STATE OF NEW YORK

6474

2017-2018 Regular Sessions

IN SENATE

May 24, 2017

Introduced by Sen. LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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:

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:

§ 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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of time not exceeding three [~~or seven years in the case of agreements executed before May 1, 2000 if approved with the support of the supervisor of the town of Rye and the mayor of the city of Rye~~] years, and under such rules and regulations as shall be made by said commissioners of parks, the privilege of maintaining and offering boats for hire at said park; the privilege of maintaining bath houses and bathing facilities for hire at said park, and the privilege of maintaining a public restaurant at said park; the privilege of selling ice cream at said park; the privilege of selling candy at said park; [~~the privilege of selling cigars and cigarettes at said park;~~] the privilege of selling soda water at said park; the privilege of selling beer at said park; the privilege of selling wine or liquor at said park; the privilege of selling post cards and souvenirs at said park, and the privilege of parking automobiles and vehicles at said park, or any or all of said privileges. [~~In the case of seven year agreements executed before May 1, 2000, said commissioners are authorized and empowered to extend such agreements for any period of time not exceeding an additional ten years if such extension is executed before December 31, 2002 and is approved with the support of the supervisor of the town of Rye and the mayor of the city of Rye.~~] Said commissioners are authorized and empowered to let to any person or persons or corporation for any period of time not exceeding twenty years for the privilege of maintaining a public restaurant at said park; the privilege of selling ice cream at said park; the privilege of selling candy at said park; the privilege of selling soda water at said park; the privilege of selling beer at said park; the privilege of selling wine or liquor at said park if such agreement is executed prior to December thirty-first, two thousand eighteen and is approved with the support of the supervisor of the town of Rye and the mayor of the city of Rye. Copies of proposed leases or contracts extending such privileges shall be provided to the town board of the town of Rye and the city council of the city of Rye for their comment at least one month in advance of determination by the commissioners, the supervisor of the town of Rye and the mayor of the city of Rye. Said commissioners of parks shall have no power to lease any portion of said park for any other purpose than as above provided. Whenever said commissioners of parks shall determine to let any or all of said privileges, they shall cause any or all of said privileges to be sold by advertising as hereinafter provided for sealed bids in accordance with such terms and specifications as the said commissioners of parks may determine, or at public auction to the highest responsible bidder, who in the discretion of the park commissioners is deemed to be to the best interest and advantage of the town park and its management, such determination shall be made by a resolution passed by a majority of the commissioners of parks at a meeting, after notice calling for sealed bids for said privileges under such terms and specifications as the said commissioners of parks shall determine, or of such public auction, shall have been advertised in all the newspapers of said town of Rye at least once a week for two weeks successively. Said commissioners of parks shall have the power to reject any or all of the sealed bids, or bids at such public auction. The person or persons or corporation to whom the privilege or privileges shall be sold and awarded shall furnish a bond in such sum as may be determined, and with such sureties as may be approved by said commissioners of parks. Said commissioners of parks shall not have the power to lease said privileges so as to exclude the people of the town of Rye from a full and free enjoyment of the waters of Long Island sound adjacent to said park, and of the right to embark and disembark to and from

the said park from boats and yachts. No liquors, beer, wine or intoxicants of any kind whatsoever shall be allowed or sold in any part of said park except under license agreement with the Rye Town Park commission. The town board of the town of Rye and the city council of the city of Rye each shall have the authority to suspend or revoke the use of wine or liquor at Rye Town Park on an annual basis. This authority can be exercised through the passage of a resolution by either municipal government. Suspension or revocation can be rescinded by passage of a resolution by the same municipal government. Said commissioners of parks shall have the power by a resolution passed by a majority of the park commissioners to operate and conduct any or all of said privileges under their own supervision and direction, to employ a manager for that purpose, and contract, hire, and employ labor and assistants for that purpose and purchase provisions, supplies, goods, wares, merchandise, fixtures and bathing equipment to be sold, hired and used under the privileges hereinbefore enumerated from time to time for that purpose. The said commissioners of parks may determine by a resolution passed by a majority of the commissioners of parks at a meeting to operate and conduct any or all of the said privileges, for the benefit of the town of Rye, under their own supervision and direction and the said commissioners of parks are hereby empowered and authorized to use whatever funds are in the hands of the commissioners of parks for that purpose and if such funds are insufficient the said commissioners of parks may raise by taxation a sum not exceeding twenty-five thousand dollars for that purpose, in any year. The principal of and interest on any obligations of the town of Rye issued for any of the purposes of this act shall be levied and collected in the manner required by law and the board of supervisors of the county of Westchester, upon request of the town board of the town of Rye, shall levy and assess the said sum of money upon the taxable property of the town of Rye. The trustees of the village of Rye shall provide a sufficient number of policemen for the proper policing of and for the enforcement of all laws and ordinances applicable to the said park and the maintenance of order therein and the reasonable cost thereof and therefor, approved by the said commissioners, shall be paid by the supervisor, in the same manner as other park charges, to the treasurer of the village of Rye.

§ 9. The income from whatever leases may be made by the said commissioners, and from the sale of any or all of said privileges in said park, or the income derived from the conduct and operation of any or all of said privileges enumerated in section eight of this act, under the supervision and direction of the park commissioners for the benefit of the town of Rye shall be paid to the supervisor of the said town of Rye by the said commissioners of parks, and shall be applied by said supervisor as follows: to the proper care, expenses of maintenance, repairs and improvements of said lands and premises, and for the operation, maintenance and conduct of said privileges by the commissioners of parks and the balance of said revenue, if any, to the payment of the principal of and interest on the obligations of said town, issued for the purposes of this act[~~, and the balance, if any, shall be applied to general town purposes~~]. All payments shall be made upon vouchers certified by a majority of said commissioners of parks. The supervisor of the town of Rye shall be the treasurer of said commissioners of parks, and shall execute and deliver yearly a bond to the town of Rye in such an amount and with such sureties as may be approved by the town board of Rye. If the expense of maintaining the park, the operation and conduct of any or all of said privileges enumerated in section eight of this act by the

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

§ 2. This act shall take effect immediately.