2015 deadline for establishing federal UAV regulations,⁷⁴ Virginia has imposed a moratorium on UAV use by a law enforcement agency until July 2015.⁷⁵ The only uses currently permitted are for the search for missing persons and by the Virginia National

One of the New York bill's most innovative features is its limitations on the use of commercial satellites to engage in surveillance.

to the acquisition of UAVs, none of the proposed UAV bills establish any registration requirements or designate any governing body to maintain a registry. Without such requirements, it would be difficult to regulate illegal governmental uses and even more difficult to regulate commercial UAVs. The other two provisions may not be crucial. Requiring that a warrant state the duration of the UAV operation may be redundant, as a search warrant typically specifies the time period during which a search can be conducted. Regarding interference with a UAV operation, New York makes controlling a UAV without permission of the owner a criminal offense.⁶⁷ Nonetheless, Bill 4537 provides civil remedies for any aggrieved party against a law enforcement agency but not vice versa.

Furthermore, Oregon makes an interesting exception by allowing a law enforcement agency to use a UAV for training purposes.⁶⁸ The exception also provides that any image or information collected during a UAV training is not admissible as evidence and may not be used to establish probable cause to an offense.⁶⁹

Guard in an emergency situation.⁷⁶ North Carolina also has a moratorium in place.⁷⁷ Although North Carolina made the list of states with UAV laws, its law simply bans any UAV use until July 2015,⁷⁸ although it has two UAV bills pending that contain more detailed provisions.⁷⁹ So far, none of these nine states has reporting requirements, and only Tennessee has a provision on data retention.⁸⁰ Generally, the UAV laws in these states are less sophisticated than those of Texas and New York. With the FAA signaling that the 2015 deadline will be pushed back,⁸¹ the burden of regulating drone usage is shifting to individual states.

N.Y. Bill 7639: Flags and Concerns

Bill 7639, the "Personal Privacy Protection Act," includes some important provisions designed to protect New Yorkers' privacy from surveillance and recording by private use of UAVs.⁸² However, there are a number of substantive and political vulnerabilities. These are areas where improvement could make for better UAV policy in New York State and allow for easier passage into law.

Law Enforcement Provisions

As it stands today, the bill provides an exemption for law enforcement, creating no new rules or regulations for how the police and other public safety officials can utilize UAVs in their work.

New York State does have rules and regulations in place governing how the police can conduct electronic surveillance.⁸³ However, the unique abilities of UAVs – as well as concerns about the inadequacy of the current network of laws – make the case for explicit rules laying out how and when police can utilize UAVs, something most states that are legislating around the police use of UAVs are doing.

At best, including such language would prevent future abuses by police with respect to the use of UAVs; at worst, the language may be redundant with some of the surveillance protections within New York law. A cursory review of the other legislation introduced within the New York Legislature provides some model language that could be inserted in 7639 to alleviate these concerns.

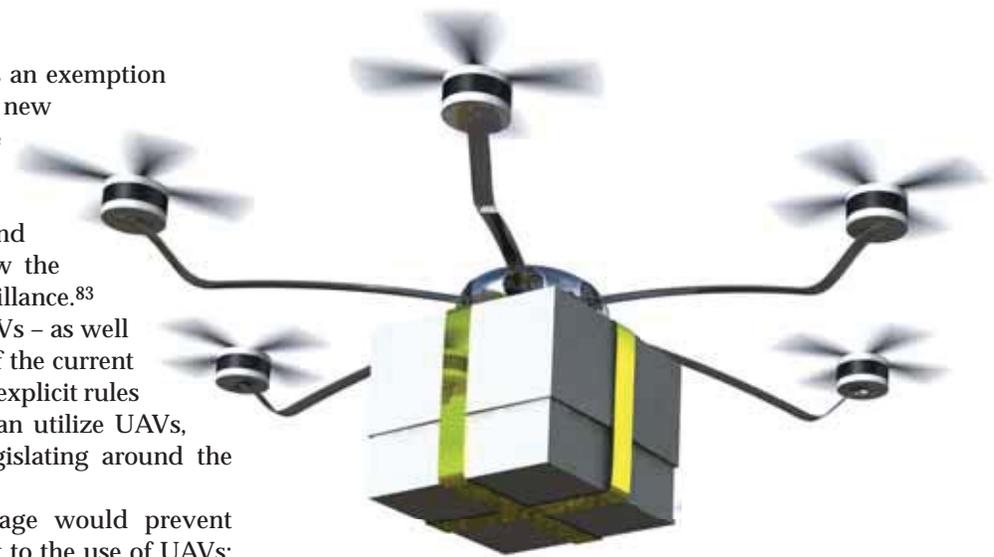
For example, a bill sponsored by State Senator Carl Marcellino lays out specific guidelines for how police can utilize UAVs, with provisions for activities such as surveillance of someone for whom a warrant has been issued, patrolling the border, and responding to terrorism.⁸⁴ With these specific provisions, there is no ambiguity about the purposes for which police can utilize UAVs. These provisions also clarify the matter for police units and for members of the public who may have concerns. Incorporating some form of the Marcellino language would improve 7639 in terms of both policy and politics.

As we have discussed, such provisions are common in a number of other states, as concerns about privacy and the possible misuse by law enforcement are paramount. For example, Florida, which is responsible for protecting a massive seaside border from international security threats, recently passed a law explicitly requiring a warrant in most cases before police can use UAV surveillance.⁸⁵

Additionally, no section of 7639 addresses what is done with the data collection derived from aerial surveillance. As pointed out earlier, this issue has arisen in other states and is included in legislation being considered throughout the country. This will likely be a future flashpoint as the use of UAVs ramps up, particularly by law enforcement. Including some language on this point may help curtail this imminent issue.

First Amendment Issues

Another area for improvement is in the bill's protections for lawful, private use of unmanned aerial vehicles. Currently, the bill offers a few protections, including use by academic institutions and by broadcast or print media



journalists.⁸⁶ However, there is a great deal of ambiguity as the language could defensibly be interpreted as protecting the rights of *New York Times* reporters or Syracuse University professors conducting academic research, but not bloggers at major nonprofit outlets like *ThinkProgress* or student reporters at *The Daily Orange*, Syracuse University's nonprofit student newspaper.

One model for improving the language would be the federal media shield law sponsored by Senator Charles Schumer, which explicitly includes student journalists, covers those who have published as print journalists in the past and are now freelancing, and allows judges some latitude in making a determination of whether someone is conducting journalism.⁸⁷ Updating the New York bill in this manner would allow innocuous use of UAV journalism by students and nonprofits, such as the student journalists at Dos Pueblos High School in Santa Barbara, California, who used UAVs to shoot a promotional school video.⁸⁸

Enforceability of Satellites Provision

One of the New York bill's most innovative features is its limitations on the use of commercial satellites to engage in surveillance. While these satellites present a difficult-to-detect threat to privacy – they would not be detectable by the naked eye and can be operated by potentially thousands of different organizations and individuals – regulating them may well be beyond the scope of New York State's abilities.

Oversight of commercial satellites and their remote sensing systems are the purview of the National Oceanic and Atmospheric Administration, under the National and Commercial Space Programs Act.⁸⁹ This means that not only may it be infeasible for New York State to monitor commercial satellite surveillance, but it may be beyond the state's abilities under current law.

The New York Reaction to UAVs

The municipal reaction to the widespread introduction of UAVs in Central New York has been varied, and a few red flags were raised.

In June 2014, the Amherst Town Board moved to have its Government Studies Committee look into the use of UAVs, with the possibility of prohibiting “the use of drones by the municipality or one of its contractors until the state and federal governments put regulations in place,” which was recommended by Supervisor Barry Weinstein.⁹⁰ Amherst appears to be moving toward a position similar to that of Syracuse, which last December moved to ban the use of police UAVs until state and federal governments put together a legal framework that “adequately protects the privacy of the population.”⁹¹

The pushback against UAVs in Central New York is, at least partly, because UAVs used by the military overseas are housed in the region. Although these UAVs are completely unrelated to the ones private and public entities plan to fly over New York, the conflation of the two issues is likely.⁹² New Yorkers’ reactions to UAVs represent a desire to get in place common-sense regulations that respect privacy – particularly with respect to law enforcement use of UAVs, on which almost all the skepticism has been focused.

Discussion/Conclusion

According to the American Civil Liberties Union’s (ACLU) recent recommendation, a UAV law should have safeguards that address the following areas: usage limits, decision-making entity, data retention, abuse, and weaponization.⁹³ Thus far, New York’s Bills 7639, 4839, and 4537 collectively provide some safeguards that address all of these concerns. The issue going forward seems to be the sufficiency of these safeguards.

Beyond the recommended safeguards, we have also identified several red flags that may arise in the implementation of 7639. Addressing these would make the bill more comprehensive and more effective. As the potential for widespread use of drones grows daily – and seemingly exponentially – having a more effective regulatory framework in place will help New York avoid a number of headaches down the road. A review of some of the current case studies starts on page 20. ■

1. See *Busting Myths about the FAA and Unmanned Aircraft*, FAA (Feb. 26, 2014), <http://www.faa.gov/news/updates/?newsId=76240>.

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. Ryan Delaney, *Domestic Drone Industry Could Bring \$443 Million to New York*, Innovation Trail (Mar. 12, 2013), <http://innovationtrail.org/post/domestic-drone-industry-could-bring-443-million-new-york>. For the state of New York, the UAV industry would create 2,267 new jobs by 2016 and would generate \$443 million. *Id.* Now that New York has been selected to be one of the test sites, these numbers are expected to grow. *Id.*

7. Larisa Epatko, *How Are Drones Used in the U.S.?*, PBS.org (Apr. 18, 2013), <http://www.pbs.org/newshour/rundown/how-are-drones-used-in-us/>.

8. *FAA Makes Progress with UAS Integration*, Fed. Aviation Admin. (May 14, 2012), <http://www.faa.gov/news/updates/?newsId=68004>.

9. Declan McCullagh, *DHS Built Domestic Surveillance Tech into Predator Drones*, Cnet.com (Mar. 2, 2013), <http://www.cnet.com/news/dhs-built-domestic-surveillance-tech-into-predator-drones/>.

10. *NASA Armstrong Fact Sheet: Ikhana/Predator B Unmanned Science and Research Aircraft System*, NASA.gov (Feb. 28, 2014), http://www.nasa.gov/centers/armstrong/news/FactSheets/FS-097-DFRC.html#U_NUF8VdWE4.

11. *NASA Dryden Past Projects: Western States Fire Mission*, NASA.gov (June 14, 2012), <http://www.nasa.gov/centers/dryden/history/pastprojects/WSFM/index.html#U5B7URdXvd>.

12. Sydney Kashiwagi, *Looking for a College Major? How About Drone Technology*, USA Today, (Jan. 2, 2014), <http://www.usatoday.com/story/news/nation/2013/12/31/drone-technology-uav-unmanned-aircraft/3683835/>.

13. *2011–2012 FAA List of Drone License Applicants*, Elec. Frontier Found. <https://www.eff.org/document/2012-faa-list-drone-applicants> (last visited June 9, 2014).

14. Jason Koebler, *Drone Journalism is a First Amendment Right, Major Media Companies Say*, Motherboard.com, (May 6, 2014), <http://motherboard.vice.com/read/drone-journalism-is-a-first-amendment-right-says-coalition-of-media-giants-1>.

15. S.B. 7639, 237th Leg., Reg. Sess. (N.Y. 2014), http://assembly.state.ny.us/leg/?default_fld=&bn=S07639&term=2013&Summary=Y&Actions=Y&Text=Y.

16. S.B. 4537, 236th Leg., Reg. Sess. (N.Y. 2013), http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=S04537&term=2013&Summary=Y&Actions=Y&Text=Y.

17. S.B. 4839, 236th Leg., Reg. Sess. (N.Y. 2013), http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=S04839&term=2013&Summary=Y&Actions=Y&Text=Y.

18. S.B. 7474, 236th Leg., Reg. Sess. (N.Y. 2013), http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=S07474&term=2013&Summary=Y&Actions=Y&Text=Y.

19. See *supra* note 15.

20. 2013 Legis. Bill Hist. N.Y. S.B. 7639 (May 22, 2014).

21. See *supra* note 15.

22. *Id.* at 2.

23. *Id.*

24. The exemptions that may be classified as governmental include but are not limited to: protecting and monitoring airspace, national disaster recovery, or being under contract of a federal agency such as the Department of Defense, the Department of Justice, or the Department of Homeland Security.

25. *Id.* at 3–4.

26. *Id.* at 4.

27. *Id.* at 5.

28. *Id.* at 7.

29. *Id.*

30. See *supra* note 16, S.B. 4537.

31. *Id.* at 2.

32. *Id.* at 1.

33. *Id.*

34. *Id.* at 2.

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. See *supra* note 17.

40. *Id.* at 2.

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.* at 3.

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. Tex. Gov’t Code § 423.002(a)(9)–(11), (17)–(18), <http://www.statutes.legis.state.tx.us/Docs/GV/pdf/GV.423.pdf>.

50. See *supra* note 15 at 4.

51. Tex. Gov’t Code § 423.002(8).

52. Tex. Gov’t Code § 423.002(19).

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53. Tex. Gov't Code § 423.006(f).
54. Tex. Gov't Code § 423.005(b).
55. Tex. Gov't Code §§ 423.003(c), 423.004(d).
56. Tex. Gov't Code § 423.004(e).
57. "Nongovernment actor" essentially means a private citizen who has no immediate ties to the government. S.B. 167, 2013 Leg., Gen. Sess. at 2 (Utah 2014), <http://le.utah.gov/~2014/bills/static/SB0167.html>. Furthermore, a nongovernment actor can only disclose data related to the commission of crime or imminent danger/emergency. *Id.*
58. Utah S.B. 167, 2013 Leg., Gen. Sess. at 4.
59. *Id.* at 5.
60. *Id.*
61. *Id.*
62. *Id.*
63. Or. Rev. Stat. § 837.360, https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors837.html.
64. *Id.*
65. Or. Rev. Stat. § 837.320(2).
66. Or. Rev. Stat. § 837.375.
67. *See supra* note 15 at 7.
68. Or. Rev. Stat. § 837.345(1).
69. Or. Rev. Stat. § 837.345(2).
70. *FAA Selects Six Sites for Unmanned Aircraft Research*, Fed. Aviation Admin. (Dec. 30, 2013), <http://www.faa.gov/news/updates/?newsId=75399>.
71. *See supra* note 15 at 3; *supra* note 17 at 2.
72. Allen Bohm, *Status of 2014 Domestic Drone Legislation in the States*, Am. Civil Liberties Union (June 6, 2014), <https://www.aclu.org/blog/technology-and-liberty/status-2014-domestic-drone-legislation-states>.
73. *See* 2013 Va. Adv. Legis. Serv. 755 (LexisNexis).
74. Andrea Shalal-Esa, *FAA Unveils Plan for Integrating Drones into U.S. Airspace*, Reuters.com (Nov. 7, 2013), <http://www.reuters.com/article/2013/11/07/us-faa-drones-idUSBRE9A61H220131107>.
75. *See supra* note 73.
76. *See id.*
77. *See* 2013 N.C. Sess. Laws 360 § 7.16.
78. *See id.*
79. *See* H.B. 312, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013); H.B. 1099, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013).
80. Tenn. Code Ann. § 39-13-609(f).
81. Bart Jensen, *Watchdogs: FAA Won't Meet 2015 Deadline for Drone Safety*, USA Today (Feb. 5, 2014), <http://www.usatoday.com/story/news/nation/2014/02/05/faa-drones-inspector-general-gao/5226427/>.
82. *Supra* note 15.
83. *Who's Watching? Video Camera Surveillance in New York City and the Need for Public Oversight*, N.Y. Civil Liberties Union (Jan. 1, 2014), http://www.nyclu.org/pdfs/surveillance_cams_report_121306.pdf.
84. *See supra* note 16.
85. Joe Sutton & Catherine E. Shoichet, *Florida Gov. Rick Scott Signs Law Restricting Drones*, CNN (Apr. 28, 2013), <http://www.cnn.com/2013/04/25/us/florida-drone-law/>.
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87. Michael Calderone, *Media Shield Law Compromise Reached in Senate*, Huffington Post (Sept. 12, 2013), http://www.huffingtonpost.com/2013/09/12/media-shield-law_n_3912955.html.
88. Giana Magnoli, *Dos Pueblos High Student Journalists Deploy Drone to Send News Coverage Soaring*, NoozHawk.com (Mar. 2, 2014), http://www.noozhawk.com/article/dos_pueblos_high_school_drone_news_coverage_20140221.
89. *About the Licensing of Private Remote Sensing Space Systems*, Nat'l Oceanic & Atmospheric Admin. (May 26, 2014), <http://www.nesdis.noaa.gov/CRSRA/licenseHome.html>.
90. Jay Rey, *Amherst Board Discusses Threat of Drones to Town Residents*, Buffalo News (June 3, 2014), <http://www.buffalonews.com/city-region/amherst/amherst-board-discusses-threat-of-drones-to-town-residents-20140602>.
91. Tim Knauss, *Syracuse Bans Police Drones Until Privacy Regulations in Place*, Post-Standard (Dec. 16, 2013), http://www.syracuse.com/news/index.ssf/2013/12/syracuse_bans_police_drones_until_privacy_regulations_in_place.html.
92. Justin Sondel, *Vigil Targets Use of Drones as 107th Starts New Mission*, Niagara Gazette (Apr. 2, 2014), <http://www.niagara-gazette.com/local/x539824010/Vigil-targets-use-of-drones-as-107th-starts-new-mission>.
93. *Domestic Drones*, Am. Civil Liberties Union, <https://www.aclu.org/blog/tag/domestic-drones> (last visited on June 3, 2014).

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CITY COUNCIL AGENDA

NO. 11 DEPT.: City Manager DATE: January 27, 2016
CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 59th Little League Season on Saturday, April 9, 2016 beginning at 12:00 p.m.

FOR THE MEETING OF:
January 27, 2016
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:
The Rye Little League is requesting the Council approve a parade to kickoff Opening Day of the 59th Little League Season on Saturday, April 9, 2016 beginning at 12:00 p.m. with a rain date of Sunday, April 10, 2016.

See attached request from Mark Howard, Parade Coordinator.



Dear Mr. Serrano,

The Rye Little League has designated Saturday, April 9th, 2016 as Opening Day of the 59th Little League Season.

We are planning to do what we have done for the past 58 years; a parade beginning at noon that originates at the Rye Train Station and ends at Grainger Field at Disbrow Park.

The parade will likely have upwards of 500 participants, including the Rye Little League, Rye Girls Sports League, marching bands, several vehicles and a variety of emergency vehicles (ambulance and fire trucks).

We respectfully request that you issue the League a permit to hold the parade on Saturday the 9th of April at noon and in addition, permission to reschedule for Sunday the 10th of April at noon in the event of rain on Saturday. We understand that the City's permission is conditioned upon the League furnishing a certificate evidencing \$1,000,000 liability insurance with the City of Rye named as additional insured and a hold harmless clause indemnifying the City against claims and judgments resulting from the use of City property. The certificate is forthcoming.

Upon the City's approval, the assistance and cooperation of the City of Rye Police will be requested directly through the Police Commissioner.

Sincerely,

Mark H. Howard
Parade Coordinator



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: January 27, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 16, 2016 from 9:00 a.m. to 10:15 a.m.

FOR THE MEETING OF:

January 27, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Midland Elementary School PTO is requesting the Council approve a parade to precede the Midland Elementary School Fair on Saturday, April 16, 2016 from 9:00 a.m. to 10:15 a.m.

See attached request from Juli Schmidt, Co-Chair, Midland Fair 2016

Diane Moore
Deputy City Clerk
City of Rye
City Hall
Rye, NY 10580

Hello Diane -

I am respectfully requesting the use of the streets of Rye for the Midland Elementary School Parade from 9:00am to 10:15am on Saturday, April 16, 2016. This event will be hosted by the Midland School PTO.

Normally, the parade vehicles assemble at the train station, proceed along Purchase Street to Midland School via Palisade Avenue and Midland Avenue. Please send any paperwork to me at:

Juli Schmidt
329 Forest Avenue
Rye, NY 10580

Thanks so much
Juli Schmidt
Co-Chair
Midland Fair 2016



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: January 27, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Rye YMCA for the use of City streets for the 28th Annual Rye Derby on Sunday, April 24, 2016 from 9:00 a.m. to 2:00 p.m.

FOR THE MEETING OF:

January 27, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye YMCA is requesting the Council approve their use of City streets for the 28th Annual Rye Derby on Sunday, April 24, 2016 from 9:00 a.m. to 2:00 p.m.

See attached letter from Gregg Howells, YMCA Executive Director



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January 18, 2016

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

Dear Ms. D'Andrea:

We are writing to request permission from the City of Rye for use of city streets on Sunday, April 24, 2016 for the 28th Anniversary of the Rye Derby sponsored by the Rye YMCA.

The five-mile run and 5K will start at 10:15 am and the one-mile "Family Fun Run" will begin at 12:15 pm, using the same course used last year. As always, the Rye Y will be the focal point of festivities before and after the race. This is a community event that attracts as many as 800 participants and several hundred spectators. The racecourse map from last year is enclosed.

Prior to race day, the Rye Y will provide a certificate of insurance naming the City of Rye as additionally insured for that day. We also have instructed our race advisors not to use paint or chalk on city streets and we will follow the course that has been agreed upon with the Rye City Police department for this race. Margaret Mead, our Race Director, will be coordinating her efforts with Lt. Scott Craig.

Thank you in advance for your cooperation.

Sincerely,

Gregg Howells
Executive Director

cc: Lt. Scott Craig, Eleanor Militana

GRH:mm

The Rye YMCA is a 501 c3 non-profit organization dedicated to strengthening the foundation of families and community.