

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on October 5, 2016 at 7:30 P.M.

PRESENT:

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

ABSENT:

TERRENCE McCARTNEY
Councilmember

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:00 P.M. There was a short presentation at 7:00 P.M. to the Council and the public regarding progress on the New York Rising program grant. The regular meeting convened at 7:44 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.

5. Presentation from representatives of the Suez and Aquarion Water Companies.

This agenda item was taken out of order. Robert Idoni, Superintendent of Operations at Suez Westchester, addressed the Council. He stated that Suez is asking that the Council enact City ordinances as they pertain to a drought. Mr. Idoni explained that there is currently a water supply emergency. He further stated that Suez has purchased water from Westchester Joint and Aquarion Water to replenish the supply. He explained that since the Aquarion Water reservoirs are at 23% of capacity, Suez has now maximized the water being taken from Westchester Joint.

City Manager Serrano recommended the adoption of a water emergency and the amendment of the current City code regulating water emergencies.

7. Resolution to declare a Water Emergency in the City of Rye regarding current water supply conditions as recommended by the Suez and Aquarion Water Companies.

This agenda item was taken out of order. To continue the conversation regarding water emergencies, Corporation Counsel Wilson stated that an amendment to the current code would include specific watering restrictions during a declared water emergency. Chapter 194 would require that upon notification from a water company of an emergency, an emergency must be declared by the City, and:

1. Any outside watering is prohibited from sprinklers;
2. The Golf Club is permitted to only watering greens, tees or fairways; and
3. Hand-held hose water is permitted.

Mayor Sack asked if there would be any other major entity besides the Golf Course that would use as much water. Mr. Idoni responded that the Golf Club is the biggest user of water within the City.

In terms of enforcement, Corporation Counsel Wilson explained that the Police Department would have the ability under this legislation to enforce the watering restrictions. Mr. Idoni stated that the emergency would remain for the foreseeable future.

There was general discussion of the Council concerning the future of the drought, enforcement, and forward-looking situations due to drought.

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

WHEREAS, portions of the City of Rye receive water from Suez of Westchester; and

WHEREAS, under City Code Chapter 194, “Water Conservation”, the City Council has the authority to declare an emergency when it is notified by a water company that water use restrictions must be put in place; and

WHEREAS, the City has been informed by Suez of Westchester that the local reservoir that supplies our community’s drinking water is down by about 60% capacity, due to the lack of rain and increased water usage demand;

NOW, THEREFORE, BE IT RESOLVED, the following water use restrictions for Suez of Westchester County customers only, are in place until further notice:

1. Any outside watering is prohibited by use of sprinkling systems or other commercial watering systems;

2. All Golf Clubs in the City of Rye shall not water any of the rough but is permitted to continue watering the fairways, greens and tees; and
3. Hand-held hose watering is permitted.

ROLL CALL

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

6. Consideration to set a Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

This agenda item was taken out of order. Bob Zahn, 7 Ridgewood Drive, stated that amending a local law seems rushed and very last minute. He stated that he is concerned that it is going to be a bad law, and expressed reservations about enforcement.

Mayor Sack made a motion, seconded by Councilwoman Bucci and unanimously carried, to set a Public Hearing on December 7, 2016, to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

17. Consideration of a request by the New York Rangers for use of city streets on Saturday, November 19, 2016 from 6:00 a.m. to 1:00 p.m. for a 5K Race to benefit the Garden of Dreams Foundation and Northwell Health.

This agenda item was taken out of order. Claire Dorfman, Government Affairs for Madison Square Garden, presented to the Council on behalf of the New York Rangers. She stated that the race will take place on November 19, 2016 and expect 1,200 participants in the Rye Playland area. All proceeds will go to the charities Garden of Dreams Foundation and Northwell Health. She further explained that runners would only be on City streets between 10:00 A.M. and 1:00 P.M.

Mayor Sack thanked Ms. Dorfman for her presentation. Ms. Dorfman confirmed that alumni players of the New York Rangers would be present for the event.

Councilwoman Killian made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the New York Rangers for use of city streets on Saturday, November 19, 2016 from 6:00 a.m. to 1:00 p.m. for a 5K Race to benefit the Garden of Dreams Foundation and Northwell Health.

3. General Announcements.

Councilwoman Tagger-Epstein announced that the Rye Sustainability is waiting for residents to fill out their online survey and encouraged everyone to do so. She also encouraged families to enter the Healthy Lawn Sign Design project, which will help residents to understand pesticides and what can help a healthy lawn.

Councilman Mecca announced that on October 6, 2016, the Rye Fire Department will hold its annual inspection and dinner at 6:00 at the American Yacht Club. The annual inspection is a Rye tradition that the Department is very proud of.

Councilwoman Killian announced that October 6, 2016 is Rye's "Back to School Night." She also stated that on October 1, 2016, there was Rye City Council Coffee at the Rye Free Reading Room. The event happens often and gives members of the community to voice any issues with the Council on an informal basis. She thanked the member of the community who asked the Council to speak clearly into the microphone at Council meetings. Councilwoman Killian was excited to announce that the NYU Capstone Project will be taking a comprehensive look at Rye Town Park to develop a plan for its future. She thanked Helen Gates for applying for that grant. Ms. Gates has worked with NYU and the Capstone project previously. Councilwoman Killian also stated that there was a recent Rye Town Park Commission meeting, which focused on the Seaside Johnny's license agreement, which has expired. Residents would like to see the Commission issue a new RFP to gauge more interest for the site. Councilwoman Killian stated that she recommended that a restaurant consultant be brought in. Concerning the Council Coffee issues, she also reported that there had been a complaint that the off-leash dog hours are not long enough.

Councilwoman Killian also stated that lastly, over the past few months, many have expressed serious concerns over Crown Castle and their application within the City of Rye. She said that the role of the Council is to deal with issues that come before them by representing the best interests of the City. Councilwoman Killian asked that people keep an open mind as the entire Council takes this job very seriously. She finds the position of Councilmember and public servant to be incredibly rewarding, and she will continue to work for the best interests of Rye.

Councilwoman Bucci stated that next week is Fire Prevention week, and the Fire Department will be visiting 1900 children to explain fire prevention and fire safety. As a reminder, she asked all residents to check that their smoke detectors were in proper working order. Secondly, she reminded everyone that the Rye Free Reading Room's Novel Night is Saturday, November 5, 2016. This will be an important fundraiser for the Library.

Councilwoman Hurd thanked the City for putting together the presentation on New York Rising. She also thanked County Legislator Catherine Parker who is working to amend the Long Island Sound Coastal Reconnaissance Plan. She is hopeful that the City will be eligible and was happy to report that the City has completed its questionnaire on the issue, which may result in matching funds for the project. Councilwoman Hurd then issued a public apology for her comments toward Corporation Counsel Wilson.

4. Draft unapproved minutes of the regular meeting of the City Council held September 14, 2016.

Councilman Mecca made a motion, seconded by Councilwoman Hurd and unanimously carried, to adopt the minutes of the regular meeting of the City Council, held September 14, 2016.

8. Issues Update/Old Business.

Mayor Sack discussed the Thruway property. He stated that the City continues to have discussions with potential partner Rye Country Day School. The City is working with engineering firm Woodward and Curran who is looking at the issue of feasibility.

Mayor Sack then updated the community on the development at the United Hospital site. He stated that the Port Chester Village traffic consultant is still reviewing the FEIS that has been submitted by the applicant. With regard to Playland, the Article 78 recently filed by the City has been fully submitted against the County for failure to comply with SEQRA, among other issues. Mayor Sack stated that the City continues to hope that there can be some positive resolution with the County prior to the court's action.

Mayor Sack stated that the City Council had a public meeting on Saturday morning concerning Benjamin Franklin Mile Marker 25 near the intersection of Boston Post Road and Parkway Drive. There is a proposal to either keep the mile marker in its current location, or move it to an alternate location. Mayor Sack recommended including this issue on a Council agenda to discuss all of the aspects. He asked for the issue to be put on the agenda for November 2, 2016.

Mayor Sack acknowledged the Fire Department's annual inspection and dinner event on October 6, 2016, which has been a long and proud tradition that dates back over 100 years. Without the volunteers, the City of Rye could not have a Fire Department. It is a hybrid department, but the City relies on the volunteers heavily. Times are changing, and there are not as many volunteers as there once was, which poses problems for staffing and management. Mayor Sack stated that there is a strong need for management and direction, which is why the issue of a Public Safety Commissioner will be on the ballot for referendum vote on Election Day.

9. 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 revise the City's discretionary debt limit.

Councilwoman Killian made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing until November 2, 2016.

10. Continuation of the 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.

Brian Dempsey, Rye Resident and Chair of the Traffic and Pedestrian Safety Committee, addressed the Council. He stated that regarding Hewlett Avenue, one resident came to the Traffic and Pedestrian Safety Committee to ask that something be done with parking, as she cannot safely egress from her driveway during peak school hours. The Committee confirmed this and met with representatives of the school. Mr. Dempsey stated that the Committee asked the school to send out various notices to parents to have consideration for the neighborhood, which did not have much effect. Despite the signs, the Committee observed the area and continually observed the difficulty for vehicles to travel down Hewlett Avenue. The committee's main concern is safety. Mr. Dempsey stated that they observed that a fire truck had great difficulty moving through the neighborhood. He stated that this has become an all-day issue, not just a pick-up time issue.

Councilwoman Tagger-Epstein added that the Committee looked at the issue from a safety aspect. She stated that this is an elementary school in a residential neighborhood, and there will always be an issue with vehicles. However, the City needed to ensure that in the case of an emergency, there would be a path and ability to traverse through. She stated that the Committee would like to see a culture change with more walking to school, but they need to consider the affects and take a comprehensive approach to parking.

Julie Marino, Rye Resident, stated that she resides on Oakland Beach Avenue and has been very concerned about safety. She felt that it was not a good idea to close down one side of Hewlett, as it would cause her to park on a road with no sidewalks. She felt that this decision was impulsive and that the City has not taken a close enough look.

Brian Dempsey stated that this has been looked at over the last 15 to 20 years and has been studied by the Traffic and Pedestrian Safety Committee over that time period. There was general discussion about the number of cars which may be permitted to park on Hewlett, and pedestrian safety.

Councilwoman Tagger-Epstein stated that the largest issue was that in the case of an emergency, emergency vehicles are unable to pass.

Deirdra Mikelopolas stated that her children attend Milton School. She stated that there cannot always be walking to school. She asked the City to consider an alternate solution.

Councilwoman Tagger-Epstein stated that she understands that not everyone can walk to school. She said she has been asking parents at Milton to abide by traffic rules. The Police Department has issued tickets and the conversation has been ongoing. She said that at the end of the day, the objective is safety. Councilwoman Tagger-Epstein then said that she had a conversation with the PTO presidents as to how we can work together for a solution that helps parents.

Eva Males, Rye resident, stated that she lives on the corner of Forest and Hewlett, with her driveway facing Hewlett Avenue. She stated that she has also been trapped in her driveway. She said that sometimes the passage is so narrow that she has to fold in her side view mirrors. She felt that drivers are distracted, texting, etc. and suspected that if someone in law enforcement was there enforcing daily, it would help.

City Manager Serrano stated that Commissioner Corcoran is in full support of limiting the parking on Hewlett.

Mr. Dempsey recommended observing the changes for one month.

Julie Marino asked why there was no outside consultant hired to study the issue. Councilwoman Tagger-Epstein responded that Mr. Dempsey is a professional traffic engineer.

Concerning Osborn Road, Mr. Dempsey stated that many options have been considered over the years. There are several issues; one being that there is a five-lot subdivision with a driveway on Osborn Road. Pedestrians have safety issues there and so possible sidewalks or other issues are being considered. What is being proposed now is to prohibit parking to the entrance of Osborn School. It eliminates one lane of vehicles parked, which helps in an emergency situation.

Mayor Sack said that the benefit would be great, as the parking changes would help pedestrians, prevent backup on Boston Post Road, and help in an emergency situation.

Dan Chorost, 9 Osborn Road, stated that each day, the children in his cul-de-sac cannot safely get to the crossing guard on Boston Post Road. He urged the Council to approve this issue. He thanked the Council for their consideration.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca and unanimously carried, to close the public hearing.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd, to adopt the following changes to the City Code:

§ 191-19.1. Parking prohibited certain hours.

No person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

Name of Street	Side	Hours	Location
Boston Post Road	East	When school is in session, from 7:30 a.m. to 8:30 a.m.	Along the frontage of the Resurrection Middle School 936-946 Boston Post Road

Name of Street	Side	Hours	Location
			and 2:00 p.m. to 4:00 p.m.
Fairway Avenue	West	When school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.	From Hewlett Avenue to Green Avenue
Hewlett Avenue	West	When school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.	Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway entrance to the driveway exit
Parsons Street	South	When school is in session, from 7:30 a.m. to 8:30 a.m. and 2:00 p.m. to 4:00 p.m.	Between the middle school and high school driveways

§ 191-19 No parking any time.

The parking of vehicles is hereby prohibited in all of the following locations:

Name of Street Side Location

**Promulgated by City Manager with approval of City Council.*

Hewlett Avenue	East	From the crosswalk opposite the southerly entrance of the driveway which runs along the easterly side of Milton School for a distance of 50 feet northerly
Hewlett Avenue	East	From Forest Avenue to a point 50 feet north of the southerly cross walk to Milton School at the exit of their driveway
Osborn Road	North	Between Theall Road and the Harrison line
Osborn Road	South	Between Boston Post Road and the Harrison line
Osborn Road	North	From Boston Post Road to the entrance driveway to the Osborn School

ROLL CALL

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

10A. Consideration of request to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19.1, "Parking prohibited certain hours", to prohibit

parking on the west side of Fairway Avenue from Hewlett Avenue to Green Avenue when school is in session from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.

11. 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.

Mayor Sack stated that there is a SEQRA review that will take place in connection with this application. Under SEQRA, there must be a declared lead agency. The City of Rye is prepared to declare itself lead agency for these purposes.

Corporation Counsel Wilson stated that declaring lead agency is the first step under SEQRA. Following that step, there will be a positive or negative declaration made. To make a positive declaration is a finding by lead agency of a finding that there is at least one issue that could be a significant environmental impact of the proposed impact. A negative declaration is a finding that there are no adverse environmental impacts.

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

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR CROWN CASTLE'S REQUEST TO AMEND THE RIGHT OF WAY USE AGREEMENT

On Motion of Councilwoman Tagger-Epstein, seconded by Councilwoman Hurd, the following resolution was adopted by the City Council of the City of Rye, New York:

WHEREAS, Crown Castle has requested amendments to the current Right of Way Use Agreement ("RUA") to allow the installation of approximately 64 additional nodes, new/additional accessory equipment and two new pole sets (the "Request"); and

WHEREAS, the City Council is continuing to review the above Request and is seeking additional documentation from Crown Castle; and

WHEREAS, pursuant to the Notice annexed hereto, in accordance with the provisions of 6 NYCRR Part 617, the City Council intends to serve as Lead Agency for the SEQRA review of this Request and, in this capacity, will determine if the proposed action will have a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rye declares its intent to serve as lead agency and will circulate the Notice to all Interested Agencies (there being no other Involved Agencies).

ROLL CALL

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

Mayor Sack stated that as has been stated at prior meetings, there has been discussion that Crown Castle's "shot clock" would end November 2, 2016, at which time the City would need to make a determination. Mayor Sack also mentioned that there was letter recently sent from the City Manager to the applicant's attorney that Chapter 196 applies, at least in part, and that there has not been compliance. The letter also mentions that a possible breach of the right-of-way use agreement has taken place, by not considering municipal facilities for node placement. There has also been a notation of possible breach by Crown Castle which has entered into a contract with Verizon without compensation to the City.

Chris Fisher, Cuddy & Feder, stated that in 2011, Crown Castle obtained a right-of-way use agreement by asserting their Certificate of Public Convenience. At this point in time, the applicant is seeking to amend their right-of-way use agreement and add nodes throughout the City. There have been objections from the public concerning safety, the volume of such nodes, aesthetics, locations, a claim of property value impact, and overall process. In July 2016, Crown Castle asked for the City to take action, and the City deferred action in order to retain an expert. The parties have agreed on November 2, 2016 to take action. Mr. Fisher stated that he asked the City to provide municipal alternatives, but was not provided with any. He stated that Crown Castle would work with the City on the node size to move the project forward. However, Mr. Fisher also mentioned that there is language within the right-of-way use agreement that suggests that the City would not be involved in the aesthetics of the boxes.

Mayor Sack stated that there has been an agreement to extend to November 2, 2016. His understanding was that both parties were amenable to the exchange of information.

Ben Stack, 20 Sonn Drive, addressed the Council and asked if the SEQRA process would apply to the existing nodes. Corporation Counsel Wilson responded that the original nodes would not be the subject of the SEQRA, just those under the amendments to the right-of-way use agreement.

Matt Fahey, 36 Franklin Avenue, addressed the Council. He stated has been watching the debate over Crown Castle for the last few weeks. He felt that the Council did not have the public's interest at heart and urged the Council to listen to residents on this issue.

Dan Richmond, Zarin and Steinmetz, counsel retained by Rye Residents, made a statement to the Council. He stated that their clients wished to work toward a resolution with the City. He stated that the nodes must all comply with chapter 196 of the City Code. He stated that he does not feel that the shot clock would be applicable, due to the lack of a full submission by Crown Castle. He looks forward to working with the City.

Joshua Cohn, 24 Green Avenue, made a statement to the Council. He encouraged the City to deny the request by Crown Castle. He stated that the City must develop an overall plan for wireless telecommunications. He expressed concern over the future of the wireless

carriers in the right-of-way, in that while currently there is an application from Crown Castle and Verizon, there could be others in the future who may want their own poles within the right-of-way. He also expressed concern over proximity to homes and property values.

Rich Pell, 30 Grace Church Street, stated that the Post Road in Rye has been preserved. It is the result of many Councils supporting the community. He talked about the value of the community and properties. He was concerned about the possible reduction in property values. He stated that newer young families would want to move to Rye, but be dissuaded by nodes. He asked the Council to preserve Rye's neighborhoods and support the residents.

Owen Knee, 701 Forest Avenue, commented on the 2010 agreement. He felt that the original agreement is probably void, as the City does not own the telephone poles.

Bjorn Tuypens, 717 Forest Avenue, addressed the Council. He stated he wanted to answer Councilman Mecca's question about the current eight cell nodes and home value. He said that after studying price data from Zillow, he found that those homes within the vicinity of the nodes lost value of 2 to 6 percent. He cited the CATO institute's handbook for policy makers.

Councilman Mecca asked Mr. Tuypens to provide a more accurate, factually-based presentation with backup. Using facts in this situation could help the City to make a case, but the backup needs to be strong.

Carolyn Cunningham, 18 Soundview Avenue, made a statement to the Council. She was upset to hear that Chapter 196 had not yet been applied. She stated that she was happy to hear of the letter from the City urging Crown Castle to comply with parts of Chapter 196 and for breach of contract notices.

Gibb Cain, Stuyvesant Avenue, stated that he had a home that would be impacted by proposed nodes. He asked why the center of Rye did not have any proposed nodes.

Mr. Fisher responded that there was already a cell tower on top of Blind Brook Lodge where coverage exists. There was general discussion over gaps in coverage. He also urged the Council to reference certain cases and FCC regulations.

Leah Marino, real estate broker, stated that she was in shock to see this occurring.

Trish Agosta addressed the Council and asked that Crown Castle is treated the same as the residents.

Mayor Sack adjourned the public hearing until October 19, 2016.

~~12. Authorization for the City Manager to enter into an agreement with Woodard & Curran for field investigations and site characterization to support property acquisition and future development plans for the New York Thruway property.~~
Withdrawn

- 12A. Authorization of an additional City Council Meeting on November 9, 2016 for the Presentation of the Budget.

Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to authorize the addition of a City Council meeting to be held on November 9, 2016 for the Presentation of the 2017 Budget.

13. Summary of the 2017 Budget Process and Consideration of setting the 2017 Budget Workshop schedule.

City Manager Serrano stated that the budget will be presented at the additional Council meeting on November 9, 2016. Further, the budget workshops will be held on November 14, 2016 and November 16, 2016. The public hearing on the budget will be held on December 7, 2016 and placed on the agenda for Council vote on December 21, 2016.

Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to adopt the Budget Workshop schedule as set forth by the City Manager.

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. Resolution to amend the Boat Basin Commission By-Laws to allow permitting to commercial boats subject to the approval of the Boat Basin Supervisor and the Boat Basin Commission.

Councilman Mecca stated that allowing commercial boats may help the City with the funding to dredge.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to adopt the following Boat Basin Commission By-Law Amendments:

SECTION 1 REGULATIONS REGARDING DOCKING/MOORING VESSELS

1.1 INSURANCE – All Owners shall maintain year round liability insurance of no less than a \$300,000 of coverage for all vessels. Each certificate shall state that such insurance coverage is primary over any insurance held by the City of Rye and provide the Boat Basin Supervisor with a copy of said insurance certificate. Proof of insurance due at time of application.

1.2 OWNERSHIP – No permit will be issued to an applicant unless he/she owns in whole title to vessel in application. Proof of such ownership must be furnished by presentation of a valid boat registration card, driver’s licenses.

1.3 RESIDENTIAL RATES – To qualify for the residential rate, at least two (2) proofs of residency is required. Any two of the following may be provided at the time of application: Driver’s license, credit card bill, utility bill or cable bill.

1.4 LAUNCHING & HAULING - Boats that utilize the Boat Basin for winter storage must be in the water and at its assigned slip no later than June 15th. All boats remaining in the Boat Basin lot after June 15th will be assessed a **daily fee of \$20.00**. Boat Basin closing date is Nov. 1st, no services provided after November 30th.

1.5 SLIP ASSIGNMENTS - Boat Basin reserves the right to reassign dock slip assignments as the need may arise. Summer dockage contract does not guarantee any particular slip assignment.

1.6 DOCKING - The Boat Basin assumes no responsibility for improperly docked boats or improperly tied lines. Owners shall properly secure their vessels at all times so that no damage occurs to Owner’s boat, other boats or the Boat Basin. The Boat Basin reserves the right to replace defective lines or correct defective mooring when necessary and to charge Owner for the cost of such replacement or correction.

1.7 SLIP MODIFICATIONS - No padding, hose, rug or other material shall be attached to the tops or sides of the slips; only materials authorized by Boat Basin in writing shall be used. All other material attached to the slips will be removed. Boat owners shall make no material change in slip.

1.7.1 DAMAGE – Owner shall be responsible for all damage to docks, slips or other Boat Basin property while docking vessels.

1.8 BOAT CONDITION – Boats docked at the Boat Basin must be seaworthy and capable of moving under their own power. No boat shall create a fire hazard, sinking hazard or unsightly condition. The Boat Basin may withhold or withdraw slip space for any occupant whose vessel is considered in the opinion of the Supervisor and the Commission to be unsound, a hazard to the Boat Basin or to other boats.

1.9 EMERGENCY MOVES – The Boat Basin shall not be responsible to move Owner’s boat at any time. However, Owner authorizes the Boat Basin to move Owners boat as may be required in the event of an emergency or to avoid loss or damage to Boat Basin property. Owner further agrees that the Boat Basin shall not be liable for any damage to the boat caused by moving said boat.

1.9.1 This contract authorizes the City of Rye Boat Basin to remove/haul/recover a vessel at any time when such vessel poses a threat or danger to Boat Basin, its property or

its clients. It also authorizes Boat Basin to remove/haul/recover/lockdown a vessel, at owner's expense for late/non-payment or if vessel is still in lot after June 15th deadline.

1.10 SEVERE WEATHER – Owners shall be responsible for properly securing their vessels in the event of severe weather so that no damage occurs to the Owner's boat, other boats or the Boat Basin. If, in the sole opinion of the Boat Basin Supervisor, Owner has not taken necessary and appropriate precautions, Boat Basin personnel may, but shall not be obligated to, appropriately secure vessels or prepare vessels for foul weather.

SECTION 2: GENERAL REGULATIONS OF THE BOAT BASIN

2.1 REPAIRS & MAINTAINANCE – All maintenance and or repairs can be owner performed. Any mechanics hired to work on Owner's boat must provide all necessary insurance and workers compensation requirements to the Boat Basin Supervisor before starting work. Owner is responsible for making sure all rules and regulations pertaining to the use of fuel, oil, solvents and paints are adhered to.

2.2 DAMAGE TO BOAT BASIN PROPERTY – Owners and operators of vessels shall immediately reimburse the Boat Basin for any damage or defacement that they, their vessel, guests, employees or agents may cause to Boat Basin property.

2.3 LIVE ABOARD – Owner may not live on or use their boat as a place of residency in the City of Rye Boat Basin. Overnight on board camp-outs are allowed to a maximum of two (2) nights. Open flame cooking and barbecue fires are strictly forbidden at all times.

2.4 SUB-LEASING – Owners are not allowed to sub-lease or rent their slip.

2.5 SLIP TRANSFER – Slip may go with the sale of the boat per approval from Boat Basin Supervisor. No refund or pro-rata refund of slip payment will be made.

2.5.1 SELLING BOAT - Owners who sell their boat during the boating season must make notification of the sale with 10 days to the Boat Basin Supervisor. Boat owner must also notify Boat Basin Supervisor if they are replacing the boat and if so, does it fall in the same size category.

2.6 NOISE - The operation of any radio, phonograph or television or the use of any musical instrument or other sound-making instrument or device on any boat in such a manner as to disturb the peace is prohibited, except that the transmission of audible signals that are necessary for normal navigation or for emergency purposes is permitted.

2.7 SWIMMING, FISHING AND MISCELLANEOUS ACTIVITIES – Swimming, diving and fishing are prohibited within the Boat Basin. Fish cleaning is prohibited within the Boat Basin. The discharging of firearms or fireworks is prohibited within the Boat Basin. The flying of kites, remote controlled airplanes, boats, and cars is also prohibited. Bicycle riding, skateboarding, and roller skating are prohibited on the docks.

- 2.8 CLAIMS** - In consideration of the granting of this permit, Permit Holder hereby releases the City of Rye, it's Officers and members, of any liability for personal injuries to Permit Holder, their Guests or Invitees and for property damage to or loss or theft of Permit Holders boat, automobile, trailer or related equipment, suffered or sustained during the use of the Boat Basin or storage areas.
- 2.9 OVERNIGHT PARKING** – Overnight parking is only allowed in the back parking lot.
- 2.10 LIFE JACKETS** – All children 12 years of age or under must wear a Coast Guard approved Personal Floatation Device while on the docks.
- 2.11 UPGRADING** – There will be no upgrading in size of boat without prior notification to the Boat Basin supervisor. No upgrading will be allowed if it constitutes a change of category or slip assignment.
- 2.12 COMMERCIAL VESSELS** – Permits and slip assignments for commercial vessels will be handled on an individual basis and are subject to the approval of the City Manager, the Boat Basin Supervisor and the Boat Basin Commission.

ROLL CALL

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

16. Resolution to declare certain City of Rye equipment as surplus.
Roll Call.

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

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

WHEREAS, Rye TV 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, Killian, Mecca and Tagger-
Epstein
NAYS: None
ABSENT: Councilman McCartney

18. Consideration of a request by the Recreation Department to hold their 40th annual *Turkey Run* on Saturday, November 26, 2016 during Thanksgiving Weekend.

Councilwoman Killian made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Recreation Department to hold their 40th annual *Turkey Run* on Saturday, November 26, 2016 during Thanksgiving Weekend.

19. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 27, 2016 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 27, 2016 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

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 Councilwoman Hurd and unanimously carried, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk