

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 3, 2016 at 7:30 P.M.

PRESENT:

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

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

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Mayor Sack announced that the meeting started late this evening because he walked outside to meet ex-employees of the Rye Golf Club who had sued the City for withholding the tips due to the previous Golf Club Manager's actions. Mayor Sack stated that the City has been tying up loose ends from this ordeal. He also stated that those employees had been recently granted class action status. Mayor Sack acknowledged their presence and stated that the City is interested in resolving this matter in the best way possible. He said that the City's Corporation Counsel and outside counsel will continue to defend us and represent the City to try and reach a resolution.

Mayor Sack noted the passing of Robert Lynch, longtime Rye resident who passed away at the age of 93. He was renowned for his service in WWII, and published book recounting his time in the war, "A Letter Marked Free." Mayor Sack read a statement about Mr. Lynch.

Councilman McCartney read a letter that was written by Mr. Lynch during WWII and sent home to his family. The passage was taken from Mr. Lynch's book, "A Letter Marked Free." There was a moment of silence to honor the life and legacy of Mr. Lynch.

Councilwoman Hurd acknowledged Sally Wright who has given many years of service to Rye at the YMCA, helping its development and bringing success of the business district. She was instrumental in helping the Rye Chamber of Commerce, including building events such as Mistletoe Magic and others, encouraging members of the community to visit downtown Rye. Councilwoman Hurd thanked Ms. Wright for her service.

Councilman Mecca added that he first met Ms. Wright years ago during the Rye Derby. He said that on one particular year, there was a fire on New Street during the Rye Derby. With runners and fire trucks everywhere, there was a lot of confusion. Councilman Mecca stated that it was then that Ms. Wright asked him to be the liaison for the Fire Department during the Derby to avoid confusion in the future. He wished Ms. Wright the best of luck in her retirement.

Mayor Sack stated that Sally was recently given a proclamation by the Council for her contribution to the Rye YMCA.

Sally Wright addressed the Council. She said that it has been an honor to work with the City Council and recognized the City staff for their great work. She announced that Margaret Mead would be assuming her responsibilities. Lastly, she said that she has loved working with everyone, and she asked that the City be good to the staff. She thanked everyone for their support.

Councilwoman Tagger-Epstein reminded the community that the Rye Sustainability Committee has issued a survey about healthy lawns. She asked the community to go to www.ryesustainability.com.

Councilman Mecca stated he had the pleasure of sitting with the Board of Architectural Review on Monday night. They had 18 items on their agenda and worked very hard to complete each item. He acknowledged Kevin Grainger for chairing the committee. Mr. Mecca also stated that on behalf of the Fire Department, there are two career members retiring, Dan DeCarlo and Hal Aiken. He thanked both for their service to the Fire Department. The Council congratulated the two retiring members.

Councilman McCartney announced that there is a Rye Golf Club Policy that allows members of the Rye Recreation Senior Club to use the pool facilities for \$5, once per week.

Councilwoman Killian announced that the Port Chester Council for the Arts will holding a "Shakespeare in the Park" event, performing "Twelfth Night." There will be performances on August 6, 11, 12, and 13, 2016. She also announced that the Council held a quarterly Council Coffee on July 16, 2016. There were several issues discussed, including Playland, noise concerns, the pool, parking issues at the end of Redfield, and the Crown Castle application.

Councilwoman Hurd announced that the Chamber of Commerce had a successful Sidewalk Sale during the last weekend of July. The Chamber's next meeting will be held on the second

Wednesday in September at 8:30 A.M. She also reported an update from the Flood Advisory Committee, stating that the City has been in touch with New York Rising and there will be a presentation in October to keep the public apprised of the progress.

Mayor Sack announced that the 23rd Annual Summer Fest will be held Sunday Sept 4, 2016 at Rye Recreation, starting at 2:30 P.M. There will be food and many fun events, such as races and various booths. He encouraged the community to attend, as it is a great event for all ages. Councilwoman Killian added that she attended this wonderful event last year.

4. Draft unapproved minutes of the regular meeting of the City Council held July 13, 2016.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the regular meeting of the City Council held July 13, 2016.

5. Issues Update/Old Business.

Mayor Sack stated that the Final Environmental Impact Statement (FEIS) has been issued for the proposed improvements at the United Hospital site. City Manager Serrano added that the Port Chester Village Board held a meeting about the FEIS on August 2, 2016 addressing any questions arising from the report. He further stated that he asked the Mayor of Port Chester to hold another public hearing on FEIS. The next step is to discuss zoning issues. He stated that the City's retained traffic engineer is reviewing the FEIS and will provide comments.

Mayor Sack added that the City is hopeful that there will be additional changes. He said that eventually the City Council will be discussing appropriate course of action for the future.

Mayor Sack then stated there has been a lot of activity within the central business district. City Manager Serrano stated that there have been dumpsters near the Smoke Shop that the City approved to remain for Phase I of site renovations, which will last several weeks. He stated that he has asked the Police Department to ticket vehicles that do not have a permit issued by the City. Mr. Serrano also stated that for the Purchase Street Streetscape project, the contractor will be providing the final review of the project and submitting a report to City staff. Construction may start in the middle of August 2016 and last for a few months. City Manager Serrano added that the contractor will attempt to improve the side streets first and keep Purchase Street open for as long as possible.

Mayor Sack announced that there is an update for the Benjamin Franklin Mile Markers. The Mile Marker on Post Road near Parkway Drive was set to be moved, but the City is going to revisit the issue to determine whether a move is appropriate in this case.

Mayor Sack stated that some time ago, the City was sued by the Town of Rye concerning the Seaside Johnny's property. The suit arose when the City Assessor determined that the property should be taxed. Mayor Sack announced that the court decided in favor of the City of Rye. He thanked Corporation Counsel Wilson for her efforts, and former Councilmember Slack.

Mayor Sack stated the Rye Town Park Commission has issued a Request for Proposal for the Seaside Johnny's property, as the Seaside Johnny's lease has ended. Applications for the site proposals are due August 8, 2016. Mayor Sack thanked Mack Cunningham for his help with this endeavor, as the Golf Commission went through a similar process in recent years.

Councilman McCartney addressed a recent article published in LoHud. The thesis in the article was that pesticides have been overused. There was a misconception about the TKI issue within this article. Councilman McCartney stated that quite often, all golf courses use fungicides for maintenance. It is very rare that the Rye Golf Club uses herbicides or pesticides ever to treat issues on the property. Councilman McCartney clarified that the issue with TKI was that it was contaminated with an herbicide, not a fungicide. Councilman McCartney thanked Chip Lafferty at Rye Golf Club for going out of his way to use all of the proper materials required to keep up the course.

Councilwoman Killian thanked Councilman McCartney for his comments.

6. Authorization for the City Manager to enter into an agreement with legal counsel, and an engineering firm engaged by such counsel, to assist the City in the Crown Castle matter regarding wireless telecommunications.
Roll Call.

Mayor Sack reminded the community that at the last City Council meeting, there had been discussion about possibly retaining counsel and engineers on the issue of the application of Crown Castle to amend their existing license agreement. He stated that in the last few weeks, the City interviewed several experts on the DAS issue. After careful consideration, Mayor Sack stated that the City intends to hire Joe Van Eaton of Best Best & Krieger who has represented many other municipalities, such as the Village of Scarsdale, in negotiations with Crown Castle. Mayor Sack lastly stated that any engineer that is retained would be done so by Mr. Van Eaton.

Joshua Cohn, 24 Green Avenue, addressed the Council. He stated that he appreciated the City choosing counsel for this issue. He further stated that more than 200 residents are requesting citizen involvement in helping the City to choose its legal and technical advisement. He was upset that the City had not heeded this request and asked the Council to recognize citizen unease. He asked the Council to establish a citizens' committee to aid the Council moving forward.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to retain Best Best & Krieger for representation of \$355/ hour, up to \$25,000, on the application of Crown Castle to amend their existing right-of-way use agreement to add DAS nodes within the City of Rye.

ROLL CALL

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

Councilwoman Tagger-Epstein stated that she was happy that the room was filled with engaged residents and the Council thanks them for the time dedicated to attend and speak at the meeting. Councilwoman Tagger-Epstein then stated that the Council has done a lot of research with regard to lawyers and experts in the field to try to find and engage the right person. She stated that residents elect the Councilmembers in hopes that we represent the City to the best of their ability. In this matter, the Council has done everything possible to represent the City in its best interest. She said that the Council has poured over this issue. Councilwoman Tagger-Epstein lastly stated that she hopes that residents will put their faith in the diligence of the Council. Mayor sack thanked Councilwoman Tagger-Epstein for her comments and agreed with her message. He then invited the public to speak.

Councilwoman Killian added and agreed that the Council had worked hard to represent the City and diligently has worked to advance its best interests.

Emily Hurd made a motion to create a citizen's group to aid in the Crown Castle issues. There was no second to the motion.

7. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Christopher Fisher of Cuddy & Feder and representative of Crown Castle, addressed the Council. He asked that the the radiofrequency engineer retained by the City meet with the engineers for Crown Castle as soon as possible. Secondly, he stated that after speaking with the applicant about timing for the "shot clock," they feel that the end of October will be a reasonable period of time to create an agreement with the City.

Sam Burruano, 290 North, addressed the Council. He stated he has lived in Rye since 1972. He said he felt confused about why City Code Chapter 196 was not followed in this case. He expressed concern over the health risks of the proposal. He also expressed concern that a node would be 20 feet from his bedroom window.

Mayor Sack responded that there were a number of questions that need to be addressed, such as health regulations, application of our local laws, and placement of nodes. The City will be meeting with its counsel on these issues.

Mr. Burruano addressed the Council on the matter of the Rye Golf Club employees class action lawsuit and stated that those employees who were deprived of tips should be paid.

Diana Page, 86 Halsted, thanked the Council for their service. She added that as a new homeowner, she was concerned about the property values. She stated that if she had known previously about the DAS nodes, she would have moved elsewhere.

Delano Ladd, Rye resident, thanked the Council. He asked what the residents could do to help the Council in this issue. He asked if there was a timeline in this issue. Mayor Sack responded that there is a "shot clock" that the City will need to address with its counsel.

Councilman McCartney added that submitting proof of property value would help the Council. Councilwoman Tagger-Epstein also stated that when residents get involved, it is powerful and a difference is made. The Council is heavily invested on every topic that involves the City because we want to ensure that it is a beautiful, safe, wonderful environment.

Councilwoman Hurd stated that residents should considering tying a ribbon in front of their home to indicate if a node is being proposed at that location.

Katherine Ernst, 5 Halls Lane, addressed the Council. She stated she was a recent homeowner in Rye, and she felt that had she known about the possibility of nodes, she would not have moved to Rye. She also felt that the needs-based analysis was exaggerated.

Kate Khanna, 1003 Forest Avenue, asked the Council what outcome they were seeking within this process. Mayor Sack responded that the request by the applicant needs to be addressed and outside counsel will now be used to move forward in our abilities. He stated that the City would do the best in its ability to represent the City fully.

Bjorn Tuypens, 717 Forest Avenue, made a statement to the Council. He provided a document on property values and their effects. He stated that a node is being proposed in front of his home. He stated that the pole's sole purpose is to provide wireless telecommunications. He cited Chapter 196 of the City Code and the distance requirements.

Eileen Iorio, 24 Crescent Drive, made a statement opposing the proposal. She submitted a petition of residents against the proposal.

Tricia Agosta, 4 Ridgewood Drive, made a statement opposing the proposal. She stated she supports the Council hiring an attorney to represents the City's interests. She stated that there is a question of Crown Castle acting as a facilitator versus a provider. She requested that the City's attorney review the right-of-way use agreement. She also stated that the "shot clock" could be extended if it is a reasonable extension. She discussed the Telecommunications Act of 1996 and the preservation of local zoning authority. She also discussed case law that she felt was applicable. She then discussed specific provisions of the existing use agreement. She asked that the Council act to the best of their ability to apply all laws.

Joshua Cohen/ Aimee Linn, 24 Green, stated that a community group would help the Council and provide their findings. Mr. Cohn asked that Verizon itself come to the community. He addressed property value and aesthetics and stated opposition to the proposal. He stated that had these nodes been present 25 years ago, he would not have purchased his home.

Aimee Linn, Pelham, New York, made a statement to the Council. She stated that there is some level of control that the City has regarding this application. She recounted her own experience, in which a node was placed 90 feet from her home. She stated that she sued the Village. She further said that she sold her home for 20% less than a comparable home due to the presence of the DAS node. She implored the Council to determine whether the gap in coverage really exists and encouraged a thorough analysis.

Matthew Sullivan, 63 Peck Avenue, made a statement against the proposal. He discussed City Code Chapter 196 and felt that there must be compliance in this case. He further discussed property notification and the possibility of a special use permit. He expressed concern over the number of facilities and the future. He supported the City in retaining telecommunications counsel on this issue.

Meg Cameron, 5 Martin Butler Court, made a statement to the Council opposing the proposal. She expressed concern over the aesthetics of the nodes.

Ranjit Jaswal, 11 North Street, made a statement to the Council. He asked the Council to assume responsibility and consider the aesthetic and health concerns.

Bart Breinin, Rye resident, stated that he felt City Code Chapter 196 should apply in this case and that there should be no preemption regarding the law.

Christopher Fisher, Cuddy & Feder, addressed the concern over the pedestrian safety. He encouraged the City Council to defer the issue to the City Engineer on this issue. He then discussed the litigation in Pelham. He stated he does disagree with some statements that were made this evening. He referenced Section 3 of the existing right-of-way use agreement, which lays out the process that exists between the City and Crown Castle. Mr. Fisher stated that there is a distinction that if the City had a generally applicable law with the right-of-way to all utilities, there would be something that would be preserved with regard to regulatory authority. Crown Castle's position is that Chapter 196 does not apply within the right-of-way.

Mayor Sack adjourned the public hearing to the September 14, 2016 meeting.

9. Consideration to set a Public Hearing regarding a request from Mr. and Mrs. Kenneth Mealey to remove a portion of Richard Place at the location of 19 Richard Place from the City's Official Map.

City Manager Serrano stated that the applicant wished to address the Council. Mr. Mealey asked the Council to consider de-mapping a portion of Richard Place in order to to adjust the property line. He thanked the Council for the opportunity to speak. He stated that in the course of renovating their home, the property line, which is oddly configured, needs to be moved.

Councilman McCartney asked why the property line was drawn so oddly. Mr. Mealey stated he did not know, but he has retained a title company to adequately explore what may have occurred. He stated further that the title company had never seen such an anomaly, nor had other municipal planners that he surveyed. There was discussion among the Council generally about the property line.

Corporation Counsel Wilson explained that the formal request is to de-map a portion of Richard Place.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein, to set a public hearing for September 14, 2016 at 7:30 P.M. to consider the request from Mr. and Mrs.

Kenneth Mealey to remove a portion of Richard Place at the location of 19 Richard Place from the City's Official Map.

ROLL CALL

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

15. Consideration of request to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19, "No parking any time", to prohibit parking on the east side of Hewlett Avenue and the north side of Osborn Road.

This agenda item was taken out of order. City Manager Serrano explained that this was discussed at the most recent Traffic and Pedestrian Safety committee meeting. Councilwoman Tagger-Epstein explained that with regard to Hewlett, considering safety and Milton School, it is important to make Hewlett one-sided parking. If an emergency should occur, this would best serve the school.

Jane Anderson, 20 Mayfield Street, and co-president of the PTO at Milton School, addressed the Council. She stated that the PTO was not aware of this consideration. She further stated concern that if this should occur, it could back up the other nearby streets.

There was general discussion about the safety of the children on Milton Road and the objectives of the change.

Mayor Sack made a motion, seconded by Councilwoman Tagger-Epstein, to set a public hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19, "No parking any time", to prohibit parking on the east side of Hewlett Avenue and the north side of Osborn Road.

ROLL CALL

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

Councilwoman Tagger-Epstein explained that there are certain homes within the vicinity of Osborn School that do not have pedestrian safety standards. A "no parking" zone could potentially help this issue.

8. Continuation of the Public Hearing to amend local law Article 21, "Financial Procedures", Section §C21-9, "Bond Resolutions", of the Charter of the Rye City Code, to eliminate the City's discretionary debt limit.

Mayor Sack stated that there may be a consensus to increase the threshold for the permissive referendum limit within the City Charter from 10 to 20%. Therefore, he stated that there alleviates pressure this evening to come to a conclusion on the exact number of the debt limitation.

Mack Cunningham, 502 Forest Avenue, addressed the Council. He stated he supported this initiative. He feels the current language of the Charter does not address the current times and he encouraged the Council to invest in its capital and bond while interest rates are low. Property values will be maintained if the Council invests in maintenance of the City's infrastructure.

Corporation Counsel Wilson clarified that the bonds will still need a supermajority of the Council vote.

Councilwoman Bucci discussed the possibility of including language that would restrict debt amendments to bond only for infrastructure projects.

Mayor Sack made a motion, seconded by Councilman Mecca, to continue the public hearing on September 14, 2016.

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

There was nothing discussed under this agenda item.

11. Authorization for the City Manager to engage Arnold & Porter, LLP to represent the City in an Article 78 proceeding against Westchester County regarding Rye Playland.
Roll Call.

Mayor Sack explained that at Playland, the County declared itself lead agency in a SEQRA determination without the City's knowledge. He stated that if the City does not object to the County's actions, the City will lose the opportunity to assert its rights. The City is prepared to file an Article 78, which challenges unlawful municipal action. However, the City would rather the County be the City's partner and be cooperative. The City is hoping that this matter will be resolved. Mayor Sack stated that Nick Singer, head of Standard Amusements, which will take over the management of Playland, has been helpful to the City.

Deirdre Curran, former Rye resident, thanked the Council for following process. She felt upset about the County's lack of following process and informing the public, but she stated she felt better that she knows that the City represents the interests of the community.

Councilwoman Hurd made a statement. She felt it was a mistake to be silent on the pool issue. She felt that the removal of the pool opens up negative possibilities. She feels that the use of the pool has been part of the neighborhood and is historic in nature. She stated her concern over what would be built in its place.

Mayor Sack stated that it is a mistake for a Council is to be an advocate for a particular project. If there is prejudgment, the Council is compromising its role to be fair and impartial under SEQRA.

Councilwoman Hurd stated that she respectfully disagreed, and that her point was that she felt it was important to consider the neighborhood concerns.

Councilwoman Killian felt that it was important to depend on the County legislators in this case.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein to adopt the following resolution:

RESOLVED, that the Council authorize the City Manager to enter into an agreement to engage Arnold & Porter, LLP to represent the City of Rye in an Article 78 proceeding against Westchester County regarding Rye Playland, for a fee up to \$25,000.

ROLL CALL

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

12. Resolution to appropriate \$670,000 of the Golf Club Fund's Unreserved Fund Balance for three major capital projects at the Rye Golf Club.
Roll Call.

Councilman McCartney explained that the Rye Golf Club Commission and the Greens Committee and staff have worked to plan to expand the greens and practice areas to make these more usable. He discussed the specific improvements in greater detail.

Mack Cunningham stated that he was in support of these improvements, as they add the opportunity for the younger population to be able to come to the Golf Club.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to adopt the following resolution:

WHEREAS, Rye Golf Club staff has determined that the amounts required for three major capital projects at the Golf Club were not provided for in the adopted 2016 budget by \$670,000, and;

WHEREAS, the Golf Club Fund's Unreserved Fund Balance has enough funds to be appropriated for these projects, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$670,000 from the Golf Club Fund's Unreserved Fund to the Rye Golf Club Enterprise Project Fund, for the three major capital projects.

ROLL CALL

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

13. Resolution to appropriate \$35,000 of the Police Department's 1033 account and transfer to the Building and Vehicle Fund for the purchase of an unmarked vehicle for traffic enforcement.

Roll Call.

City Manager Serrano explained that the current vehicle dedicated to undercover endeavors has over \$100,000 miles and there is a need for a new "ghost" vehicle for extra enforcement. As there is already funding for this vehicle, the appropriation would be at no cost to tax payers.

Councilwoman Bucci expressed hesitation support this initiative without assurances that there has been an analysis of financial priorities within the department.

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

WHEREAS, the Rye Police Department has determined that the amounts required for the purchase of an unmarked car for traffic enforcement was not provided for in the adopted 2016 budget by \$35,000, and;

WHEREAS, the Police Department's 1033 account has enough funds to be appropriated for this purchase, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$35,000 from the Police Department's 1033 account to the Building and Vehicle Fund, for the purchase of an unmarked vehicle for traffic enforcement.

ROLL CALL

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

14. Resolution to amend the Boat Basin Commission procedures regarding voting procedures and the term of Commission members.

Councilwoman Hurd explained that this would amend the Boat Basin procedures raising the term from 2 to 3 years, staggering terms, include electronic voting, and approve a non-resident to serve on the Commission. She explained that in November of 2015, the Council approved the addition of two seats to the Commission. Subsequently, in April of 2016, the Boat Basin chose Brendan Doyle and Stephen Monaldo to serve on the Commission. The City Council then approved their appointments.

Mayor Sack expressed concern that the two seats were filled not by election, but by the Commission.

Councilwoman Hurd made a motion, seconded by Councilwoman Killian, to amend the Boat Basin Commission Procedures as follows:

**REVISED RESOLUTION
establishing
THE DE PAUW MUNICIPAL BOAT BASIN COMMISSION**

WHEREAS, the City of Rye owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, the City Council of the City of Rye has determined that the DePauw Municipal Boat Basin should be operated as a municipal enterprise and has established the De Pauw Municipal Boat Basin Enterprise Fund for such purpose; and

WHEREAS, the City Council of the City of Rye has determined that it is in the best interests of the City that a new municipal Commission be established to advise the City Council and the City Manager on the operation of said Boat Basin and related matters; now therefore be it

RESOLVED, that the De Pauw Municipal Boat Basin Commission be and the same hereby is established as follows:

Section 1. Commission; Appointment

(a) There will be a De Pauw Municipal Boat Basin Commission to consist of seven adult Boat Basin members in good standing who have a permit to moor a boat at the facility. The Commission shall reserve one position for a non-resident member. At the time of election, should there be no non-resident on the ballot, the position shall be filled by a resident member. At the next election if there is no non-resident on the Commission, a resident position will once again be available to a non-resident. The non-resident will always be available first to a non-resident, and only be filled by a resident in the absence of a non-resident candidate. The members will be appointed by the

City Council after election by the resident and non-resident permit-holders of the Boat Basin. The members of the Commission will elect a Chairman each year from their group. The Chairman may serve only three terms in succession.

(b) The term of the members will be three years, commencing on January 1. There is no limit to the number of terms a member may serve.

(c) Vacancies will be filled within 45 days by appointment of the City Council until the next election, at which time the unexpired term will be filled by the candidate elected with the least number of votes.

(d) Any Boat Basin member in good standing can submit an application to run for the Commission; the application must be submitted no later than September 10.

Section 2. Responsibilities

(a) The Commission shall adopt rules and regulations relating to the recreational use of the Municipal_Boat_Basin, which are not inconsistent or in conflict with any agreement of the City of Rye or any declared policy of the City Council and subject to the approval of the City Manager.

(b) It may make recommendations to the City Council and City Manager with respect to future programs and activities of the De Pauw Municipal Boat Basin and any other important related policy matter. .

(c) It shall approve annual budget estimates prepared by staff personnel, including mooring categories and proposed fee schedules prior to submission of such estimates to the City Manager. Such budget estimates are to be consistent with the City Council's policy on the self-sufficiency of Enterprise Funds. .

(d) The City Manager is responsible for implementation of the City Council's policy, the rules and regulations of the Municipal_Boat_Basin and the supervision and direction of employees assigned to the Municipal_Boat_Basin.

Section 3. Election

(a) Voting will take place by online over a one-week period through a secure online service approved by the Commission.

(b) One ballot will be allowed per mooring permit.

(c) Resident and non-resident permit-holders will have equal voting rights.

(d) An invitation email will be sent to all eligible voters with instructions on how to cast their vote online.

(e) To receive an invitation email and vote in an election, the voting member must have an email on file.

(f) For those members wishing to cast their vote onsite, a computer kiosk will be available at the Boat Basin during normal business hours throughout the voting time period.

(g) Votes will be tallied with the instructions provided therewith and will not be counted as a result of any of the following:

i) Vote is not cast within the specified time period; or

ii) Vote is not cast in accordance with specified instructions; or

iii) Vote is rejected for any reason by the online service being used.

(h) Valid Ballots shall be tallied for each Commission candidate by the online service. The results will be forwarded to the City Clerk.

(i) The City Clerk will submit a list of election results to the City Council for approval no later than by the middle of October.

ROLL CALL

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

NAYS: None

ABSENT: None

16. Bid Award for the Police Crossing Guard contract (Contract #2016-13).
Roll Call.

City Manager Serrano stated that there were two bidders for the Police Crossing Guard contract, one who is the current vendor. The lower bidder did not have the requisite experience, and as such the Commissioner has recommended to award the contract to ACMS.

Mayor Sack stated that the City should engage in an annual review of the Crossing Guard services. He also felt that the PTOs should share their impressions during a review.

Councilwoman Killian made a motion, seconded by Mayor Sack, to award Contract #2016-13 to All City Management Services (ACMS), in the amount of two hundred three thousand one hundred twenty-seven dollars (\$203,127.00) as recommended by the Acting Police Commissioner.

ROLL CALL

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

NAYS: None

ABSENT: None

17. Bid Award for the Rye Golf Club Tree Removal contract (Contract #2016-02).
Roll Call.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to award Contract #2016-02 be awarded to the low bidder, Almstead Tree & Shrub Care Company, in the amount of one hundred sixteen thousand six hundred ninety-four dollars (\$116,694.00) as recommended by the Rye Golf Club General Manager.

ROLL CALL

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

NAYS: None

ABSENT: None

18. Consideration of Bid for the Rye Golf Club Greens Expansion and Practice area project (Contract #2016-06).

Roll Call.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to reject all bids submitted for Contract #2016-06 due to an omission in one bid and a second bid which exceeds the pre-bid estimate.

ROLL CALL

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

NAYS: None

ABSENT: None

19. Adoption of the 2016/2017 tax levy and tax rate for the Rye Neck Union Free School District.

Roll Call.

City Manager Serrano explained that this annual tax is collected by the City of Rye from the Rye Neck Union Free School District.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Killian, to adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$11,867,958 to be raised on property within the District located in the City of Rye, with established tax rates of \$883.88104 per \$1,000 of taxable assessed value on homestead property and \$1,142.639214 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2016 and ending June 30, 2017; now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL

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

NAYS: None

ABSENT: None

20. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

21. New Business.

There was nothing discussed under this agenda item.

22. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Mayor Sack, to adjourn the regular meeting at 11:35 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk