

MEETING HELD JANUARY 16, 2001

A meeting of the Town Board of the Town of Rye was held on Tuesday, January 16, 2001, at 8:00 P.M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York with Supervisor Robert A. Morabito presiding.

PRESENT: in addition to the Supervisor, were Councilmen Michele Mendicino Daly, John P. Walter, Dominick Lagana, Michael J. Borrelli, and Deputy Town Clerk Linda A. Lyons.

ABSENT: Town Clerk Frances C. Nugent.

ALSO

PRESENT: Town Attorney Monroe Y. Mann, Town Comptroller Joseph M. Granchelli, Town Assessor William L. Wendlandt, and Superintendent of Highways Vincent A. Sapione.

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Superintendent of Highways Vincent A. Sapione led those present in the Pledge of Allegiance and Councilman Borrelli read the opening prayer, taking a moment to pray for the earthquake victims of El Salvador. The tape recorder was in use during the proceedings.

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Town Assessor Williams L. Wendlandt introduced Josette Polzella, Assessor, Town of Ossining and Robert Killeen, Assessor, Town of Yorktown who made a Revaluation Presentation. Mr. Killeen stated Reval in Westchester County needs to be done for a variety of reasons. One being the age of the assessment rolls and the mythologies that are used to arrive at values. Ms. Polzella stated that if reassessment was done countywide we wouldn't have this volatility of equalization rates. They explained how revaluation works, showing the calculations used now, and when you go to full value everyone goes to 100% standard and the tax rate drops in proportion. There is not a penny raised in reassessment, all you are doing is redistributing the tax burden more fairly so that each tax payer pays their fair share. She explained that the Homestead Act is having two tax rates, one for commercial property, and one for residential properties and the separation of such in certiorari proceedings.

Supervisor Morabito stated Mr. Wendlandt and Elliott Glaser will head a committee to study the pros and cons of Revaluation. When the committee is finished they will report back to the Town Board with the results.

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Supervisor Morabito wants the records to show that all Reorganization Resolutions are retroactive to January 1, 2001.

On motion of Councilman Walter, seconded by Councilman Lagana, the following Resolution was adopted:

RESOLVED, that Elliot Glaser, residing at 237 Mamaroneck Avenue, Suite 401, White Plains, New York, be and he hereby is designated as TOWN CERTIORARI AND ASSESSMENT REVIEW CONSULTANT of the Town of Rye, New York, effective January 1, 2001 and ending December 31, 2001, at a fee not to exceed \$30,000, except that under certain conditions where sub-contractors may be required; he has to act as coordinator among several experts; or retained in a litigation case where an expert witness is desired; and

BE IT FURTHER RESOLVED, that the said \$30,000 to be shared with the Villages and Town, for specific parcels as so designated by the Assessor of the Town of Rye.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Lagana, seconded by Councilman Walter, the following Resolution was adopted:

RESOLVED that the Third Tuesday of each month be and the same is hereby designated as the regular meeting date of the Town Board of the Town of Rye for the year 2001; and

BE IT FURTHER RESOLVED, that at such meetings the Town Board will follow ROBERT’S RULES OF ORDER , with a three minute limit for each person to speak on any issue, shall be adhered to during the proceedings.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Borrelli, seconded by Councilman Lagana, the following Resolution was adopted:

RESOLVED, that the JOURNAL NEWS, the DAILY ITEM, the WESTMORE NEWS and the SOUND SHORE REVIEW are designated as the Official Newspapers of the Town of Rye for publication of notices, resolutions or ordinances affecting the Town of Rye for the year 2001.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter, and Supervisor Morabito

NOES: None

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On motion of Councilman Borrelli, seconded by Councilman Lagana the following Resolution was adopted:

RESOLVED, that Anne M. Capeci and Hope B. Vespia be and they are hereby designated Representative and Alternate, respectively, to the Annual Meeting of the Association of Towns to be held in New York City, February 18 - 21, 2001.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter, & Supervisor Morabito

NOES: None

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On motion of Councilman Borrelli, seconded by Councilman Lagana, the following Resolution was adopted:

RESOLVED, that BENNETT KIELSON STORCH YABLON & DESANTIS, 1 Barker Avenue, White Plains, NY 10601 be and they hereby are designated Auditors, for Certifications of the 2001 Financial Statements of the Town of Rye and the Town of Rye Justice Department, pursuant to Law at a fee not to exceed \$22,000; and

BE IT FURTHER RESOLVED, that the contract for providing such certifications be filed in the office of the Town Clerk of the Town of Rye.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter & Supervisor Morabito

NOES: None

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January 16, 2001

On motion of Councilman Mendicino Daly, seconded by Councilman Walter, 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 Councilmen shall deposit all monies coming into their hands, the Town Board does hereby designate the following as an additional depository for the year 2001 who has complied with requirements laid down by the Board for the depositories of funds for the Town of Rye:

- The Bank of New York, County Trust Region, N. Main Street, Port Chester, NY 10573
- Chase Manhattan Bank of Westchester, 73 Purchase Street, Rye, New York 10580
- Citibank, Harrison Branch, 220 Westchester Avenue, White Plains, NY 10604
- Fleet Bank, Port Chester Branch, Post Road, Port Chester, NY 10573
- Chase Manhattan Bank, 55 Water Street, New York City, New York 10041
- Hudson Valley Bank, 500 Westchester Ave., Port Chester, NY 10573
- MBIA, Municipal Investors Service Corp., CLASS Product, 113 New King St., Armonk, NY 10504
- First Union Bank, NA, NY, 50 Main Street, White Plains, NY 10606
- M & T Bank, Hudson Valley Div., 707 Westchester Ave., Suite 307, White Plains, NY 10604

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter and Supervisor Morabito

NOES: None

ABSTAINED: Councilman Borrelli

Councilman Borrelli Abstained from voting because he sits on the Business Advisory Board of the Hudson Valley Bank.

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On motion of Councilman Lagana, seconded by Councilman Walter, the following Resolution was adopted:

WHEREAS, the Supervisor, Deputy Supervisor, Town Clerk, Three (3) Deputy Clerks, Four (4) Councilmen, Receiver of Taxes, Three (3) Tax/Assessment Aides, Bookkeeper, Two (2) Town Attorneys, Cashiers, Ticket Collectors, Crawford Park employees and all other Town of Rye employees are to be covered under a Blanket Undertaking, issued by a duly authorized Corporate Surety as Agent for and authorized for covering officers, clerks and employees, it is

RESOLVED, that Rosen & Company, 553 Westchester Avenue, Rye Brook, New York, as agent, is
NOES: None

authorized to issue a Blanket Undertaking from the Hartford Insurance Co., Hartford, Connecticut, for those listed and be it further

RESOLVED, that the coverage by said undertaking be in the amounts authorized by the Town Board for a period commencing January 1, 2001 and ending January 1, 2003.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

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January 16, 2001

On motion of Councilman Walter, seconded by Councilwoman Mendicino Daly, the following

Resolution was adopted:

WHEREAS, the Supervisor, Deputy Supervisor, Town Clerk, Three (3) Deputy Clerks, Four (4) Councilmen, Receiver of Taxes, Three (3) Tax/Assessment Aides Assessor, Town (2) Town Justices, Three (3) Court Clerks, Town Comptroller, Two (2) Town Attorneys, Cashiers, Ticket Collectors and all other Town of Rye officers, clerks, and employees are covered and to be covered under a Blanket Undertaking, as authorized by Sec. 11, subd. 2 of the Public Officers Law, and

WHEREAS, the Town Board has required that the positions of each employee be covered in the following amounts:

Supervisor	\$1,000,000
Deputy Supervisor	1,000,000
Town Clerk	100,000
Three (3) Deputy Clerks	100,000
Four (4) Councilmen	100,000
Receiver of Taxes	1,000,000
Three (3) Tax/Assessment Aides	1,000,000
Two (2) Town Justices	100,000
Three (3) Court Clerk	100,000
Town Comptroller	1,000,000
Two (2) Town Attorney	100,000
Bookkeeper	100,000
Cashiers	100,000
Ticket Collectors	100,000
Superintendent of Highways	100,000
All other Town of Rye Officers, clerks and employees	100,000

each and

WHEREAS, said law permits, with the consent and approval of the officers or governing body to procure a Blanket Undertaking from any duly authorized Corporate Surety covering officers, clerks and employees, and

WHEREAS, said section requires such Blanket Undertaking to indemnify against losses:

- (a) through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all moneys or property received by virtue of their positions or employment, and
- (b) through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder, and

WHEREAS, a Blanket Undertaking has been issued by Hartford Insurance Company, Hartford, Connecticut, for those listed above,

NOW, THEREFORE, BE IT RESOLVED that the Blanket Undertaking issued by Hartford Insurance Company, Hartford, Connecticut, through its agent, Rosen & Company, 553 Westchester Avenue, Rye Brook, New York, be and the same hereby is approved as to its form, manner of execution and sufficiency, and the same is orde red filed, and the expense of procuring such surety paid as provided by law, and it is further

RESOLVED, that the coverage by said Blanket Undertaking be in the amounts authorized as set forth above by the Town Board for a period commencing January 1, 2001, and ending January 1, 2003.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

January 16, 2001

On motion of Councilman Borrelli, seconded by Councilman Lagana, the following Resolution was adopted

RESOLVED, that the Supervisor of the Town of Rye be and he hereby is authorized to enter into an agreement with SAVERIO L. TERENZI for providing accounting services to the Town of Rye for the year ending December 31, 2001 and shall be compensated in the amount of \$25,000, as provided for in the budget, to be paid on a monthly basis, and

BE IT FURTHER RESOLVED, that the said agreement be filed in the Office of the Town Clerk of the Town of Rye.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Walter, seconded by Councilman Lagana, the following Resolution was adopted:

RESOLVED, that the Supervisor be authorized to enter into an agreement with JOHN ZICCA LANDSCAPING, INC., with business located at 423 Willett Avenue, Port Chester, New York, for landscaping services in the Cemeteries under the jurisdiction of the Town of Rye in the amount of \$450.00 per month for a period of eight (8) months and be it further

RESOLVED, that the said agreement be filed in the office of the Town Clerk of the Town of Rye.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Borrelli, seconded by Councilman Mendicino Daly, the following Resolution was adopted:

RESOLVED, that the Town Clerk is hereby authorized to publish notices, resolutions or ordinances in the Official Newspapers, when and if she deems it advisable or necessary.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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January 16. 2001

On motion of Councilman Lagana, seconded by Councilman Walter, 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 \$.25 per mile commencing January 1, 2001, 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: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Borrelli, seconded by Councilman Lagana, the following Resolution was adopted:

RESOLVED, that the Supervisor be and he hereby is authorized to file his Annual Supervisor's Report within sixty (60) days after the close of the year and to publish the same.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Mendicino Daly, seconded by Councilman Walter, the following Resolution was adopted:

RESOLOVED, that approval is granted for the payment of dues to the Association of Towns of the State of New York for the year beginning January 1, 2001 in the amount of \$900.00.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Borrelli, seconded by Councilman Walter, the following Resolution was adopted:

RESOLVED, that Supervisor Robert A. Morabito be authorized to advance Town Funds, up to \$150,000.00, to run the day to day basic operation of Rye Town Park and or Rye Town Park Commission.

FURTHER RESOVED, that a monthly report of expenditures be furnished by the Town Comptroller to the Town Board.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli, Walter and Supervisor Morabito

NOES: None

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On motion of Councilman Borrelli, seconded by Councilman Lagana, the following Resolution was adopted:

RESOLVED, that as per Section 77B of the Municipal Law of the State of New York, Department Heads and/or employees attending meetings, conferences, training schools, etc. on behalf of the Town of Rye, New York, must receive approval from the Town Board .

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Borrelli Walter and Supervisor Morabito

NOES: None

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Supervisor Morabito commented he read the Minutes of the Public Hearing held on November 15, 2000, and stated they were very articulate, covered most of the dialogue covered that night, and there was a lot, so I just want to say to Fran you did a great job.

On motion of Councilman Borrelli, seconded by Councilman Walter, the minutes of the meeting held on November 15, 2000 were approved as presented.

Councilwoman Mendicino Daly asked that the record show the reason she was late for the Board Meeting of November 1, 2001, due to the fact that she was making a presentation at the Blind Brook High School to the School Board on behalf of the Town, not because she was tardy.

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The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT for December, 2000:

December 31, 2000. \$ 1,600.38

RECEIVER OF TAXES HOPE B. VESPIA for December, 2000:

Deposited to Supervisor, Town of Rye. \$5,180,989.93

Deposited to Treasurer, Village of Port Chester. 3,659,766.54

Deposited to Treasurer, Village of Rye Brook. 68,440.68

Total. \$8,909,197.15

CRAWFORD PARK: Month of December, 2000

Regular Functions. \$ 4,224.00

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On motion of Councilman Walter, seconded by Councilman Lagana, the Village of Port Chester's request for the use of 18 voting machines, which includes two (2) spares, and the Village of Rye Brook's request for the use of 11 voting machines, which includes two (2) spares, for the Villages Elections on Tuesday, March 20, 2001, were approved.

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The Letter and Resolution from the Village of Croton-on-Hudson in support of EPA's (Environmental Protections Agency's) Reassessment of PCB's in the Hudson River and the Evaluation of Potential Remedial Actions was tabled until the February Meeting.

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January 16, 2001

The Deputy Town Clerk gave Board Members an updated list of the names submitted for the Revaluation Committee. Supervisor Morabito stated he would like to meet with the Town Board before the next Board Meeting to finalize the list, adopt a committee, and actually establish a mission statement for the committee giving them goals, and designate who will be working with them. Councilman Lagana suggested the experts come to the first couple of meeting to give the committee a background.

Nick Mecca gave the Board an update on the Grant stating they had their final meeting with the consultant and they did reach a final draft. They opted to go with the historical data input first, there being two phases, no matter what route we take, equipment conversion or new software, the historical data has to get into the data base. In conjunction with that we are applying for the Grant for KVS software, which will enhance and update some of the assessment operations and reports that come are generated. Also putting an online system in the office for the general public, the taxpayers and real estate people who can come in and look up their own records. We will have the opportunity to go for a second Grant if we feel an equipment update is required. The Grant figure is \$70,150.00 that we are applying for. Our consultant feels very confident that if the state funded the study its 99% sure they will fund the Grant.

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Supervisor Morabito stated he had the pleasure of having John P. Walter serve as Deputy Supervisor this past year and thanked John for all his help with the Friends of Crawford Park, serving with distinction, and filling in when he could not be there.

Supervisor Morabito stated that "by virtue of the authority vested in me pursuant to law, I hereby appoint Councilwoman Michele Mendicino Daly Deputy Supervisor for the year 2001, to serve at the Supervisor's pleasure."

On motion of Councilman Walter, seconded by Councilman Borrelli, and unanimously adopted the Town Board gave permission to publish a Legal Notice for the Crawford Park Roof Replacement. All bids will be returned the Town Clerk's office.

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Councilman Walter asked how the web site was coming and Raymond Sculky stated all paper work was completed and should go on the air February 1, 2001. Supervisor Morabito wrote the web page greeting.

Councilman Walter also asked if they had a reply from Rye Brook regarding the Crawford Park Model Plan. The Supervisor stated they did receive a reply, but tabled it until the February.

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Supervisor Morabito discusses a letter from the American Yacht Club, Rye, New York in answer to the letter from the Shenorock Shore Club concern with regard to the proposed land swap between the American Yacht Club and the Town of Rye.

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Councilman Borrelli commented pertaining to the opening prayer regarding the people in El Salvador. He feels it is very important that as leaders of the community we should notify the clubs and organizations to make donations to help people who survived the earthquake, as we have a large contingency of people from El Salvador that live in our community.

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On motion of Councilman Borrelli, seconded by Councilman Walter and unanimously adopted, the meeting adjourned to Executive Session for the purpose of discussing personnel at 9:30 P.M.

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD MAY 15, 2001

A Meeting of the Town Board of the Town of Rye was held on Tuesday evening, May 15, 2001 in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York with Supervisor Robert A. Morabito presiding.

PRESENT, in addition to the Supervisor were Councilmen Michele Mendicino Daly, John P. Walter, Michael J. Borrelli and Deputy Town Clerk Linda A. Lyons.

ABSENT: Councilman Dominick Lagana and Town Clerk Frances C. Nugent.

ALSO

PRESENT: Superintendent of Highways Vincent A. Sapione, Comptroller Joseph A. Granchelli, and Town Attorney Monroe Y. Mann.

DEPARTMENT

HEADS

ABSENT: Receiver of Taxes Hope B. Vespia, Town Assessor William L. Wendlandt, and Representative of the Court.

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Mrs. Solomon led those present in the Pledge of Allegiance and Councilman Borrelli read the opening prayer. The tape recorder was in use during the proceedings.

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The American Yacht Club made a formal presentation on a proposed land swap between the Town of Rye and the American Yacht Club. The club is proposing to exchange the Town Pier for approximately a one-half acre new park with waterfront access, beachfront for small boat launching, park benches, walkways and adequate parking, which would address many of the issues which currently exist with the Town Pier including its conditions, which is deteriorating if not deteriorated and in need of improvement. The American Yacht Club is familiar with the proposal submitted to the Town Board by the Shenorock Club and voiced some concerns for the proposed jetty reconstruction. Various concerns were expressed by Board Members. Supervisor Morabito stated no vote would be taken tonight. We are currently conducting our own survey, as well as our own title search, of which both of you have done already. We have already looked into what we need to take title of the underlying parcel that exists around the pier. This will be an ongoing process for the near future and hopefully we will come to an agreement that everyone is satisfied with.

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Councilman Walter moved the adoption of the minutes of February 20, 2001, whereupon Councilwoman Mendicino Daly questioned an apparent typo on page 144 questioning who "he" was. After review of the tape, the minutes were amended as follows "Councilwoman Mendicino Daly stated there were others that would work with this Committee and the Supervisor said namely, Assessor Wendlandt; Deputy Flusky; Consultant Eliot Glaser; Advisor on Reval, Paul Jonke; the law firm of Delbello, Donnellan and Weingarten and Tartaglia, the main presenter will be Mark Weingarten who helped lead Pelham in its most recent revaluation; all to input to the committee. He said the meetings will be run 'with order'" (The "he" referred to reflects to the Supervisor whose name was omitted). The motion on the floor was duly seconded by Councilwoman Mendicino Daly and unanimously adopted, thereby the minutes were approved as corrected.

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May 15, 2001

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, Month of April, 2001:
Submitted to Supervisor. \$ 7,414.78

RECEIVER OF TAXES HOPE B. VESPIA, Month of April, 2001:
Deposited to Supervisor, Town of Rye. \$19,019,183.17
Deposited to Treasurer, Village of Port Chester. 12,310.90
Deposited to Treasurer, Village of Rye Brook. 17,470.16
Total \$19,048,964.23

CRAWFORD PARK, Month of April, 2001:
Total Receipts. \$ 4,400.00
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On motion of Councilman Borrelli, seconded by Councilman Walter, the following Resolution was adopted:

WHEREAS, the Town of Rye has requested that its State Legislators draft legislation to permit full liquor service at the restaurant at Rye Town Park, and

WHEREAS, its State Legislators have caused legislation to be drafted, known as S.4832, and A.8759 entitled, " 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 beer, wine and liquor; and

WHEREAS, it is necessary that the Town Board of the Town of Rye send to the Legislature a Home Rule message indicating its support for the proposed Legislation;

NOW, THEREFORE, BE IT RESOLVED, as and for its Home Rule Message in connection with Senate Bill numbered S.4832, and Assembly Bill numbered A.8759, that the Town Board of the Town of Rye hereby supports legislation set forth above, and urges its passage by the Senate and Assembly of the State of New York.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Walter, Borrelli and Supervisor Morabito
NOES: None
ABSENT: Councilman Lagana

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On motion of Councilwoman Mendicino Daly, seconded by Councilman Walter, the following Resolution was adopted:

WHEREAS, the Port Chester-Rye Brook Youth Board services the Youth of the Village of Port Chester and the Town of Rye, and

WHEREAS, the said Youth Board provides services of a supportive nature to the Youth of said Municipalities, and

WHEREAS, the said Youth Board requires public funding for its operations,

NOW, THEREFORE BE IT RESOLVED, that Michael Borrelli, John Walter and Raymond Sculky be and they hereby are designated as the Town Representatives to the said Youth Board, said appointments to be designated by the Board of Trustees of the Village of Port Chester, and be it further

RESOLVED, that the Town of Rye hereby authorizes the expenditure of the sum of \$4,000 for the operations of the said Youth Board for the year 2001-2002, to be paid by the Town of Rye to the Village of Port Chester, as the contribution of the Town of Rye, to be expended for the operations of said Youth Board, upon the said appointments being effected.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Walter, Borrelli and Supervisor Morabito
NOES: None
ABSENT: Councilman Lagana

May 15, 2001

On motion of Councilman Walter, seconded by Councilwoman Mendicino Daly, the following Resolution was adopted:

WHEREAS, the Rye Town Pier, as well as the small area of adjacent beachfront and the associated parking area located at the end of Stuyvesant Avenue within the confines of the City of Rye, is the property of the Town of Rye. This location has perennially been the subject of complaints of disorderly behavior, particularly during the late evening and overnight hours, and

WHEREAS, to enable the City of Rye Police Department to more effectively address such complaints, the Town Board of the Town of Rye authorizes the posting of appropriate signage that will afford police personnel a basis for enforcement at said location. Said signs to be posted in the small parking area fronting Stuyvesant Avenue, Rye, New York, reading as follows: "NO PARKING/NO STANDING ONE HOUR AFTER SUNSET TO ONE HOUR BEFORE SUNRISE - UNAUTHORIZED VEHICLES WILL BE TICKETED AND TOWED".

WHEREAS, in addition, to discourage unruly behavior both on the roadway and within the parkland itself, the Town Board of the Town of Rye requests that additional signs be posted, reading: "FOR THE ENJOYMENT AND SAFETY OF ALL, AND IN COMPLIANCE WITH LOCAL LAWS: THIS AREA IS CLOSED FROM ONE HOUR AFTER SUNSET TO ONE HOUR BEFORE SUNRISE. THE FOLLOWING ARE PROHIBITED: CONSUMPTION OF ALCOHOLIC BEVERAGES, LITTERING, AND LOUD MUSIC."

THEREFORE BE IT RESOLVED, this signage will enable members of the City of Rye Police Department to address conditions at the Rye Town Pier (Dock), enhancing the quality of life on the Town property as well as the surrounding area, and will be appreciated by the citizens of the City of Rye. Upon approval the City of Rye will manufacture and install the signs.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Walter, Borrelli and Supervisor Morabito

NOES: None

ABSENT: Councilman Lagana

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On motion of Councilman Borrelli, seconded by Councilwoman Mendicino Daly, the following Resolution was adopted:

WHEREAS, the Town of Rye (the "Town") and the Village of Port Chester (the "Village") jointly own a certain parcel of land commonly known as 56 Grove Street, Port Chester, New York and known on the Tax Map applicable to the Town and the Village as Section 2, Block 93, Lot 16 (hereinafter, the "Property") and more particularly described on Schedule A, attached hereto and made a part hereof; and

WHEREAS, the Town and the Village jointly acquired title to the Property pursuant to a deed to James Jackson as Receiver of Taxes for the Village and Receiver of Taxes for the Town dated December 17, 1979 and recorded June 26, 1980 in Liber 7640 cp 60;

WHEREAS, the Property is not needed for any municipal purpose; and there are no taxes due to the Town of Rye, and

WHEREAS, the Town of Rye desires to transfer the Property to the Village of Port Chester for one dollar (\$1.00), so that the Village of Port Chester, and/or the Habitat for Humanity of Westchester, a Not-For-Profit organization, may develop the land to create affordable housing on the property;

NOW, THEREFORE BE IT RESOLVED:

1. That the Town (Council) does hereby approve the conveyance and transfer of the Town's ownership interest in the Property to the Village for the consideration of one dollar (\$1.00).

May 1, 2001

2. The Town Supervisor is authorized to transfer and convey the Town's ownership interest in the Property to the Village and to execute and deliver a deed, or other instrument of conveyance, to the Village and further execute and deliver all other necessary documents in conveying and transferring the Property, subject to the terms and conditions stated herein.
3. The instrument of conveyance shall be a quitclaim deed.
4. This Resolution shall take effect upon its approval by the Town (Council).

ROLL CALL:

AYES: Councilmen Mendicino Daly, Walter, Borrelli and Supervisor Morabito
 NOES: None
 ABSENT: Councilman Lagana

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On motion of Councilman Borrelli, seconded by Councilwoman Mendicino Daly, the following Resolution was adopted:

WHEREAS, Petitions and Notices of Petition, Index Numbers 96-14742, 97-14519, 98-14307, 99-14645 and 00-14064, to review the assessment for taxation years 1996, 1997, 1998, 1999 and 2000 of the real estate of the Pathmark Stores, Inc. effective the respective parcels of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 137, Lot 45, County of Westchester, State of New York, were duly served upon the Board of Assessment Review and Assessors in the Town of Rye (the "Respondents"); and

WHEREAS, said Respondents with the assistance of the Town Attorney, having duly made and filed their Answer to said Petitions; and

WHEREAS, the Respondents have utilized the assistance of Elliot Glaser and McGrath, Basciani & Associates as Special Appraisers to review the assessment placed on said property; and

WHEREAS, the Respondents and said property owner are prepared to enter into a Stipulation of Settlement of their differences in summary as follows:

<u>Property Description</u>	<u>Assessment Roll/Year</u>	<u>From</u>	<u>To</u>
2/137/45	1996	\$420,000.00	\$265,360.00
	1997	420,000.00	262,260.00
	1998	420,000.00	263,040.00
	1999	420,000.00	253,440.00
	2000	420,000.00	239,860.00

WHEREAS, it appears to be in the best interest of the Town to settle said matters as recommended by the Town Attorney and Special Appraiser without further attendant legal and appraisal costs relating to said matters;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Rye in regular session duly convened as follows:

1. The Supervisor of the Town of Rye be and hereby is authorized to enter into a Stipulation of Settlement of said pending proceedings on the terms set forth herein.
2. Daniel D. Tartaglia of DelBello, Donnellan, Weingarten, Tartaglia, Wise & Wiederkehr, Special Counsel for the Town of Rye be and hereby is authorized to consent to entry of appropriate court orders to accomplish said settlement and upon entry of the court orders directing the establishment of assessments for the tax years 1996 through 2000 as aforesaid to execute Stipulations of Settlement and Stipulations of Discontinuance of said proceedings.

May 15, 2001

- 3. The Supervisor of the Town be and he hereby is authorized to make and pay refunds on the terms set forth herein.
- 4. This Resolution shall take effect immediately.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Walter, Borrelli and Supervisor Morabito
 NOES: None
 ABSENT: Councilman Lagana

* * * * *

On motion of Councilman Borrelli, seconded by Councilwoman Mendicino Daly, the following Resolution was adopted:

WHEREAS, Petition and Notice of Petition, Index Number 16029/99, to review the assessment for taxation year 1999 real estate of the Par-Vid, Inc. affecting the parcel of real property on the Tax Roll of the Town of Rye known as Section 1, Block 26, Lot 10.2, County of Westchester, State of New York, was duly served upon the Board of Assessment Review and Assessors in the Town of Rye (the "Respondents"); and

WHEREAS, said Respondents with the assistance of the Town Attorney, having duly made and filed their Answer to said Petitions; and

WHEREAS, the Respondents have utilized the assistance of Elliot Glaser and Special Appraiser to review the assessment placed on said property; and

WHEREAS, the Respondents and said property owner are prepared to enter into a Stipulation of Settlement of their differences in summary as follows:

<u>Property</u> <u>Description</u>	<u>Assessment</u> <u>Roll/Year</u>	<u>From</u>	<u>To</u>
1/26/10.2	1999	\$63,200.00	\$43,200.00

WHEREAS, it appears to be in the best interest of the Town to settle said matter as recommended by the Town Attorney and Special Appraiser without further attendant legal and appraisal costs relating to said matter;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Rye in regular session duly convened as follows:

- 1. The Supervisor of the Town of Rye be and hereby is authorized to enter into a Stipulation of Settlement of said pending proceeding on the terms set forth herein.
- 2. Daniel D. Tartaglia of DelBello, Donnellan, Weingarten, Tartaglia, Wise & Wiederkehr, Special Counsel for the Town of Rye be and hereby is authorized to consent to entry of appropriate court order to accomplish said settlement and upon entry of the court order directing the establishment of assessment for the tax year 1999 as aforesaid to execute Stipulation of Settlement and Stipulation of Discontinuance of said proceeding.
- 3. The Supervisor of the Town be and he hereby is authorized to make and pay refunds on the terms set forth herein
- 4. This Resolution shall take effect immediately.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Walter, Borrelli and Supervisor Morabito
 NOES: None
 ABSENT: Councilman Lagana

May 15, 2001

A letter was received from the City of Yonkers, together with a Resolution regarding taxes. After a report from the Town Comptroller Granchelli, the Town Board decided not to support this Resolution.

* * * * *

On motion of Councilwoman Mendicino Daly, seconded by Councilman Walter and unanimously adopted permission, was given to Rye Brook Recreation to use Crawford Park for day camp from July 2, 2001 – August 10, 2001 from 8:30 A.M. to 4:00 P.M.

* * * * *

Supervisor Morabito stated monies were appropriated in the budget for the following organizations: Veterans' Central Committee - \$1,000.00, Emil A. Fasolino Disabled American Veterans - \$500.00, Port Chester Post 93, The American Legion - \$500.00, and the Independence Day Observance Committee, Inc. - \$3,000.00. The Supervisor asked that Town Comptroller Mr. Granchelli, pay these organizations the requisitioned amount.

* * * * *

Superintendent of Highways Sapione requested he meet with the Town Board in Executive Session to discuss Litigation matters.

* * * * *

Councilman Walter wished "Happy Birthday Wishes" to Supervisor Morabito, Councilwoman Mendicino Daly, and Councilman Borrelli. They celebrated their birthdays the previous week.

* * * * *

Mrs. Solomon questioned the tax reduction for Pathmark. She showed the Town Board the envelope for the hand cancellation for Memorial Day, to be held on May 30, 2001 at the Port Chester Post Office.

* * * * *

On motion of Councilman Borrelli, seconded by Councilman Walter, there being no further business, the meeting adjourned at 9:00 P.M. to Executive Session for the purpose of discussing Litigation.

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD OCTOBER 1, 2001

A meeting of the Town Board of the Town of Rye, New York was held on Monday, October 1, 2001 at 7:30 P.M. in the Supervisor's Office, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

PRESENT, in addition to the Supervisor were Councilmen Michele Mendicino Daly, John P. Walter, and Confidential Secretary Raymond L. Sculky.

ABSENT: Councilmen Dominick Lagana, Michael J. Borrelli, Town Clerk Frances C. Nugent and Deputy Town Clerk Linda A. Lyons

On motion of Councilman Walter, seconded by Councilwoman Mendicino Daly, the meeting to be held on Tuesday, October 16, 2001 was rescheduled to Tuesday, October 23, 2001.

There being no further business, on motion of Councilwoman Mendicino Daly, seconded by Councilman Walter, and unanimously adopted, the meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Raymond L. Sculky
Confidential Secretary to the Supervisor

MEETING HELD DECEMBER 17, 2001

A Meeting of the Town Board of the Town of Rye was held on Monday evening, December 17, 2001 at 7:30 P. M. in the Supervisor's Office, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

PRESENT, in addition to the Supervisor were Councilmen Dominick Lagana, John P. Walter, Michael J. Borrelli and Town Clerk Frances C. Nugent.

ABSENT: Councilwoman Michele Mendicino Daly.

ALSO

PRESENT: Superintendent of Highways Vincent A. Sapione, Town Attorney Monroe Y. Mann, Town Comptroller Joseph M. Granchelli and Director of Purchasing Raymond L. Sculky.

DEPT. HEADS

ABSENT: Receiver of Taxes Hope B. Vespia, Assessor William L. Wendlandt and Representatives of the Town Court.

The Supervisor led those present in the Pledge of Allegiance and Councilman Borrelli read the Opening Prayer. A tape recorder was in use during the proceedings.

* * * * *

On motion of Councilman Lagana, seconded by Councilman Walter and unanimously adopted, the minutes of the meetings held on November 27, 2001 and December 10, 2001 were approved as presented.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, month of November, 2001:	
Total Submitted to Supervisor.....	\$ 2,205.88
RECEIVER OF TAXES HOPE B. VESPIA, month of November, 2001:	
Supervisor, Town of Rye.....	\$ 488,374.62
Treasurer, Village of Port Chester.....	97,369.81
Treasurer, Village of Rye Brook.....	4,977.68
TOTAL.....	\$ 590,722.11
CRAWFORD PARK.....	\$ 2,175.00

* * * * *

In discussing the Budget, Accountant Saverio Terenzi reported that on Page 9, under YOUTH PROGRAMS, "PC Midget League" would be reduced to \$2,500 as in the Preliminary Budget and was adding a new category, "Youth Bureau" in the amount of \$4,000. On Page 7, a new category "Election Coordinator" in the amount of \$5,000 will be added under the ELECTION segment. To off set these changes, he noted on Page 3, MORTGAGE TAX, will be increased to \$747,500.

Councilwoman Mendicino Daly arrived at the meeting.

A discussion ensued on the pros and cons of the revaluation program, which is being included in the Budget on page 1 (Preliminary Budget), "Proceeds From Bond Anticipation Notes" in the amount of \$500,000, after which it was felt that a Tax Levy in the amount of \$500,000 to be reserved for possible future town-wide revaluation, to be deposited into a Special Account, not the General Fund. In the event that revaluation does not come to fruition, the tax levy would be refunded to the taxpayers.

December 17, 2001

On motion of Councilman Lagana, seconded by Councilman Borrelli, the following Resolution was adopted:

WHEREAS, the Tentative Budget of the Town of Rye for the year 2002 was prepared by the Budget Officer of the Town of Rye and filed in the Office of the Town Clerk on October 30, 2001; and

WHEREAS, the Town Clerk of the Town of Rye presented the said Tentative Budget to the Town Board at a meeting held on November 6, 2001; and

WHEREAS, the Town Board, after review of the said Tentative Budget, prepared an itemized statement of the estimated revenues and expenditures of the Town of Rye for the fiscal year 2002, and caused the same to be filed in the office of the Town Clerk for public inspection; and

WHEREAS, a Public Hearing was called for on December 10, 2001 at 7:00 P. M. in the Conference Room of the Town Office Building, 10 Pearl Street, Port Chester, New York, for the purpose of reviewing the said annual Estimates or Preliminary Budget; and

WHEREAS, the Town Clerk submitted proof of publication and posting of the Preliminary Budget for the year 2002 and Notice of Public Hearing to review the same as required by Section 108 of the Town Law; and

WHEREAS, said Public Hearing was held in the Conference Room of the Town Office Building, 10 Pearl Street, Port Chester, New York on the 10th day of December, 2001, and those present, who wished to ask questions or offer objections to the proposed annual estimates for the year 2002 having been heard;

NOW, THEREFORE, BE IT RESOLVED, that the Preliminary Budget, as completed and amended by the Town Board of the Town of Rye, be and it hereby is adopted as the Budget of the Town of Rye for the fiscal year 2002 as follows:

December 17, 2001

And be it further

RESOLVED, that there shall be a tax levy assessed and collected upon the taxable property in the Town of Rye at Large; and be it further

RESOLVED, that there shall be a tax levy assessed and collected upon the taxable property in the district of the Town of Rye, known as the Village of Port Chester; and be it further

RESOLVED, that there shall be a tax levy assessed and collected upon the taxable property in the district of the Town of Rye known as the Village of Rye Brook; and be it further

RESOLVED, that there shall be a tax levy assessed and collected upon the taxable property in the district of the Town of Rye, exclusive of the part of the Incorporated Village of Mamaroneck, known as Rye Neck.

ROLL CALL:

AYES: Councilmen Lagana, Walter, Borrelli and Supervisor Morabito.

NOES: Councilwoman Mendicino Daly.

Councilwoman Mendicino Daly stated she voted in the negative on this budget as she felt that one of the reasons she was re-elected this past November was that voters knew that during her terms of office, there were no tax increases and that this budget reflects a tax increase. She felt that more study should be given to the revaluation program.

* * * * *

Deputy Town Attorney Carolyn Mann reported on the situation with the water company, noting that a new company will be taking over and problems faced between a private and not-for-profit utility companies. She announced that the next meeting will be held on January 9, 2002 and invited all who were interested to attend with her.

* * * * *

On motion of Councilman Walter, seconded by Councilman Borrelli and unanimously adopted, the meeting adjourned to Executive Session for the purpose of discussing changes in the Assessment office at 8:41 P. M. The Supervisor said that any actions discussed would be brought before the public meeting for vote.

The meeting reconvened at 9:10 P. M.

December 17, 2001

On motion of Councilman Walter, seconded by Councilman Borrelli, the following Resolution was adopted:

RESOLUTION DECEMBER 17, 2001, FOR THE PURPOSE OF APPOINTING AN ACTING ASSESSOR FOR THE TOWN OF RYE.

WHEREAS, William L. Wendlandt, Assessor for the Town of Rye will retire effective December 31, 2001,

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Rye, pursuant to the provisions of 314 Real Property Tax Law, Real Property Appraiser Mitchell Markowitz, residing at 26 Mohegan Lane, Rye Brook, New York 10573, be and he hereby is designated and appointed as Acting Assessor of the Town of Rye, New York, effective January 1, 2002, and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded within fifteen days to the State Board of Equalization and Assessment, pursuant to the provisions of 314 Real Property Tax Law, with a covering letter.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Walter, Lagana, Borrelli and Supervisor Morabito.

NOES: None

A discussion centered around the appointment of a Deputy Assessor, whether or not the present Deputy can be a carry-over or must be appointed by the new department head.

After discussion, the Supervisor said that Wayne Fluskey will be in charge of administration and office affairs.

* * * * *

The Clerk questioned the status of the John Watch agreement and Records Clerk Mecca noted that without knowing what operating system will be utilized for the data input concerning the present Grant, we cannot proceed to apply for State funding from SARA for further upgrades or updates in the assessment process.

On motion of Councilman Borrelli, seconded by Councilwoman Mendicino Daly, the following Resolution was adopted:

RESOLVED, that the Supervisor of the Town of Rye be and he is hereby authorized to enter into an agreement with the State of New York, through ORPS, to set up an RPS-Version 4 System in the Town of Rye.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter, Borrelli and Supervisor Morabito.

NOES: None.

* * * * *

There being no further business, the meeting adjourned at 9:20 P. M. on motion of Councilman Borrelli, seconded by Councilman Walter and unanimously adopted.

Respectfully submitted,

Frances C. Nugent

Town Clerk

