

STATE OF NEW YORK

7987

2017-2018 Regular Sessions

IN ASSEMBLY

May 24, 2017

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

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

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

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

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

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

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

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

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

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

29 § 2. This act shall take effect immediately.