



Rye Town Park
95 Dearborn Ave.
Rye, NY 10580
914 967-0965

RYE TOWN PARK COMMISSION **TENTATIVE MEETING AGENDA**

Commission Members

Julie Killian – Commissioner
Dennis Pilla, Mayor-Village of Port Chester
Joseph Sack, Mayor-City of Rye
Benedict Salanitro, Commissioner
Paul Rosenberg, Mayor-Village of Rye Brook
Gary Zuckerman - President

DATE: TUESDAY, OCTOBER 18, 2016

TIME: 6:00 P.M.

PURPOSE: MONTHLY MEETING

LOCATION: PORT CHESTER COURT, 350 NORTH MAIN STREET, 2ND FLOOR

1. Pledge of Allegiance
2. Roll Call
3. Adoption of Minutes: 8/16/2016 and 9/20/2016
4. Public Comment
5. Angelman Walk-a-thon Request for Approval
6. Park Management Report
7. Update on NYU/Wagner Capstone Team
8. Discussion and Possible Resolutions Regarding New Restaurant RFP & Short term License Extension
9. Financial Report
10. Adjourn

DRAFT

MINUTES FOR RYE TOWN PARK COMMISSION MEETING HELD TUESDAY, AUGUST 16, 2016

A regular monthly meeting of the Rye Town Park Commission was held on Tuesday, TUESDAY, AUGUST 16, 2016, at Rye Brook Village Hall, 938 King Street in Rye Brook, New York, with Commission President Gary J. Zuckerman presiding. A video recorder was in use during the proceedings but due to technical difficulties only the first half hour was recorded.

PRESENT: Commissioner Zuckerman, Commissioners Julie Killian, Dennis Pilla and Benedict Salanitro, Mack Cunningham of the City of Rye representing Commissioner Joseph Sack and Trustee Jason Klein of the Village of Rye Brook representing Commissioner Rosenberg.

ALSO

PRESENT: Town Attorney Martha McCarty representing Commission Attorney Paul Noto, Commission Secretary Deborah Reisner, Park Director Terry Fanelli and Assistant Park Director-Development William Lawyer.

1. PLEDGE OF ALLEGIANCE

Mack Cunningham led those present in the Pledge of Allegiance.

2. ROLL CALL

Commissioner Zuckerman called the meeting to order at 6:15 PM and asked Commission Secretary Reisner to call the roll.

3. ADOPTION OF MINUTES

The minutes of the June 21, 2016 monthly meeting were adopted, as amended. The minutes of the July 19, 2016 meeting were adopted.

4. PUBLIC COMMENT

Meighan Corbett of 600 Forrest Avenue in Rye expressed the view that some meetings of the Rye Town Park Commission should be held closer to the park.

5. PARK MANAGEMENT REPORT

The Park Management report was presented by Park Director Terry Fanelli. The following was submitted to the commission in writing.

Rye Town Park - Management Report - Period From: July 15 through August 11

Finance -

We received an income and expense report through June 30, along with budget numbers for

comparison. The actual net income is \$113,321.

Maintenance

The pond is doing fairly well, despite the lack of rain. The pond company carried out two DEC approved treatments. The saplings planted in 2015 are also doing well. The fertilization and emerald ash borer beetle treatment will be carried out in September.

In addition to daily tasks, the staff carried out a number of repair and improvement projects. These included repairs to the men's tunnel and gate, north bathroom, cement work in various areas of the park, dumpsters, golf carts, and garage door. Two drain plates were replaced. On the improvement side, the staff installed the new benches and attached the memorial plaques. And, they helped with cleanup after the outdoor movie/magic show and Shakespeare production

Security and Parking

The park rangers helped with the logistics of getting the outdoor movie, magic show and Shakespeare vehicles safely to and from the areas along the path, as well as monitoring the north beach bathrooms. Larry Miano reports that there were no health or safety incidents, or problems with overflow parking.

Parking was full for brief periods on several occasions, so people were advised to go to Playland.

Beach Operations

Mark Cassata reports that the staff was busy due to four capacity crowds on sunny days. Admission to the beach had to be closed briefly for safety sake. Along with the minor first aid cases, there were 2 cases of heat exhaustion and 2 water rescues. We had 11 days with temperatures over 90. Mark added that despite the beach crowds, everyone was well behaved and respectful of the rules. The county health department came for an evaluation, and the beach passed with flying colors.

Personnel

We had a senior staff meeting July 28th. A wide range of topics were covered including end of the season staffing shortages. We had a staff party on Aug. 11, featuring an exciting thunder, lightning and downpour show at no extra charge. SSJ donated the food and beverages.

Programs -

Bill Lawyer is working with Chris Mauch to host an "MG" Walk to raise awareness about the fight against myasthenia gravis. It is tentatively scheduled for Sat Oct 22. We had to re-schedule the outdoor movie and magic show due to the prediction of thunderstorms. This included media releases, posters and flyers. We also had to get a new magician due to a schedule conflict. Everything went well on July 21 with about 150 participants. In addition to the Tuesday concert series, at Terry's recommendation, we hired a local DJ to hold a "Disco Night" event on July 22nd.

We spent many hours working with the LawnChair Theatre Company to prepare for their performances of Shakespeare's "Twelfth Night." Saturday's performance was moved to Rye Presbyterian Church due to the threat of thunderstorms. 60 people attended. As the park had received a \$1,000 sponsorship from the Atria Senior Community, we contributed \$60 toward custodial costs to ensure that show would

go on. Sunday's Aug. 7 performance was held as scheduled, and about 160 people attended.

The Rye Library's "Storytimes" programs were held on Tuesdays, with an average attendance of 40 adults and children.

Bill Lawyer worked with a children's music operation, "Songs From Seeds" to offer a free program at RTP on Saturday, Sept. 3rd. Throughout the period, Bill Lawyer updated the park bulletin boards and web site regarding upcoming events and changes in the schedule.

We were approached by the MAC Angels Foundation to hold an event in September, but all the weekends were booked.

Terry Fanelli attended a Triathlon planning meeting on Aug 10. As in past years, the sponsor will pay RTP a facility use fee of \$3,500 for 5 days presence at the park -the heaviest of which will be on Sept 24 and 25 - the dates of the triathlons and expo

Park Development

Bill and Terry worked with JoAnn Leon regarding scheduling a dedication ceremony for the restored fountain. We sent out media releases - the event will be held at 10:30 a.m. on Sat. Aug 27th. Terry Fanelli handled a facility use agreement with a film company to shoot scenes on the beach at the north end of the park.

Bill Lawyer worked with representatives of the Rye Arts Center and developer Lou Larizza to finalize the site for the sculpture base. Groundbreaking started on Aug. 8. The project was nearly complete by Aug. 11.

Some members of the Rye Town Park Alliance suggested holding a sand sculpture event at the park. Such events are held at various beaches along the East Coast, including Greenwich. It was decided to gather ideas and plan for something next summer, with participant prizes and a sand sculptor demonstration.

We received both positive and negative feedback from the public during the period. The RTP Alliance's Facebook page, Google's RTP Business site, the RTP web site and a letter were used for questions and comments about park operations.

Questions were asked regarding when the Cope sculpture would be installed. Assistant Park Director – Development Bill Lawyer addressed this issue, explaining that insuring exhibit was the final issue to work out. He reported that insurance would cost approximately \$165 for the year, on a pro-rated basis. By acclimation the Commission agreed to cover the insurance cost.

6. Presentation of Accounting Report

Navy Djonovic of the accounting firm of Maier Markey & Justic LLP, presented the draft accounting report. The following written report was submitted to the Commission:

Discussion ensued regarding the Park's capital account. Commissioner Salanitro recommended a discussion be held at a subsequent meeting on the capital budget.

7. Discussion of Proposals to Restaurant Request For Proposals (RFP)

President Zuckerman announced that two proposals had been submitted to the Commission in response to the Commission's RFP. However, one of them was withdrawn. Specifically, Angelo Liberatore emailed a letter to Commission Secretary Debbie Reisner on August 16th that formally withdrew his proposal.

The other team was invited to address the Commission. John Ambrose and Sam Chernin, co-owners of the Park's current restaurant Seaside Johnnies presented their proposal and plans with assistance from their architect Rex Gedney of Crozier Gedney Architects, P.C.

The presentation included discussion of the challenges and opportunities of running the restaurant as a year-round business. Both Mr. Ambrose and Mr. Chernin said that they have built their restaurants on City Island into 12 month concerns, it was very difficult and required many years. President Zuckerman said that the decision to open in winter would be left up to the licensee.

Comments from the Public

Meighan Corbett of 600 Forrest asked whether the proposed plans would increase the restaurant's capacity. Mr. Ambrose said capacity would remain the same.

Jamie Jensen of 588 Forrest Avenue asked what the process would be for deciding how to proceed now that the Commission had only one proposal to consider. President Zuckerman answered that as this is a contractual matter, the process would likely be discussed by the commissioners in executive session.

John Velossi of 6 Village Green in Port Chester, said he wished to be a character witness for Mr. Ambrose. He went on to describe the ways in which Mr. Ambrose is a good boss and community member.

8. Resolution to Request Tax Exemption from the City of Rye

President Zuckerman introduced the next order of business by explaining that since 1907, when the Park was first created up through 2010, the Park was wholly exempt from real property taxes pursuant to RPTL 406(2). Then, in 2011 the City of Rye Assessor made a determination that the portion of the Park that was licensed to Seaside Johnnies was taxable. The Town and the Rye Town Park Commission commenced a proceeding to have the exemption restored. In 2013 the Supreme Court ruled in favor of the Town and Commission.

In July of 2016, however, the Appellate Division, Second Judicial Department, rendered a decision based on RPTL Section 406(2). The implications of this interpretation is that in order for the entire Park to maintain a tax exempt status, there must be a written agreement from the governing board of the municipality in which the park is located (the Rye City Council). In light of this development, the Commission was now considering a resolution granting President Zuckerman the power to write to the Rye City Council to request reinstatement of the Park's tax exempt status.

RESOLUTION

On motion of Commissioner Pilla seconded by Commissioner Salanitro, the following Resolution was adopted:

WHEREAS, the Rye Town Park Commission manages Rye Town Park; and

WHEREAS, Rye Town Park is a public park which was created in 1907 by an Act of the New York State Legislature; and

WHEREAS, from 1908 through 2010, the Park was wholly exempt from real property taxes pursuant to Real Property Tax Law Section 406(2); and

WHEREAS, in 2011 the Assessor the City of Rye determined that the portion of the Park that had been licensed to a private corporation for the operation of a restaurant was taxable and placed that property on the City's assessment roll for the 2011 tax year; and

WHEREAS, the Rye Town Park Commission and the Town of Rye commenced a proceeding against the Assessor and the City of Rye Board of Assessment Review to strike the property from the City's assessment roll on the grounds that the property was tax exempt; and

WHEREAS, the Appellate Division, Second Judicial Department, determined in its Decision dated July 27, 2016 that Real Property Tax Law Section 406(2) applies wherein real property owned by a municipal corporation not within its corporate limits while used for a public park shall be exempt from taxation by any municipal corporation in which it is located provided that the governing board thereof shall so agree in writing; and

WHEREAS, there is no written agreement with the City of Rye granting tax exempt status to that portion of the park for which the action was filed; and

WHEREAS, the Rye Town Park Commission would like the City of Rye to exempt that portion of the park and restore the exemption as it existed prior to 2011.

NOW THEREFORE, BE IT RESOLVED that the Rye Town Park Commission hereby requests and authorizes Rye Town Park Commission President Gary Zuckerman to request, in writing, from the City Council of the City of Rye, a written agreement granting a tax exemption for Rye Town Park consistent with all of the provisions of Real Property Tax Law Section 406(2).

ROLL CALL:

AYES: Commissioners Pilla, Salanitro, Klein and Zuckerman

NOES:

ABSTENTIONS: Commissioners Cunningham and Killian

Dated: AUGUST 16, 2016

There being no further business before the Commission a Motion to adjourn was made by Commissioner Pilla and Seconded by Commissioner Salanitro.

Adjourned at 7:20 PM

MEETING MINUTES FOR RYE TOWN PARK COMMISSION HELD **September 20,2016**

A regular monthly meeting of the Rye Town Park Commission was held on Tuesday, September 20, 2016, at Port Chester Courthouse, 350 North Main Street, Port Chester, New York, with Commission President Gary J. Zuckerman presiding. Video and audio recorders were in use during the proceedings.

PRESENT: Commissioners Zuckerman, Julie Killian, and Benedict Salanitro, Joseph Sack, representing Commissioner Rosenberg was Joan Feinstein and representing Commissioner Dennis Pilla was Village Councilman Louis Marino.

ALSO

PRESENT: Commission Attorney Paul Noto, Commission Secretary Deborah Reisner, Park Director Terry Fanelli and Assistant Director- Park Development William Lawyer.

1. PLEDGE OF ALLEGIANCE

Joan Feinstein led those present in the Pledge of Allegiance.

2. ADOPTION OF MINUTES:

The minutes of the August 16 meeting were tabled.

3. PUBLIC COMMENT ON NON AGENDA ITEMS

Bill Bischelli of 382 Milton Road in Rye and a representative of The Friends of Rye Town Park (FRTP) asked about plans for maintaining the park during the winter. Park Director Terry Fanelli briefed the assembly regarding the post season operating plan.

Diane Horner of 129 Beach Avenue in Rye Neck expressed her view that the ambiance, cleanliness and management of the park was tremendous this year.

4. Park Management Report

Terry Fanelli presented

Rye Town Park - Management Report - From: August 12 - Sept 15 2016

Director's Overview My goal for this season was to keep the Park safe, clean for all to come and enjoy the beauty of the Park. Another top priority was to enable staff to work as a team to achieve these goals. With the exception of a few complaints, I believe these goals were accomplished and I cannot begin to thank enough my entire staff for making it all happen.

The season officially ended September 5th. Currently we are in post season until the end of September, with a skeleton maintenance and security staff remaining after that. Lifeguards will be on duty only weekends, thru September 18th. After that time, a skeleton crew will be in to finalize clean up and shut down. Preparations have begun for season clean up and shut down.

Finance - BEACH INCOME REVENUE

MONTH TO MONTH	
AUGUST 2016	\$232,624
AUGUST 2015	\$276,311
VARIANCE	\$43, 687 BEHIND 2015

YTD	
APRIL 16TH – AUGUST 31, 2016	\$981,703
APRIL 16TH – AUGUST 31, 2015	\$876,978
VARIANCE	\$104,725 AHEAD OF 2015

LABOR DAY WEEKEND
 DUE TO THE TRACK AND PREDICTIONS FOR TROPICAL STORM HERMINE, THE 4 DAY LABOR DAY WEEKEND FOR THIS SEASON WAS NOT A FINANCIAL SUCCESS.

LABOR DAY WEEKEND 2016	\$19,082
LABOR DAY WEELEND 2015	\$61,026
VARIANCE	\$41,944 BEHIND 2015

UNITS

	PERMITS	PARKING	
BEACH			
AUGUST 2016	1	\$15,341	\$14,661
AUGUST 2015	1	\$20,822	\$19,318
VARIANCE	0	(\$5,481)	(\$4,657)
APRIL 16– AUGUST 31, 2016	2147	\$55,365	\$52,303
APRIL 16 – AUGUST 31, 2015	1788	\$59,378	\$54,691
VARIANCE	359	(\$4,013)	(\$2,388)

We have had a few problems with computer hardware over the last month and our relationship with Sullivan Data has been nothing but outstanding. Their quick response to our problems led to having no downtime processing transactions. They have been a welcome asset. In addition to being on call, they have prepared a plan for our network upgrade, for plans to work thru the off-season and have it all ready to begin installation in early April 2017. We now have all our software backed up and it is being done daily.

All computers will be removed from the booths and permit office on September 27th by Sullivan Data. They will be packed, labeled and stored at Sullivan’s headquarters. In addition to all the computers, for the first time our server and all printers will be stored as well.

Maintenance

Despite the dry weather the pond continued to be in good condition, with environmentally safe treatments being administered during the period. Two heavy rains helped also.

We had some minor damage to trees due to a storm on Aug 16. Oak tree 205 was hit by lightning. The Pin oak 84 had its leaves turn brown, due to a mold in the roots. Bartlett treated both trees. Oak tree 205 seems to be doing fine -- no sign of leaf die-off.

John Zicca trimmed some branches on the pagoda tree, including one that had cracked during the storm. Charlie Northshield of The Friends of Rye Town Park (FRTP) and I met with Frazer Pehmoeller of Bartlett to review the various projects that are underway.

Frazer is recommending that a lightning rod unit be set up on tulip tree 91 -- the tallest tree in the park. This will attract lightning and transport it safely to the ground, diverting it from other possible targets. This will cost \$1,800 and we are proposing RTP and the FRTP split the cost. This would be within the park's budget for tree work.

The maintenance staff planted grass seed and hay/straw mulch in the area near the Cope sculpture. They are watering it, but the weather has not been helpful.

In addition to the daily and weekly cleaning and facility maintenance, the staff carried out extensive cement repair and repainting work in various places around the park - a great improvement!

Using the rowboat, the staff removed debris that was clogging the pond aerators. They cleaned out the garage and carpenter shop and fixed the water heater. They made preparations for the hurricane that did not arrive. Working with the lifeguard staff, after Labor Day they started storage of equipment for the winter.

Security and Parking

Larry Miano has prepared the parking/security schedule through September. The ATV is now registered with DMV so that it can be used on the streets if necessary.

The Rye City Police issued 2 off-leash summonses 9/1. Two young adults were stopped by Rye City Police from entering the park at 2 am on 9/4.

We had an incident on the evening of Aug. 26 where some youths who were attending a Little League party at one of the RTP pavilions caused some minor damage to the fountain. Lenny Sotolongo was able to get everything cleaned up in time for the dedication ceremony Aug. 27.

At Commission President Gary Zuckerman's request we are looking at ways to protect the fountain electrical outlet. These include a decorative fiberglass "rock" that could cover it, or planting some kind of shrubs.

Beach Operations - Mark Cassata reports that things went very smoothly, with no major safety, health and security issues. One woman had heat exhaustion. We were only closed due to weather one day. We had 5 days when the beach attendance was over 1,000. The daily average estimate was 626 for days when the beach was open for swimming. Mark reports that a lot of the lifeguard equipment is old, and should be replaced for next year.

Personnel

Despite staff shortages, we were able to keep the beach open for swimming nearly every day the weather permitted.

Programs - We received several proposed program requests. One was for a boat-building activity to build teamwork skills. We had two walk-athon requests, but the dates they wanted wouldn't work. We are working with the Alzheimer Foundation on a possible program in February, but many issues need to be resolved.

And we are working with MSG and the New York Rangers to co-host a 5k run with Playland on Nov. 19. The event is not definite yet, however. The race would involve runners using Playland Park and the RTP beach path. They would also have to get Rye Police to monitor Dearborn, Forest and Rye Beach Ave. Their "sponsor" is Northwell Health. Bill Lawyer met with them on 9/9 and is working with them on the details. The event would begin and end at Playland, so there will not be any cars or other facilities at RTP-- only volunteers helping direct the runners. This could be a great opportunity to promote RTP.

The final Rye Library storytime program at Rye Town Park was held Aug 16. The library staff is looking forward to holding the programs next summer. The High Performance Track Club is holding training sessions for up to 15 elementary school children on Mondays and Wednesdays from 9/12 through 11/9. They are paying \$25 per session. Second grade classes from Milton School will be coming to RTP 9/22-23 for beach ecology programs led by staff from the Rye Nature Center.

We are working with the staff of the Westchester Triathlon, Rye City and County police, Playland Staff, EMS and many other groups to get ready for this year's events on Sept. 24 and 25. They are paying \$3,500 to cover the park's expenses. We are making special efforts to let people know that dogs are not permitted in the park on those days. We will have signs, flyers and listing on the park web site, and various Rye Town Park Facebook pages.

Terry reports that pavilion rentals have continued mostly on weekends in September. 2 Photo Shoots, one with Boutique Productions and with Bedford Fair are in the works to be filmed at the Park.

Park Development

Builder Lou Larizza and his company built the "Cope" sculpture platform to the specifications provided by the artist. It was completed August 10th. The five sculpture components were installed on August 23rd. The information sign was installed 9/13. We worked with our insurance company to provide coverage for the exhibit while it's at RTP. We are splitting the cost with the Rye Arts Center. Hundreds of people are posting photos of Cope on Facebook.

The restored fountain and plaque were dedicated on Saturday, Aug. 27th with a public memorial ceremony organized by JoAnn Leon.

As part of RTP's membership in the Rye Chamber of Commerce, we are helping with the "Mistletoe Magic" program the Sunday after Thanksgiving. We will request that, as in previous years, the RTPC allows us to donate a platinum family permit for the summer of 2017. This will be part of a raffle, with the proceeds going to the Chamber's scholarship fund.

We received notice Aug 19th that the 12 trees we ordered in the spring with the cost split 50-50 between RTP and the NY Power Authority will be arriving in mid to late October for planting by Bartlett. Our part of the cost will be divided 50-50 with the Friends of Rye Town Park.

The Rye Town Park rating on its Google Business web site is an average of 3.8 out of 5 for 37 reviews. We got 4 excellent/very good reviews on Trip Advisor. The reviews are attached with this report. As can be seen, there is some confusion about who can visit Rye Town Park. We can get copies of the Google Business reviews, but that will take some time

We updated the web site and put the post-labor day fees at the top of the home page to make it easier for people to find them. We did the same with the "no dogs" policy the days of the triathlon.

5. Presentation Regarding Proposed MSG & Rangers 5K Run

Lisa Aulebach, Brian Miranda from Madison Square Garden presented plans for a proposed 5K race on November 19. The Commissioners asked a few questions. On a motion introduced by Commissioner Salanitro and seconded by Commissioner Killian, the event was approved unanimously by a voice vote.

6. Presentation Regarding SOUL RYEDERS Proposed "Tie The Town Pink breast cancer awareness campaign"

Lisa Dominici Faries of the SOUL RYEDERS presented the organization's proposal to adorn trees throughout the park with pink ribbons in observance of 3rd Annual TieTheTownPink Breast Cancer Awareness Campaign. On a motion introduced by Commissioner Killian and seconded by Commissioner Salanitro, the event was approved unanimously by a voice vote.

7. Presentation of Audit Report

The auditors from the firm of O' Connor, Davies, Munns, & Dobbins, LLC addressed the Commission. Mr. Scott Oling began the presentation by noting that the Independent Auditor's Report describes the responsibilities of the auditors and the type of opinions offered. The draft financial statements are prepared by the Park's accountants. The main function of the audit is to form an opinion on the financial state of the Park. It is the opinion of the auditors that the financial statement presents fairly the financial position of the Park for fiscal year 2015. The auditor found no material weaknesses or deficiencies in the Rye Town Park report.

Mr. Oling reviewed the budget for the Commission, noting that the financial budget was positive. He recommended that the Commission consider making budget adjustments as the season progresses to address changes between budgeted and actual performance. He also highlighted an uncollected account receivable item for sales tax of \$63,000.

President Zuckerman explained that when he took office he had observed that the commission had been remitting sales tax to the NYS Department of Taxation & Finance. He thought this was an error because

Rye Town Park is a municipal entity and should be exempt from sales tax. Therefore, he had instructed the accounting team to request a refund. This process was ongoing.

Commissioner Salanitro pointed out that the Commission recognized at the end of 2015 that there would likely be a positive cash flow for the fiscal year. At that time, the Commissioners had agreed that even if the required contribution were smaller, as a result of the surplus, both the Town and the City would contribute the \$50,000 each had budgeted for park support anyway. And these funds would go to the capital fund. Commissioner Feinstein pointed out that such a contribution from the Town and City would be voluntary.

The Park's senior accountant Navy E. Djonovic of Maier Markey & Justic LLP then discussed 2016 season financial results through the month of August.

8. Resolution to Accept Audit

RESOLUTION

On motion of Commissioner Killian, seconded by Commissioner Marino, the following Resolution was adopted as amended:

WHEREAS, the Rye Town Park Commission is required to retain professional services for the annual auditing of financial statements of the governmental activities and each major fund of the Rye Town Park Commission, and

WHEREAS, O'Connor Davies, LLP, 500 Mamaroneck Avenue, Harrison New York 10528, auditors for Rye Town Park, has conducted an audit of the financial statements for the year ended December 31, 2015 in accordance with auditing standards and accounting practices generally accepted in the United States of America;

NOW, THEREFORE, BE IT RESOLVED, that the required audit of the Rye Town Park Commission for the year ended December 31, 2015 has been completed and submitted by said O'Connor Davies, LLP, and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Rye Town Park Commission accepts the audit by said O'Connor Davies, LLP.

ROLL CALL

AYES: Commissioners Zuckerman, Killian, Salanitro, Sack, and acting Commissioner Feinstein representing Paul Rosenberg and Acting Commissioner Marino representing Dennis Pilla

NOES:

ABSENT:

Dated: September 20, 2016

9. Resolution to Select a Licensee and to Retain Special Counsel

President Zuckerman introduced this item of the agenda by welcoming the many emails that had been received from members of the community. He went on to summarize the history of the Commission's most recent RFP for a new restaurant licensee, observing that the process had resulted in a single viable proposal from the current owners of Seaside Johnnies, John Ambrose and Sam Chernin. Regarding the resolution before the Commissioners for

consideration, he explained the resolution gives him the authority to negotiate with Mr. Ambrose and engage an expert on restaurant agreements and licenses so that we can get the best agreement we can.

On a motion by Acting Commissioner Marino and seconded by Acting Commissioner Feinstein, the item was opened for discussion.

President Zuckerman expressed the view that the restaurant is a needed amenity to the park and earns \$100,000 in revenue. It will be up to the commission how to go forward.

Commissioner Sack asked for clarification of his understanding regarding the permissible length of a license agreement. Commission attorney Paul Noto replied that when the original restaurant licensing agreement was approved, no legislation existed and that subsequently, legislation was approved that specified licenses for longer than three years required approval of the New York State Legislature.

Commissioner Killian expressed the view that a restaurant consultant should be hired to help us figure out what went wrong with the RFP and help draft another that would elicit a greater response.

The public was invited to comment.

Sean Dougherty of 20 Redfield Street in Rye spoke several times, expressing the view that the window of time provided to respondents of the RFP had not been sufficient and that many restaurateurs should be interested in running an establishment at that location. He went on to express his view that the current restaurant does not reflect the community in which it is located. He recommended reopening the RFP for at least 90 days to have other bidders come to the table. Further, the location should be mandated to be a year-round operation.

Jamie Jensen of 588 Forest Avenue expressed the view that the Commission should be managing by mission; that it was time to stop and gather data. She also advocated having a conversation about transparency.

Russ Gold, 7 Hayward Place and co-founder of the Rye Town Park Alliance in Rye expressed dissatisfaction with what he saw as a pattern of deception. On August 2nd the Alliance received an email inviting them to be part of the process for evaluating restaurant proposals. Now that there is only one proposal, the process has stopped. He said he is eager to offer input.

Bill Bisceglia of 382 Milton Road in Rye expressed the view Seaside Johnnies does a great job. He recommended that the Commission extend the license for two years and put out another RFP.

Commissioners' comments:

Commissioner Sack expressed the view that more bidders should be sought. He said that Mr. Ambrose should be commended for running the restaurant for so many years but that the community feedback that is not so positive. He was in favor of engaging the assistance of a consultant to get more people in the process and get a more fleshed out proposal from Mr. Ambrose.

Commissioner Killian expressed the view that this is not about Seaside Johnnies but about what should be there. She was in favor of a one year extension.

Sam Chernin of 591 City Island Avenue in the Bronx, Co- owner of Seaside Johnnies expressed the view that the location would not support a year-round business.

Richard Runes, 3 Kirby Lane North of Rye recommendation that the most you can give proposer is a three- year deal without an act of the legislature. He advised the Commission form a subcommittee to negotiate an extension.

Laura Brett of 661 Milton Road of Rye and a former Commissioner advised the Commissioners not to feel pressure to make a decision that night. The City of Rye's experience with Whitby Castle demonstrated that there is no reason to assume you can't get a restaurant in there by spring. She said it is worth it to step back to discuss your goals for the park first.

Vito Larusso of 9 Waters Edge in Rye, and president of the Waters Edge Homeowners' Association said that the residents of his community do not wish to have a year round restaurant.

On a motion by Acting Commissioner Marino the motion the matter was tabled and Attorney Paul Noto was charged with conducting a conversation with the John Ambrose and Sam Chernin to explore if they would be amenable to a lease extension.

10. Comment from Commissioners

Commissioner Sack then said the City of Rye received legal papers from a law firm representing the Commission and the Town of Rye regarding the filing of an appeal to the tax certiorari that has been ongoing for many years He expressed concern that this had been done without the approval of the Commission. President Zuckerman explained that the Town of Rye had hired the law firm to represent it in this matter and that the Town of Rye intended to pay the legal fees.

Commission Attorney Paul Noto said that in 2011 the Commission did authorize the defense of the tax certiorari case and technically, since the case is not over, the authorization is still in place. In his opinion, filing for an appeal was not beyond President Zuckerman's authority.

11. Adjourn

On a motion by Commissioner Salanitro the meeting was adjourned at 8:42pm.

PROPOSAL FROM ANGELMAN SYNDROME FOUNDATION

On May 22nd, 2016, the Community of Rye, New York came together to support the National Angelman Syndrome Foundation and, in particular a resident of Rye, Henry Ramsey. This inaugural walk coincided with the National Walk, which takes place, in multiple locations, across the country.

By all standards, this walk was a huge success. From a pure fundraising perspective, Rye was one of the top producers in the country; but more importantly, it demonstrated what a determined community can do to support one another. Henry is an 8 year old boy, living in Rye, and while Henry has a very limited ability to communicate, the most important thing he can communicate is love. Love is what the Rye community reached out and gave back to Henry and his family and all of the Angelman families that were apart of the walk. The outpouring of support from parents, children, teachers, and other Rye residents was overwhelming and speaks to what a caring community Rye is.

In a world often marked with tragedy it was incredible to see how inclusive and accepting people can be. It was extremely moving to witness the love and kindness of the Rye community and to be apart of such a special day.

Looking ahead to May 20, 2017, the event will be much the same. The day will begin with a short walk followed by a gathering of families. This is particularly special as family and friends get to know one another, make new friendships and share their own experiences. The day is marked with excitement, not only by the volunteers, but all that partake in the event. Feedback from this year's event was nothing short of fantastic. Both encouraging and inspiring.

Rye Town Park - Management Report
From: Sept 16 - Oct. 12, 2016
Next RTPC Meeting: October 18, 2016

Director's Overview

The 2016 season has officially come to an end. With the exception of one security guard day and night and a few maintenance workers all employees' last day was September 30th.

Again, I cannot begin to thank my senior staff and all their employees for making this season a success and our park safe, clean for all that came to enjoy our Park.

In addition, I personally want to thank the Commission for giving me the opportunity to accept the challenge of running the park and leading the entire staff in achieving the goals for this season that were set by you as the Commission.

The Triathlon was held the weekend of September 24th & 25th. Security for this event was of the utmost importance. Our staff, in conjunction with Playland, the City of Rye Police Department, the Westchester County Police Department and the Triathlon Committee worked on plans to make the event secure and safe. Once again, I would like to commend all of the staff that worked during this event in making this spectacular event safe and successful. \$3,500 was received by the Park for this event.

Finances

BEACH INCOME REVENUE

MONTH TO MONTH

SEPTEMBER 2016	\$41,157
SEPTEMBER 2015	\$77,574
VARIANCE	\$36,417 BEHIND 2015

YTD

APRIL 16TH – SEPT 30, 2016	\$1,022,860
APRIL 16TH – SEPT 30, 2015	\$954,552
VARIANCE	\$68,308 AHEAD OF 2015

UNITS

	PERMITS	PARKING	BEACH
SEPTEMBER 2016	0	3,460	2,081
SEPTEMBER 2015	0	4,739	4,595
VARIANCE	0	(1,279)	(2,514)
APRIL 16– SEPT 30, 2016	2,154	40,399	54,384
APRIL 16 – SEPT 30, 2015	1,805	44,625	59,286
VARIANCE	349	(4,226)	(4,902)

Maintenance

The maintenance staff is working to get everything winterized by Oct. 14. They did some stone wall repair and further restoration of the pedestrian entrances and steps.

Almstead carried out an aeration of the park lawns 9/16.

The pond aerators, circulator and waterfall were shut down for the winter. The fountain was shut as well. Fountain designer and constructor Lenny Sotolongo has volunteered to plant some sea grass bushes at no charge, to protect the fountain electrical outlet.

Rye City Council member Emily Hurd asked if RTP uses any pesticides. As far as we know, neither the Park nor FRTP grounds maintenance companies use any pesticides.

Volunteer Programs

Bill Lawyer is recruiting volunteers to carry out monthly beach cleanups from November through March. He has reached out to Russ Gold of the Rye Town Park Alliance.

A team of Community Service workers from the Westhab program will work with Sal Valiente and Paul Cancel on maintenance projects over the coming months.

Security and Parking

The RTP staff was busy with the triathlon events from Sept. 22 - 26. All went well and safely. The "no dog" signs worked. And, the weather was perfect. Larry Miano reports that there will be 5 rangers working through November. They will be in charge of cleaning the bathrooms, as well. No more parking attendants will be working after 9/25.

Beach Operations - The beach was open for swimming the weekends of Sept 10-11 and 16-18. All the end of season tasks were completed by the end of September.

Personnel - Senior Staff had their final meeting on September 17th to discuss the 2016 season. Discussions were had as to what went well during the season what did not and what we can do to make the 2017 better. Also items that are needed for next season were discussed so they could be included when our budget process for next season begins. As with most of our staff meetings, Debbie Reisner was in attendance. Garry Zuckerman also came to thank everyone for a job well done for the season and to listen to our discussions about improvements for the next season. I also met with Rye City Manager Marcus Serrano and the employees from the City of Rye's Parks & Recreation Department to discuss the season and what some of our ideas for improvements were for next season.

Programs -

We had two Photo Shoots at the park - one with Boutique Productions and one with Bedford Fair. Facility use fees were paid. Bill Lawyer is working with fitness instructor Rachel Cooper to offer twice weekly "stroller fitness" sessions at the park, starting on October 14 - up to 10 moms.

On Oct. 7 Bill Lawyer met with Lee Sandford, who runs the Bootcamp by the Beach program at RTP. We updated the terms of the facility use fee, to bring it in line with other groups doing similar programs. She started back in 2009. She also does programs at Crawford Park.

Three classes of second grade students came 9/22-23 for beach ecology programs led by staff of the Rye Nature Center. Resurrection School is hosting an inter-scholastic cross-country meet at RTP on Oct. 13.

The Soul Ryeders decorated RTP trees and benches with pink ribbons on Oct. 1 to promote Breast Cancer Awareness month.

Planning is progressing for the New York Rangers 5k race, to be held at Playland and Rye Town Park on Saturday, Nov. 19th. The start and finish are at Playland, but the race comes through RTP along the beach path. They are paying RTP a facility use fee of \$500.00. There will be a variety of low-key events at Playland in the time leading up to the start of the race. This includes meeting Rangers Alums. Setup starts at 6am, registration starts at 8am, and the first race starts at 10 a.m. Everything will be finished by 1 pm. The event is being managed for MSG by Genesis Adventures, including setup and cleanup along the route through RTP.

On Saturday, Nov. 26 The City of Rye Recreation Dept. will be holding its annual Turkey Run, part of which runs along the RTP beach path. They will handle all the signage and race management.

We received a request from the Angelman Foundation to have a walk-athon again, on May 20, 2017. They will be presenting their proposal at the October RTPC meeting.

Park Development

We were notified 9/29 that our proposal for a Capstone planning project from NYU/Wagner was selected by a team of four graduate students and their faculty advisor. We prepared a press release that was sent out 10/5. Gary Zuckerman, Debbie Reisner and Bill Lawyer had an on-site and office meeting with the 4 NYU team members on Oct. 6.

The 12 trees we ordered in the spring with the cost split 50-50 between RTP and the NY Power Authority. Our part of the cost will be divided 50-50 with the Friends of Rye Town Park. They will be arriving in mid to late October for planting by Bartlett.

We updated the web site regarding off-season policies, and we then posted new signs about the off -season policy information for the bulletin boards.

RESOLUTION

On motion of _____ seconded by _____

the following Resolution was adopted:

WHEREAS, the License Agreement for Seaside Johnnies expires on 12/31/2016; and

WHEREAS, the Rye Town Park Commission intends to publish a new request for proposals for the restaurant operation; and

WHEREAS, that process should take approximately 12 to 18 months.

NOW, THEREFORE, BE IT RESOLVED that the Rye Town Park Commission agrees to extend Seaside Johnnies License Agreement to Starfish Grill, Inc for a period not to exceed 2 years commencing January 1, 2017; and

BE IT FURTHER RESOLVED that the terms and conditions of said extended Agreement shall be agreed upon between the Rye Town Park Commission and Starfish Grill, Inc. and be it further resolved that the President of the Commission, Gary Zuckerman, is authorized to commence negotiations with Starfish Grill, Inc. for an extension not to exceed two (2) years, and

BE IT FURTHER RESOLVED that the Rye Town Park Commission must approve the terms and conditions of any such extension.

ROLL CALL:

AYES:

NOES:

Dated: OCTOBER____, 2016

RESOLUTION

On motion of _____, seconded by _____

the following Resolution was adopted:

WHEREAS, the License Agreement for Seaside Johnnies expires on December 31, 2016; and

WHEREAS, the Rye Town Park Commission published a request for proposals for interested parties to apply to be considered for the restaurant currently located at Rye Town Park; and

WHEREAS, the Rye Town Park Commission received two (2) proposals from said request for proposals; and

WHEREAS, Seaside Johnnies submitted a proposal and Angelo Liberatore submitted a proposal to be considered; and

WHEREAS, Angelo Liberatore subsequently withdrew his proposal and requested not to be considered due to the fact the he felt he did not have enough time to set up the restaurant if he were selected to operate the restaurant; and

WHEREAS, the Rye Town Park Commission wishes to republish a request for proposals for the restaurant operation at Rye Town Park; and

WHEREAS, the Rye Town Park Commission further seeks to retain a consultant that specializes in drafting RFP’s for restaurant operations on municipal property.

NOW, THEREFORE, BE IT RESOLVED that the Rye Town Park Commission shall retain a consultant that specializes in drafting requests for proposals and soliciting restaurants to submit proposals for operation on municipal properties; and

BE IT FURTHER resolved that the Rye Town Park Commission shall immediately solicit potential firms who specialize in this field and shall establish a procedure to evaluate potential firms and select one for the purpose of drafting an RFP for the restaurant operation at Rye Town Park.

AYES :

NAYS :

Dated: October ____, 2016

**Rye Town Park Commission
2016 Actual vs. Budget
As of September 30, 2016**

	2016 Budget	2016 ProRata Budget*	ACTUALS 9/30/2016	Variance Actual vs Budget	ACTUALS 9/30/2015	Variance CY VS PY
REVENUE						
Rental Income - Concession	\$ 100,794	\$ 100,794	\$ 100,794	\$ (0)	\$ 97,858	\$ 2,936
Parking Fees	282,979	282,979	392,681	109,702	339,266	53,415
Beach Admission - North Gate	35,372	35,372	38,753	3,381	50,477	(11,724)
Beach Admission - Mid Gate	262,767	262,767	350,675	87,908	327,216	23,459
Beach Admission - South Gate	72,766	72,766	96,880	24,114	92,736	4,144
Permits	117,000	117,000	143,710	26,710	114,560	29,150
Other Income	67,329	67,329	31,227	(36,102)	30,984	243
TOTAL REVENUE	939,008	939,008	1,154,720	215,712	1,053,097	101,623
EXPENSES						
Wages						
Salaries - Directors	73,955	73,955	41,097	(32,858)	43,017	(1,920)
Salaries - Groundsmen	81,779	81,779	94,757	12,978	84,048	10,709
Salaries - Security	85,685	85,685	91,824	6,139	89,556	2,268
Salaries - Life Guards	114,179	114,179	124,001	9,822	109,972	14,029
Salaries - Cashiers	68,735	68,735	92,328	23,593	93,991	(1,663)
Salaries - Attendants	23,867	23,867	28,808	4,941	27,741	1,067
	448,200	448,200	472,814	24,614	448,325	24,489
Benefits						
Social Security	34,287	34,287	37,193	2,906	35,077	2,115
Workers Compensation	19,407	19,407	17,573	(1,834)	14,529	3,045
Medical Insurance	3,300	3,300	153	(3,147)	2,475	(2,322)
Retirement	3,000	3,000	-	(3,000)	360	(360)
Unemployment Insurance	17,565	17,565	16,208	(1,357)	16,692	(484)
	77,559	77,559	71,127	(6,432)	69,133	1,994
Utilities, Taxes and Interest						
Telephone	6,000	4,500	3,910	(590)	3,044	866
Utilities	46,000	34,500	43,808	9,308	31,233	12,575
Sewer Tax	11,000	8,250	16,550	8,300	20,369	(3,818)
Interest Costs	5,000	3,750	-	(3,750)	3,500	(3,500)
	68,000	51,000	64,269	13,269	58,146	6,123
Administrative						
Professional Fees	49,180	36,885	35,513	(1,372)	41,190	(5,677)
Insurance	48,084	36,063	36,289	226	47,454	(11,165)
Background Checks	5,000	3,750	3,040	(710)	1,071	1,969
Office	7,980	5,985	10,831	4,846	1,566	9,265
	110,244	82,683	85,673	2,990	91,281	(5,608)
Operations and Maintenance						
Miscellaneous	11,000	8,250	15,614	7,364	9,703	5,912
Beach Supplies & Equipment	12,000	12,000	12,651	651	17,747	(5,096)
Refuse Removal	10,605	7,954	4,791	(3,162)	1,450	3,341
Promo, Print Signs	13,000	9,750	11,542	1,792	10,951	591
Computer Service & Supplies	16,000	12,000	4,630	(7,370)	-	4,630
Equipment Repairs	10,000	7,500	4,381	(3,119)	6,647	(2,267)
Building & Ground Maintenance	61,582	46,187	77,073	30,886	122,929	(45,856)
New Line - Lawns Maintenance	35,000	26,250	-	(26,250)	-	-
New Line - Tree Maintenance	15,000	11,250	-	(11,250)	-	-
Concerts & Events	6,200	6,200	8,269	2,069	6,200	2,069
Uniforms	7,800	7,800	9,979	2,179	10,833	(854)
	198,187	155,140	148,930	(6,210)	186,460	(37,530)
TOTAL EXPENSES	902,190	814,582	842,813	28,231	853,345	(10,532)
NET SURPLUS	\$ 36,818	\$ 124,426	\$ 311,906	\$ 187,481	\$ 199,752	\$ 112,154

*Pro Rata Budget - Since Beach Operations only occur from mid-April through mid-September, the budget has been adjusted to reflect 5 months of activity out of a 5 month operation. Administrative and Maintenance reflects 9 months out of a 12 month year.