

MEETING HELD JANUARY 19, 2016

A regular monthly meeting of the Town Board of the Town of Rye, New York, was held on Tuesday, January 19, 2016 7:30 P.M. at the Village of Rye Brook Village Hall at 938 King Street, Rye Brook, New York in the Main Conference Room with Supervisor Gary Zuckerman presiding.

PRESENT: in addition to Supervisor Zuckerman were Councilpersons Lindsay Anne Jackson, Thomas F. Nardi, Anthony Baxter, Deputy Supervisor William Villanova and Town Clerk Hope B. Vespia.

ALSO

PRESENT: were Receiver of Taxes Nicholas C. Mecca, Superintendent of Highways, John DeCrescenzo, Town Attorney Paul Noto, Deputy Town Attorney Martha McCarty Sokol, Town Assessor Denise Knauer, Town Comptroller David Byrnes, and Chief of Staff and Confidential Secretary to the Supervisor Deborah Reisner.

Supervisor Zuckerman presented a letter to Town Clerk Vespia appointing Deborah Reisner as Confidential Secretary and Chief of Staff to the Supervisor, effective as of January 1, 2016.

Supervisor Zuckerman presented a letter to Town Clerk Vespia appointing Councilperson William Villanova as Deputy Supervisor, effective as of January 1, 2016.

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Receiver of Taxes Mecca led those present in the Pledge of Allegiance and Deputy Supervisor Villanova read the opening prayer. A video recorder and an audio recorder were in use during the proceedings.

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Supervisor Zuckerman called the meeting to order and asked Town Clerk Vespia to call the roll.

Supervisor Zuckerman asked for comments from the public. There were none.

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Supervisor Zuckerman asked Town Clerk Vespia to read the following Organizational Resolutions.

On motion of Councilperson Villanova, seconded by Councilperson Jackson, the following Resolution was adopted:

RESOLVED, that by virtue of Article 4, Section 64 of the Town Law authorizing the Town Board to designate, by resolution, the banks and trust companies in this State in which the Supervisor, Town Clerk, Receiver of Taxes and Councilpersons shall deposit all monies coming into their hands, the Town Board does hereby designate the following as an additional depository for the years 2016 and 2017 who has complied with requirements laid down by the Board for the depositories of funds for the Town of Rye:

- T D Bank, N.A., 6000 Atrium Way, Mt. Laurel, New Jersey 08052
- JP Morgan Chase, 122 North Main Street, Port Chester, New York 10573
- Wells Fargo, 133 North Main Street, Port Chester, New York 10573
- Sterling National Bank, 21 Scarsdale Road, Yonkers, New York 10701
- M & T Bank, Hudson Valley Division, 303 S. Broadway, Suite 130, Tarrytown, NY 10591
- Customer's First Bank, South Ridge Street, Rye Brook, New York 10573

ROLL CALL:

- AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
- NOES: None
- ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

RESOLVED, that the following banks, previously designated as depositories of the Town of Rye must submit a revised Custodial Agreement when and if the current Agreement is revised, amended or changed in any way:

- T D Bank, N A. 6000 Atrium Way, Mt. Laurel, New Jersey 08054
- J.P. Morgan Chase, 122 North Main Street, Port Chester, New York, 10573
- Sterling National Bank, 21 Scarsdale Road, Yonkers, NY 10701
- Customer’s First Bank, South Ridge Street, Rye Brook, New York 10573
- Webster Bank, 145 Bank Street, Waterbury, Connecticut 06702
- M & T Bank, 303 S. Broadway, Suite 130, Tarrytown, New York 10591

BE IT FURTHER RESOLVED, that said Custodial Agreements must be filed in the Office of the Town Clerk of the Town of Rye, New York.

ROLL CALL

AYES : Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

RESOLVED, that the Journal News, the Westmore News, the Rye Sound Shore Review and the Home Town Media Group, LLC be designated the Official Newspapers of the Town of Rye for publication of notices, resolutions or ordinances for the Town of Rye for the years 2016 and 2017.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

RESOLVED, that all authorized personnel of the Town of Rye using their own vehicles for official business, be compensated at the rate of fifty-four cents (\$.54) per mile commencing January 1, 2016, and

BE IT FURTHER RESOLVED, that said personnel shall be required to keep a mileage log of each and every such trip made, which will be reviewed by the Supervisor or designated Confidential Secretary before payment is approved.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Jackson, the following Resolution was adopted:

RESOLVED, that the third Tuesday of each month be and hereby is designated as the regular meeting date of the Town Board of the Town of Rye pursuant to the adopted Procedures of the Town Board for the years 2016 and 2017, and

BE IT FURTHER RESOLVED, that said meetings are to commence at 7:30 P.M.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

WHEREAS, the Association of Towns is holding its annual meeting in New York City from February 14 to February 17, 2016, and

WHEREAS, the Town of Rye is a member of said Association of Towns, and needs to designate voting delegates at said meeting;

NOW, THEREFORE, BE IT RESOLVED, that Town of Rye Justice Anthony M. Provenzano be and he hereby is designated to be a voting delegate for the Town of Rye at said meeting, and

BE IT FURTHER RESOLVED, that Town of Rye Court Clerk Anne Capeci be and she hereby is designated to be an alternate delegate at said meeting.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

WHEREAS, the Town Board of the Town of Rye has heretofore created the Office of Director of Purchasing as per Section 20 (3) (e) of the Town Law of the State of New York;

NOW, THEREFORE, BE IT RESOLVED, that Deborah A. Reisner residing at 21 Norman Drive, Rye, New York 10580, be and she hereby is appointed Director of Purchasing for the Town of Rye, New York for a two year term, effective January 1, 2016 and expiring December 31, 2017, and

BE IT FURTHER RESOLVED, that she shall receive no compensation as said Director of Purchasing.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

WHEREAS, Paul J. Noto residing at 1308 Arlington Street, Mamaroneck, New York 10543, be and he hereby is appointed as the Town Attorney, for a two-year term pursuant to the provisions of Section 24 of the Town Law commencing January 01, 2016 and expiring December 31, 2017, at an annual compensation of fifty-six thousand seven hundred fifty two dollars (\$56,752.00) payable in equal bi-weekly installments, and

WHEREAS, that pursuant to the provisions of Section 102 Article 8 of the Town Law, as amended, all expenses necessarily incurred by authorization of the Town Board and paid by said Town Attorney in executing the duties of said office, shall be a town charge;

NOW, THEREFORE, BE IT RESOLVED, that said Paul J. Noto shall execute and file the necessary Oath of Office within 30 days of said appointment as required by law in the office of the Town Clerk.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

* * * * *

On motion of Councilperson Villanova, seconded by Councilperson Jackson, the following Resolution was adopted:

WHEREAS, David Byrnes, residing at 33 Haines Boulevard, Port Chester, New York, be and he hereby is appointed as the Town Comptroller for the Town of Rye, for a two-year term pursuant to the provisions of Section 20 (3) (b) of the Town Law commencing January 1, 2016 and expiring December 31, 2017;

NOW, THEREFORE, BE IT RESOLVED, that said David Byrnes be compensated at an annual salary of twenty-five thousand two hundred fourteen dollars (\$25,214.00), payable in equal bi-weekly installments.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted as amended:

WHEREAS, Chapter 49 of the Laws of 1988 added a new Section 11-c to the New York Domestic Relations Law empowering the governing body of any village, town, or city to appoint one or more marriage officers and fix their compensation, and

WHEREAS, the Town Board of the Town of Rye, a duly constituted Town of the First Class, deems it necessary and proper to create positions of Marriage Officer possessing statutory authority to solemnize marriages within the Town of Rye;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of such Section 11-c of the Domestic Relations Law, Supervisor Gary J. Zuckerman, Confidential Secretary to the Supervisor Deborah Reisner, and Town Clerk Hope B. Vespia are hereby appointed Marriage Officers of the Town of Rye, and

BE IT FURTHER RESOLVED, that the said Marriage Officers shall be paid up to seventy-five dollars (\$75.00), or such amount greater as shall be authorized by law, for each marriage at which he or she officiates, which compensation shall be in addition to the compensation received as Supervisor, Confidential Secretary to the Supervisor and Town Clerk, and

BE IT FURTHER RESOLVED, that this appointment shall be effective January 1, 2016 and shall continue for a term ending December 31, 2017.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Jackson, seconded by Councilperson Villanova, the following Resolution was adopted:

RESOLVED, that Martha Sokol McCarty, Esq. residing at 305 West Street, Mamaroneck, New York 10543 be and she hereby is appointed Town Prosecutor/Deputy Town Attorney, for a two year term effective, January 1, 2016 and expiring December 31, 2017, shall be compensated an annual salary of \$12,000.00 payable in equal bi-weekly installments, and

BE IT FURTHER RESOLVED, that pursuant to the provisions of Section 102, Article 8 of the Town Law, as amended, all expenses necessarily incurred by authorization of the Town Board and paid by said Town Prosecutor/Deputy Town Attorney in executing the duties of said office, shall be a Town charge.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Jackson, the following solution was adopted:

RESOLVED, that Michael O'Connor, residing at 61 Clermont Avenue, Port Chester, New York, be and he is hereby designated to provide Bailiff services to the Justice Court of the Town of Rye, for a two-year period commencing January 1, 2016 and expiring December 31, 2017, and

BE IT FURTHER RESOLVED, that he be compensated for such services in the amount not to exceed three thousand dollars (\$3,000.00) per year.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Jackson, the following Resolution was adopted.

WHEREAS, the Justice Court of the Town of Rye must appoint constables who will serve summons for the court, and

RESOLVED, that effective immediately, Alan S. Carroll, 340 South Regent Street, Port Chester, New York; Dean DeLeo, 9 Beacon Lane, Rye Brook, New York; Scott Sprague, 17 Sand Street, Port Chester, New York; and Ernest M. Tigani, 85 Breckenridge Avenue, Port Chester, New York, be and they hereby are appointed as Civil Officers of the Town of Rye to serve at the pleasure of the Town Board, and

NOW, THEREFORE BE IT RESOLVED, that said Ernest M. Tigani will serve as Director of Civil Officers for one year with no compensation and will ensure proper training and scheduling, and

BE IT FURTHER RESOLVED, that said Civil Officers shall serve in this capacity at no compensation, but shall be entitled to collect statutory fees allowed by law in civil actions and proceedings.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Jackson, seconded by Councilperson Baxter, the following Resolution was adopted:

RESOLVED, that Benedict Salanitro, residing at 609 Brook Street, Mamaroneck, New York 10543, be and he hereby is re-appointed a member of the Rye Town Park Commission for a term of two (2) years, commencing January 1, 2015 and ending December 31, 2016.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Nardi, the following Resolution was adopted:

WHEREAS, the New York State and Local Employees Retirement System has requested that the Town Board establish a standard work day for elected officials for the purpose of determining days worked reportable to the New York State and Local Retirement System; and

NOW, THEREFORE, BE IT RESOLVED, that the Rye Town Board hereby establishes the following as a standard work day for the Town Council Members for the purpose of determining days worked reportable to the New York State and Local Retirement System:

Five (5) day week, three (3) hours per day.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Nardi, seconded by Councilperson Baxter, the following Resolution was adopted:

WHEREAS, the New York State and Local Employees Retirement System has requested that the Town Board establish a standard work day for appointed officials for the purpose of determining days worked reportable to the New York State and Local Retirement System; and

NOW, THEREFORE, BE IT RESOLVED, that the Rye Town Board hereby establishes the following as a standard work day for the Town Attorney and Town Comptroller for the purpose of determining days worked reportable to the New York State and Local Retirement System:

Five (5) day week, three (3) hours per day.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Nardi, the following Resolution was adopted:

WHEREAS, the Town Board of the Town of Rye needs to retain counsel to handle certain certiorari matters.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Rye does and hereby retains Daniel D. Tartaglia, Esq. with offices located at 800 Westchester Avenue, Suite N-307, Rye Brook, New York 10573 to represent the Town of Rye in certiorari matters.

BE IT FURTHER RESOLVED, that Daniel D. Tartaglia, Esq. shall be compensated at the rate of two hundred dollars (\$200.00) per hour and the Supervisor is hereby authorized to execute a retainer letter reflecting the agreement with the aforementioned Daniel D. Tartaglia, Esq.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Baxter, seconded by Councilperson Villanova, the following Resolution was adopted as amended:

WHEREAS, by virtue of the authority vested in the Supervisor of the Town of Rye pursuant to Section 29 (15) of the Town Law of the State of New York has appointed Deborah A. Reisner residing at 21 Norman Drive, Rye, New York 10580 to perform the duties of Chief-of-Staff and Confidential Secretary to the Supervisor to serve at his pleasure.

NOW, THEREFORE, BE IT RESOLVED, that Deborah A. Reisner, effective January 1, 2016, shall receive an annual compensation of sixty-five thousand dollars (\$65,000.00) payable in equal bi-weekly installments.

ROLL CALL

AYES: Councilperson Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

WHEREAS, said Gregory D. Arcaro, residing at 62 Stoneleigh Road, Scarsdale, New York 10583 has heretofore been appointed to the position of Program Administrator for the Town of Rye, and

WHEREAS, Gregory D. Arcaro has satisfactorily performed such services and is deemed to be the most qualified person to be re-appointed to the position of Program Administrator, and

WHEREAS, such duties shall include such projects as agreed upon with the Supervisor of the Town of Rye;

NOW, THEREFORE, BE IT RESOLVED, that Town of Rye Supervisor Gary J. Zuckerman be and he hereby is authorized to execute a professional services contract with said Gregory D. Arcaro as Program Administrator, and

BE IT FURTHER RESOLVED, that said Gregory D. Arcaro shall be an independent contractor whose contract shall run from January 1, 2016 to December 31, 2017 which is terminable on thirty days notice by either party, and

BE IT FURTHER RESOLVED, that the Town shall pay said Gregory D. Arcaro for services rendered herein at a rate of forty-three dollars (\$43.00) per hour, payable on a monthly basis, and

BE IT FURTHER RESOLVED, that the total compensation for said Gregory D. Arcaro shall not exceed forty thousand dollars (\$40,000.00) under the terms of the agreement.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

WHEREAS, the Town of Rye obtained the property known as Section 141.44 Block 3 Lot 9 known as 76 Inwood Avenue, Port Chester, New York and Section 141.44 Block 3, Lot 10 known as 70 Inwood Avenue, Port Chester, New York by Deed dated November 21, 2014 and said Deed was recorded in the Westchester County Clerk's Office on December 8, 2014 under Control No. 542623342, and

WHEREAS, Belpointe Capital Management, LLC or its Assignee is interested in purchasing the two (2) properties from the Town of Rye, and

WHEREAS, Belpointe Capital Management, LLC has offered to purchase the properties for the full amount of taxes due and owing to the Town of Rye at the time of closing plus reasonable closing costs incurred by the Town of Rye, and

WHEREAS, Belpointe Capital Management, LLC has agreed to take the properties "AS IS" subject to judgments and NYS tax liens.

BE IT RESOLVED, that in consideration of the mutual terms, covenants and conditions, the Town Board of the Town of Rye has determined that the properties at 76 Inwood Avenue and 70 Inwood Avenue are surplus properties and the Town of Rye is desirous of disposing of said properties, and

BE IT FURTHER RESOLVED, that Belpointe Capital Management, LLC shall be permitted to undertake appropriate environmental testing on said properties so long as they execute an indemnification agreement holding the Town of Rye harmless from any and all claims, losses, expenses and/or damages suffered by the Town of Rye specifically and solely in connection with any environmental review conducted by Belpointe Capital Management LLC, and

BE IT FURTHER RESOLVED, that Supervisor Gary J. Zuckerman is hereby authorized to execute the indemnification agreement pertaining to said environmental testing, and

BE IT FURTHER RESOLVED, that Supervisor Gary J. Zuckerman shall be authorized to execute all necessary contracts and transfer documents necessary to convey said properties from the Town of Rye to Belpointe Capital Management LLC if the properties pass the environmental tests and Belpointe Capital Management LLC is still interested in purchasing said properties under the above terms.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova and Supervisor Zuckerman
NOES: None
ABSENT: None

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On motion of Councilperson Villanova, seconded by Councilperson Baxter, the following Resolution was adopted:

WHEREAS, the Town Board deems it desirable and helpful to undertake a review and study of all governmental functions of the Town of Rye, and

WHEREAS, since the assessment function deals with real property valuation and assessment procedure, this function is highly technical, and

WHEREAS, due to the technical nature of the assessment function, the Town Board has determined that a volunteer citizen task force comprised of individuals with specialized experience and education needed to adequately review and study the assessment function of the Town would best serve in this capacity;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Rye does and hereby appoint such task force to be called the Task Force on Assessment Practices and Procedures, and

BE IT FURTHER RESOLVED, that the Task Force shall consist of the following individuals.

- Joan Feinstein 6 Robins Roost, Rye Brook, New York 10573
- Richard Cuddy 58 Woodland Drive, Port Chester, New York 10573
- Randi Robinowitz 540 Lawn Terrace, Mamaroneck, New York 10543
- Marcia Rogull 65 Talcott Road, Rye Brook, New York 10573
- Daniel D. Tartaglia, Esq. 29 Brookridge Court, Rye Brook, New York 10573

BE IT FURTHER RESOLVED, that the aforementioned Daniel D. Tartaglia shall be appointed Chair of the Task Force, and

BE IT FURTHER RESOLVED, that the task force is authorized to immediately with findings and recommendations to the Town Board as soon as practicable.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter, Villanova & Supervisor Zuckerman
NOES: None
ABSENT: None

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Superintendent of Highways John DeCrescenzo reported on the status of the Otter Creek Bridge Structure Painting RFP. Six proposals were received and Tom Ahneman of Ahneman and Kirby, LLC civil engineer services and his staff were reviewing each bid and checking the references. Mr. Ahneman would be prepared to make a recommendation to the Board prior to the February Board meeting.

Deputy Supervisor Villanova continued to express his frustration from prior meetings that this simple project had been stalled for the better part of two years. If a reputable bidder is not identified to take care of this project, he respectfully requested that a different engineering company be approached to handle this project the right way.

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Supervisor Zuckerman and Deputy Supervisor Villanova requested an update on the Jefferson Avenue Bridge from Town Attorney Noto for the February Board meeting.

An organization named Virgin of Cisne Group applied for an event to be held at Crawford Park scheduled to take place on August 14, 2016. The name of the event is the Religious Celebration to the Virgin of Cisne and the projected attendance would be 150 to 200 visitors. In accordance with the new Crawford Park Special Event policy, any event with an attendance of 200 people has to be approved by the Town Board. A representative for this said event, Fausto Ramon, was present to answer any questions Board members may have and to ensure that all measures would be followed accordingly.

On motion of Deputy Supervisor Villanova, seconded by Councilperson Jackson, the event at Crawford Park for the Religious Celebration to the Virgin of Cisne was unanimously approved.

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The following Departmental Reports were received and ordered filed:

TOWN CLERK HOPE B. VESPIA, for the month of December, 2015
 Total submitted to the Supervisor.....\$1,544.50

RECEIVER OF TAXES NICHOLAS C. MECCA, for the month of December, 2015
 Deposited to Supervisor, Town of Rye.....\$4,769,521.53
 Deposited to Treasurer, Village of Port Chester.....\$9,489,065.92
 Deposited to Treasurer, Village of Rye Brook.....\$53,533.32

Total.....\$14,312,120.77

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Councilpersons Nardi and Villanova congratulated newly elected Supervisor Zuckerman and Councilpersons Jackson and Baxter on their recent victory to the Town Board and commented on their enthusiasm to work with them.

Supervisor Zuckerman and Board members acknowledged the recent passing of Saverio Terenzi, who served as the Town Accountant for the Town of Rye. He was considered a dear friend, mentor and an individual who had a passion to serve his community. "Sam" Terenzi devoted his life to public service and will be truly missed and warmly remembered.

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There being no further business, on motion of Councilperson Villanova, seconded by Councilperson Nardi, and unanimously approved, the meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Hope B. Vespia
Town Clerk