

MEETING HELD JANUARY 15, 2002

A Meeting of the Town Board of the Town of Rye was held on Tuesday evening, January 1, 2002 at 8:00 P.M. in the Court Room, 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 Deputy Town Clerk Linda A. Lyons
ABSENT: Councilwoman Michele Mendicino Daly, Town Clerk Frances C. Nugent and Town Attorney Monroe Y. Mann
ALSO
PRESENT: Superintendent of Highways Vincent A. Sapione, Town Comptroller Joseph M. Granchelli and Director of Purchasing Raymond L. Sculky
DEPT. HEADS
ABSENT: Receiver of Taxes Hope B. Vespia, Acting Assessor Mitchell Markowitz and Representatives of the Town Court

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

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Supervisor Morabito recognized former Westchester County Legislator Paul J. Noto, stating he has served the Town of Rye with distinction and always been there when we needed him. He presented Mr. Noto with the following Proclamation:

WHEREAS: The Town of Rye recognizes the outstanding job that Paul J. Noto has done for the residents of Westchester County and the residents of the Town of Rye.

WHEREAS: The Town of Rye acknowledges the successes and accomplishments of Paul J. Noto as the Westchester County Legislator for the sixth district, and as Minority Leader of the Westchester County Board of Legislators.

WHEREAS: The Town of Rye recognizes the services of Paul J. Noto on the County Board of Legislators to include: serving as co-chair of the Task Force on Families which recently issued a groundbreaking report on domestic violence in Westchester County and put together an action plan to combat sexual abuse of children; co-chair of the Committee on Rules establishing procedures for the legislature; former Chairman of the Committee on the Environment, in which he concentrated on monitoring the County Airport and preserving the integrity of Long Island Sound and creating a consolidated County sewer district, as well as pushing through the legislature a tough new clean air law for Westchester County; and pushing through the legislature anti-crime measures to include a central reporting system for bias crimes and earlier bar closings.

WHEREAS: The Town of Rye acknowledges Paul J. Noto's civic service to the public to include: member of the Mamaroneck Lions Club; the Westchester, Mamaroneck and Harrison Bar Associations; serving as former President of the Westchester County Municipal Officials Association; serving as former First Vice President of the N.Y.S. Conference of Mayors; serving as former Vice President of the Westchester Municipal Planning Federation and being appointed by Governor George Pataki of the N.Y.S. Uniform Fire Prevention and Building Code Council.

IT IS HEREBY RESOLVED: Tuesday, January 15th, 2002 be declared "Paul J. Noto Day" throughout the Town of Rye. This honor could not go to a more deserving human being who served the public with dignity, honor and honesty.

Dated Town of Rye, Tuesday, January 15th, 2002
Supervisor Robert A. Morabito

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January 15, 2002

Supervisor Morabito stated he contacted the American Yacht Club and Shenorock Shore Club, Inc. to advise the respective parties that after formally polling the Town Board, the Board felt in the interest of moving forward, it would best serve the residents of the Town of Rye if the Town went with the proposed project presented by the Shenorock Shore Club, Inc.

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

RESOLVED, that the Town Board of the Town of Rye, effective immediately, does hereby authorize the Town Attorney and Town Supervisor to enter into an agreement with the directors and attorneys of the Shenorock Shore Club, Inc. upon a formal proposed agreement to recreate and rebuild the Rye Town Dock and restore it according to the proposed plan and architectural drafting that were presented by Keane and Beane, PC, 1 North Broadway, White Plains, New York, 10601, said work to be completed within an 18 month period to the satisfaction of the Town of Rye Supervisor and members of the Town Board. The total cost to be borne by the Shenorock Shore Club, Inc.. Insurance to be furnished by one Shenorock Shore Club, Inc.

ROLL CALL:

AYES: Councilmen Lagana, Walter, Borrelli and Supervisor Morabito

NOES: None

ABSENT: Councilwoman Mendicino Daly

Supervisor Morabito stated Town Attorney Monroe Mann will contact the appropriate party to ensure that we schedule both a meeting to determine a time frame and when construction will be completed. I am sure once completed the Rye Town Dock will be a better facility for all residences of both the city and town and a more secure facility for both clubs.

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Goldie Solomon stated that on February 19, 2002 the Town of Rye will co-host, with the Port Chester Historical Society, honoring the 270th birthday of our first President, George Washington. A video will be shown with refreshments to follow. February is also Lincoln's birthday, St. Valentine's Day, and Boy Scout month.

In response to Mrs. Solomon's request to make Rye Town Park a National Landmark Supervisor Morabito replied Mr. Sculky has filed an application with the N.Y.S. Preservation and the Town should get a reply in May, if the park will be landmarked.

Goldie would also like the Town to co-host American Flag Day on June 14th, which will be the 225th anniversary of Old Glory. A hand cancellation and commemorative envelope are being planned. In September it is the 225th Anniversary of the Constitution. This year is also the bicentennial year of West Point and I hope to get the school districts involved. More information will follow. This is also the 90th year since the founding of Girl Scouts. The Girl Scout House in Lyon Park will be celebrating its 50th Anniversary.

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January 15, 2002

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

WHEREAS, the Town Attorney of the Town of Rye has re-appointed Carolyn H. Mann, residing at 12 Puritan Drive, Port Chester, New York, as Deputy Town Attorney and Deputy Town Prosecutor for the Town of Rye, New York effective January 1, 2002, her term to run concurrently with the term of the Town Attorney of the Town of Rye at no compensation; and

BE IT FURTHER RE SOLVED, that pursuant to the provisions of Section 20, (2) of the Town Law, as amended, all expenses necessarily incurred by authorization of the Town Board and paid by said Deputy Town Attorney and Deputy Town Prosecutor in executing her duties of said office, shall be a Town charge.

ROLL CALL:

AYES: Councilmen Lagana, Walter, Borrelli and Supervisor Morabito

NOES: None

ABSENT: Councilwoman Mendicino Daly

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

RESOLVED, that JOSEPH M. GRANCHELLI, residing at 1071 Grove 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, 2002 and ending December 31, 2003.

ROLL CALL:

AYES: Councilmen Lagana, Walter, Borrelli and Supervisor Morabito

NOES: None

ABSENT: Councilwoman Mendicino Daly

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

RESOLVED, that JOSEPH A. GRANCHELLI, residing at 1071 Grove Street, Mamaroneck, New York, be and he hereby is re-appointed Town Comptroller for the Town of Rye, for a two (2) year term, commencing January 1, 2002 and expiring on December 31, 2003; and be it further

RESOLVED, that he shall be compensated as provided for in the budget, payable in equal bi-weekly installments.

ROLL CALL:

AYES: Councilmen Lagana, Walter, Borrelli and Supervisor Morabito

NOES: None

ABSENT: Councilwoman Mendicino Daly

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

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 the position 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 Robert A. Morabito, the Town Clerk Frances C. Nugent are hereby appointed Marriage Officers of the Town of Rye and be it

FURTHER RESOLVED, that the said ROBERT A. MORABITO and FRANCES C. NUGENT shall be paid up to seventy-five (\$75.00), or such amount 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 and TOWN CLERK, and be it

FURTHER RESOLVED, that this appointment shall be effective January 1, 2002 and shall continue for a term ending December 31, 2003.

ROLL CALL:

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

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

RESOLVED, that effective January 1, 2002, FRANK S. DE LEO, residing at 51 Park Avenue, Port Chester, New York, an Assistant Park Foreman in the Town of Rye, be and he hereby is promoted to PARK FOREMAN in the Town of Rye, New York, at a compensation provided for in the budget of the said Town of Rye to be paid in equal bi-weekly installments.

ROLL CALL:

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

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On motion of Councilman Lagana, seconded by Councilman Borrelli, 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 RAYMOND L. SCULKY, residing at 325 King Street, Port Chester, New York, be and he hereby is appointed Director of Purchasing for the Town of Rye, New York for a two year term, effective January 1, 2002 and expiring December 31, 2003; and

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

ROLL CALL:

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

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January 15, 2002

Councilwoman Mendicino Daly arrived at the meeting.

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

WHEREAS, THERESA MITCHELL, residing at 9 Wesley Avenue, Port Chester, New York, be and she is hereby appointed an Intermediate Clerk/Part Time (0187-02) in the office of the Receiver of Taxes of the Town of Rye effective January 2, 2002,

NOW, THEREFORE, BE IT RESOLVED, that said Theresa Mitchell be and she hereby is compensated as such Intermediate Clerk/Part Time at a compensation of \$13.00 per hour with appropriate benefits not to exceed an 18 ½ hour week, to be paid in bi-weekly installments.

ROLL CALL:

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

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

WHEREAS, MARIA RAPPOCCIO, residing at 30 Haines Blvd., Port Chester, New York, be and she is hereby appointed an Intermediate Clerk/Part Time (0187-02) in the office of the Received of Taxes of the Town of Rye effective January 2, 2002,

NOW, THEREFORE, BE IT RESOLVED, that said Maria Rappoccio be and she hereby is compensated as such Intermediate Clerk/Part Time at a compensation of \$13.00 per hour with appropriate benefits not to exceed an 18 ½ hour week, to be paid in bi-weekly installments.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter, Borrelli 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 NICHOLAS C. MECCA, residing at 45 Alto Avenue, Port Chester, New York, be and he hereby is designated as ELECTION COORDINATOR/CUSTODIAN of VOTING MACHINES for the Town of Rye; and be it further

RESOLVED, that he be compensated for such service in the amount of \$5,000 for the year commencing January 1, 2002, through December 31, 2002.

ROLL CALL:

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

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

WHEREAS, the Town Board of the Town of Rye intends to continue its policy of diligent enforcement of outstanding property tax liens; and

WHEREAS, the Town Board of the Town of Rye believes it to be in the best interests of the Town of Rye to designate outside counsel to represent the Town in In-Rem Foreclosure actions;

NOW, THEREFORE, BE IT RESOLVED, that WILLIAM J. GIACOMO, with offices located at 211 South Ridge Street, Rye Brook, New York, be and he hereby is designated as Special Counsel to the Town of Rye for the purpose of representing the Town of Rye in In-Rem Tax Foreclosure proceedings for a two year term commencing January 1, 2002 and ending December 31, 2003; and be it further

RESOLVED, that the Town shall be responsible for paying said counsel the sum of \$350 per parcel against which enforcement proceedings shall be commenced, payable 1/2 at the time of the commencement of the action with the filing of list of delinquent taxpayers, and the balance at the conclusion of the matter; and be it further

RESOLVED, that the Town of Rye shall be responsible for any costs and disbursement arising from this matter, including, but not limited to the cost of any title searches, legal advertising, postage, photocopying Court filing fees, and shall reimburse same at the time they arise.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter, Borrelli 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 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, 2002 and ending December 31, 2002, 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, Walter, Borrelli 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 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 2002; 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:

AYERS: Councilmen Mendicino Daly, Lagana, Walter, Borrelli and Supervisor Morabito
NOES: None

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January 15, 2002

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

RESOLVED, that the JOURNAL NEWS, the DAILY ITEM, and the WESTMORE NEWS 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 2002.

ROLL CALL:

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

NOES: None

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On motion of Councilman Walter, seconded by Councilman Borrelli, 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 17-20, 2002.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter, Borrelli 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 BENNETT KIELSON STORCH DESANTIS & CO. LLP, 1 Barker Avenue, White Plains, NY 10601 be and they hereby are designated Auditors, for Certifications of the 2002 Financial Statements of the Town of Rye and the Town of Rye Justice Department, pursuant to Law at a fee not to exceed \$23,000; 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, Walter, Borrelli 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 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 designates the following as an additional depository for the year 2002 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

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

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

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January 15, 2002

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

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

Hudson Valley Bank, 500 Westchester Avenue, Port Chester, NY 10573

The Bank of New York, County Trust Region, N. Main Street, Port Chester, NY 1073

M & T Bank, Hudson Valley Div., 707 Westchester Ave., Suite 307, White Plains, NY 10604; and

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 : Councilmen Mendicino Dale, Lagana, Walter and Supervisor Morabito

NOES : None

ABSTAINED: Councilman Borrelli

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

RESOLVED, that the Supervisor of the Town of Rye is hereby authorized to enter into an agreement with SALVATORE BAMBARA, residing at 17 Alto Avenue, Port Chester, New York, to provide Bailiff services to the Justice Court of the Town of Rye, New York, at an amount not to exceed \$3,000 per year; and

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

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter, Borrelli 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 the Supervisor of the Town of Rye be and he hereby is authorized to enter into an agreement with SAVERIO L. TERENCE for providing accounting services to the Town of Rye for the year ending December 31, 2002, and shall be compensated, 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, Walter, Borrelli and Supervisor Morabito

NOES: None

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January 15, 2002

On motion of Councilman Lagana, seconded by Councilman Borrelli, 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, Walter, Borrelli 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 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, 2002, 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, Walter, Borrelli and Supervisor Morabito
NOES: None

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On motion of Councilman Lagana, seconded by Councilman Borrelli, 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, Walter, Borrelli 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 Supervisor's office is hereby permitted to have a Petty Cash Fund in the amount of \$100.00.

ROLL CALL:

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

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January 15, 2002

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

RESOLVED, 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, Walter, Borrelli 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 following rates for Crawford Park use be and hereby are set, effective as of January 1, 2002

MANSION RATES FOR WEDDINGS ONLY:

- \$250.00.Deposit
- \$900.00.1st 5 Hours
- \$200.00.Per Hour for Every Hour After the Initial 5 Hours

MANSION RATES FOR NON-WEDDINGS:

- \$150.00.Deposit
- \$525.00.1st 4 Hours
- \$100.00.Each Additional Hour

PAVILION RATES:

- \$150.00.Flat Fee
- \$ 20.00.Per Hour

BALL FIELD RATE:

- \$ 25.00.Flat Fee

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter, Borrelli 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 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 RESOLVED, that a monthly report of expenditures be furnished by the Town Comptroller to the Town Board.

ROLL CALL:

AYES: Councilmen Mendicino Daly, Lagana, Walter, Borrelli 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 as per Section 29 (3) of the Town Law of the State of New York, monies shall be disbursed only by checks payable to the person or persons entitled thereto by facsimile signatures of the Supervisor and Comptroller of the Town of Rye, as reproduced by a machine or device commonly known as a check signer.

ROLL CALL:

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

NOES: None

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On motion of Councilman Mendicino Daly, seconded by Councilman Walter, 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, Walter, Borrelli and Supervisor Morabito

NOES: None

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

WHEREAS, an Acting Assessor has been appointed pursuant to the provisions of 314 Real Property Tax Law, and

WHEREAS, due to the additional burdens placed on other staff of the Assessor's office,

NOW, THEREFORE BE IT RESOLVED, that the following members of the Assessor's office be compensated for the additional duties required of them pending the selection and appointment of a replacement Assessor, said compensation to be in addition to their regular salaries, to be paid commencing January 1, 2002:

Mitchell Markowitz, Acting Assessor:	\$1,500 per month additional
Wayne Fluskey, Deputy Assessor:	\$1,000 per month additional
Margaret Del Vecchio:	\$ 750 per month additional
Charles Parlatore:	\$ 400 per month additional

ROLL CALL:

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

NOES: None

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January 15, 2002

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

RESOLVED, that MONROE Y. MANN, residing at 12 Puritan Drive, Port Chester, New York, be and he hereby is re-appointed Town Attorney and re-appointed Town Prosecutor for a two year term commencing January 1, 2002 and expiring December 31, 2003, at an annual compensation as provided for in the budget payable in equal bi-weekly installments and it is 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 Attorney in executing the duties of said office, shall be a Town Charge.

ROLL CALL:

AYES: Councilman Lagana, Walter, Borrelli and Supervisor Morabito

NOES: None

ABSENT: Councilwoman Mendicino Daly

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On motion of Councilman Walter, seconded by Councilman Lagana, 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, Walter, Borrelli and Supervisor Morabito

NOES: None

Approval of minutes for December 17, 2001 were tabled until next month.

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The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, month of December, 2001:

Total Submitted to Supervisor.	\$ 1,421.95
RECEIVER OF TAXES HOPE B. VESPIA, month of December, 2001:	
Supervisor, Town of Rye.	\$2,882,707.87
Treasurer, Village of Port Chester.	4,688,046.09
Treasurer, Village of Rye Brook.	<u>4,977.68</u>
TOTAL	\$7,575,731.64
CRAWFORD PARK.	\$ 3,575.00

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January 15, 2002

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

WHEREAS, the Town of Rye requires the services of a Night Watchman and Caretaker at Crawford Park, located in the Town of Rye, and

WHEREAS, Frank S. DeLeo has offered to provide said services for the Town, in exchange for his services, provided the Town allows him the use of the cottage located at the Park on Lincoln Avenue, and

WHEREAS, the said Frank S. DeLeo has agreed to maintain the said cottage at his own expense, including the interior as well as exterior maintenance and repairs,

NOW, THEREFORE BE IT RESOLVED, that Frank S. DeLeo be and hereby is authorized to occupy the cottage on Lincoln Avenue, at Crawford Park, provided he maintains the same at his own cost and expense, including interior and exterior maintenance and repairs, in exchange for his services as Night Watchman and Caretaker at said Crawford Park, and it is further

RESOLVED, that this arrangement shall continue for the mutual benefit of the said Frank S. DeLeo and the Town of Rye, until terminated by either party, on notice to the other.

ROLL CALL:

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

NOES: None

Councilman Walter questioned the insurance coverage on the house. Supervisor Morabito stated the house is insured by the Town's carrier, but Mr. DeLeo is responsible for insurance of the contents in the house. Councilman Walter also questioned who is responsible for any repairs to the heat, water, etc. Supervisor Morabito stated Mr. DeLeo is responsible.

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

WHEREAS, Petitions and Notices of Petition to review the assessment for taxation year 2001 of the real estate of Nolletti & Mangini affecting the respective parcels of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 131, Lot 1, 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, the Respondents have utilized the assistance of Elliot Glaser as Special Appraiser to review the assessment placed on said property; and

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

<u>Property Description</u>	<u>Assessment Roll / Year</u>	<u>From</u>	<u>To</u>
2/131/1	2000/2001	\$19,000.00	\$14,000.00

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 BelBello Donnellan Weingarten Tartaglia Wise & Wiedekehr, LLP, 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 year 2001 as aforesaid to execute Stipulations of Discontinuance of said proceedings.
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 effective immediately.

ROLL CALL:

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

* * * * *

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

WHEREAS, Petitions and Notices of Petition to review the assessment for taxation years 1997, 1998, 1999, 2000 and 2001 of the real estate of Summit Apartment Corp. affecting the respective parcels of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 87, Lots 5A and 5B, 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, the Respondents have utilized the assistance of Elliot Glaser as Special Appraiser to review the assessment placed on said property; and

WHEREAS, the Respondents and said property owner are prepared to enter into an Agreement and Stipulation of Compromise and Settlement of their difference in summary as follows:

<u>Property Description</u>	<u>Assessment Roll/Year</u>	<u>From</u>	<u>To</u>
2/87/5A,5B	1997	\$232,100.00	\$215,600.00
	1998	232,100.00	214,800.00
	1999	232,100.00	212,000.00
	2000	232,100.00	207,000.00
	2001	232,100.00	189,000.00

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.

January 15, 2002

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, LLP, 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 1997 through 2001 as aforesaid to execute Stipulations of Discontinuance of said proceedings.
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, Lagana, Walter, Borrelli and Supervisor Morabito

NOES: None

* * * * *

Supervisor Morabito stated all employees received a copy of the Town of Rye Harassment Policy, which should be signed and returned to the Supervisor’s office prior to the next pay period. Due to change in the laws the Town Attorney and Deputy Town Attorney updated the policy.

* * * * *

Supervisor Morabito stated he had the pleasure of having Michele Mendicino Daly serve as Deputy Supervisor this past year and thanked Michele for all her help, 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 Councilman Dominick Lagana Deputy Supervisor for the year 2002, to serve at the Supervisor’s pleasure.”

* * * * *

Supervisor Morabito congratulated Councilwoman Mendicino Daly and Councilman Walter on being re-elected to the Rye Town Board, and Joe Vita, who ran a good race, but came in second.

* * * * *

220.

January 15, 2002

Councilman Walter asked if Supervisor Morabito met with Mr. Chris Bradbury of the Village of Rye Brook regarding the signage in Crawford Park. Supervisor Morabito stated he is meeting with Mr. Bradbury soon and will discuss the matter.

* * * * *

There being no further business, the meeting adjourned at 9:05 P.M. on motion of Councilman Lagana, seconded by Councilman Walter and unanimously adopted.

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD FEBRUARY 19, 2002

A Meeting of the Town Board of the Town of Rye was held on Tuesday evening, February 19, 2002 at 7:00 P.M. in the Court Room, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

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

ABSENT: Town Clerk Frances C. Nugent and Town Attorney Monroe Y. Mann.

ALSO

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

DEPT. HEADS

ABSENT: Receiver of Taxes Hope B. Vespia, Acting Assessor Mitchell Markowitz and Representatives of the Town Court.

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Mr. Granchelli led those present in the Pledge of Allegiance and Councilman Borrelli read the opening prayer. A tape recorder was in use during the proceedings.

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On motion of Councilman Lagana, seconded by Councilman Borrelli and unanimously adopted, the minutes of the meetings held on December 17, 2001 and January 15, 2002 were approved as presented.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, month of January, 2002:

Total Submitted to Supervisor \$ 1,543.10

RECEIVER OF TAXES HOPE B. VESPIA, month of January, 2002:

Supervisor, Town of Rye \$19,928,657.61

Treasurer, Village of Port Chester 458,416.83

Treasurer, Village of Rye Brook 225,696.59

Total \$20,612,771.03

CRAWFORD PARK \$ 1,300.00

* * * * *

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

WHEREAS, the Town Board of the Town of Rye is committed to support the County Executive in his efforts to keep the Historic Ice Skating Casino at Playland open; and

WHEREAS, the Town Board of the Town of Rye believes it is in the best interest of the residents of the Town of Rye and of all residents of Westchester County to appoint a Commission and/or Board to assist the County in its study of the Ice Skating Casino and ways to improve its operations;

February 19, 2002

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Rye hereby urges the County of Westchester to immediately form a Commission to be made up of members of the public who regularly use the Ice Skating Casino together with additional individuals who have an expertise in the operation of ice casinos and/or who have expressed interest in serving on such a commission so the County of Westchester can receive input from all sources in order for it to properly evaluate and plan for the long term future of the Playland Ice Skating Casino; and be it further

RESOLVED, that the Town Board of the Town of Rye stands ready to assist the County Executive and the County of Westchester in order to assure that the Playland Ice Skating Casino will remain open and available for the enjoyment of the residents of the Town of Rye and the general public of Westchester.

ROLL CALL:

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

NOES: None

Supervisor Morabito stated Special Counsel William J. Giacomo represented the Town of Rye at a meeting with County Executive Andrew J. Spano specifically to address the concerns of the Playland Ice Skating Casino, in Rye, New York. Citizens of the Town of Rye are concerned with the current dilemma of the possible closing of the Playland Ice Skating Casino. The purpose of this resolution is to establish a Commission to look into alternatives to save the Casino.

* * * * *

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

WHEREAS the designations of Councilmen Michael J. Borrelli, John P. Walter, and Confidential Secretary to the Supervisor Raymond L. Sculky as Town Representatives to the Port Chester – Town of Rye Youth Board as per Resolution dated May 16, 2001, have been disqualified,

NOW, THEREFORE BE IT RESOLVED, that Maria Elena Guillen residing at 40 Grace Church Street, Port Chester, New York, be and she hereby is designated as a representative of the Town of Rye on said Port Chester – Town of Rye Youth Board to serve at the pleasure of the Town Board, effective immediately, and is to include a monthly report to the Town Board.

ROLL CALL:

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

NOES: None

* * * * *

On motion of Councilman Walter, seconded by Councilwoman Mendicino Daly, the Village of Port Chester's request for the use of eighteen (18) voting machines, which includes two (2) spares, and the Village of Rye Brook's request for eleven (11) voting machines, which includes two (2) spares, for the village elections on Tuesday, March 19, 2002, were approved.

* * * * *

February 19, 2002

On motion of Councilman Borrelli, seconded by Councilman Lagana the Town Board authorized Supervisor Morabito to get quotes for the installation of central air conditioning in the mansion at Crawford Park and see if it would be feasible to go ahead with it. He feels a significant amount of increased usage would be possible if the mansion had air conditioning.

* * * * *

On motion of Councilman Borrelli, seconded by Councilman Lagana, the Town Board gave Supervisor Morabito approval to start proceedings for a lease extension and facility improvements of Seaside Johnny's.

Supervisor Morabito stated John Ambrose, who operates Seaside Johnny's at Rye Town Park, proposed initially that he wanted to do more work on his facility by adding a circular wood deck on the beach, which could be taken down and stored in the winter. The two pavilions and administrative building at the park are in need of repair. Mr. Ambrose has proposed, if he was awarded an extension on his lease, he would undertake the restoration of both pavilions. The Rye Town Park Commission can not go ahead unless they have the consensus of the Rye City Board and the Rye Town Board. Seaside Johnny's would get to use the pavilion closest to them on a right of refusal basis. Depending on the legislation, they could get a flat 12 year lease or 7 years plus 7. Councilman Borrelli had concerns regarding the seniors. Supervisor Morabito assured him Mr. Ambrose is cognizant of the seniors and he is purchasing more chairs for their use.

* * * * *

On motion of Councilman Lagana, seconded by Councilman Borrelli, and unanimously adopted the Town Board changed the Tuesday, March 19, 2002 meeting date to Wednesday, March 20, 2002, at 7:30 P.M. due to the village elections.

* * * * *

Councilman Walter questioned the status of the Crawford Park cottage located on North Ridge Street, which was damaged by fire. Supervisor Morabito asked that Mrs. Crawford's great niece be contacted to see where they stand regarding the restoration of the house.

Councilman Walter questioned the status of the Rye Town Dock. Supervisor Morabito stated that Keane & Beane are looking at a 12 month minimum to an 18 month maximum time period. They have to apply for various permits, which are time consuming. The Board stated they would like a monthly report from Keane & Beane and the Shenorock Shore Club on the progress of the dock.

Councilman Walter asked if there was an update on the replacement garage in Crawford Park and Supervisor Morabito stated they were waiting for a reply from Mr. Tenney, Executor of Edna Crawford's will. If we do not have an answer by the Town Board's next meeting Town Attorney Mann will file the appropriate papers.

Councilman Walter questioned the Assessor's position. Supervisor Morabito stated when Mr. Wendlandt retired they agreed to hire Mitchell Markowitz, Acting Assessor for a period of 4 to 6 months. We are going to advertise in the paper now to start looking for an Assessor.

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224.

February 19, 2002

There being no further business, the meeting adjourned at 8:00 P.M., on motion of Councilman Borrelli, seconded by Councilman Lagana, and unanimously adopted.

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD APRIL 1, 2002

A meeting of the Town Board of the Town of Rye was held April 1, 2002 at 5:00 P.M. in the office of the Supervisor, 10 Pearl Street, Port Chester, New York, with Supervisor Morabito presiding.

PRESENT in addition to the Supervisor were Councilmen Michele Mendicino Daly, John P. Walter and Michael J. Borrelli.

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

ALSO

PRESENT: Director of Purchasing Raymond L. Sculky.

An emergency meeting of the Town Board was called after having received notification that the South Barry Avenue Bridge, crossing Otter Creek, in the Rye Neck Section of the Village of Mamaroneck, New York had been red flagged by the State of New York.

Supervisor Robert A. Morabito called for a vote to declare the bridge in a state of emergency.

On motion of Councilman Walter, seconded by Councilwoman Mendicino Daly and unanimously adopted a "State of Emergency" was declared at 5:05 P.M.

There being no further business on motion of Councilman Borrelli, seconded by Councilman Walter the meeting adjourned at 5:10 P.M

Respectfully submitted,

Raymond L. Sculky
Secretary to the Supervisor

MEETING HELD MAY 1, 2002

A meeting of the Town Board of the Town of Rye was held on Wednesday evening, May 1, 2002 at 7:30 P.M. in the Office of the Supervisor, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

PRESENT, in addition to the Supervisor were Councilmen Michele Mendicino Daly, Dominick Lagana, John P. Walter, 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 A. Granchelli and Director of Purchasing Raymond L. Sculky.

Comptroller Joseph A. Granchelli led those present in the Pledge of Allegiance. The tape recorder was in use during the proceedings.

* * * * *

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

WHEREAS, the Town of Rye has requested that its State Legislators draft legislation in relation to the number of years for leases or agreements at Rye Town Park, and

WHEREAS, its State Legislators have caused legislation to be drafted, known as S.7032 and A.10655 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 the number of years for leases or agreements at Rye Town Park", 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 of the proposed Legislation;

NOW, THEREFORE, BE IT RESOLVED, as and for its Home Rule Message in connection with Senate Bill numbered S.7032 and Assembly Bill numbered A.10655, 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, Lagana, Walter, Borrelli and Supervisor Morabito
NOES: None

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

RESOLUTION AUTHORIZING THE TOWN OF RYE TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE PURPOSE OF UNDERTAKING A COMMUNITY DEVELOPMENT PROGRAM.

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974 as amended, and Title II of the National Affordable Housing Act of 1990, as amended, to make grants to states and other units of general local government to help finance Community Development Programs; and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more municipal corporations, to apply for, accept and expend funds made available by the federal government, either directly or through the State, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, the Community Development Act of 1974 as amended, Title II of the National Affordable Housing Act of 1990, as amended, and any "Eligible Activities" thereunder are not inconsistent with the statutes or constitution of the State; and

WHEREAS, a number of municipalities have requested Westchester's participation, and the County of Westchester has determined that it is desirable and in the public interest that it make application for Community Development Block Grant funds and HOME funds as an Urban County; and

WHEREAS, participation by the County of Westchester as an Urban county in the Community Development Program requires that the Town of Rye and the County of Westchester cooperate in undertaking, or assisting in undertaking, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 18 of the New York State Constitution.

WHEREAS, this Board deems it to be in the public interest for the Town of Rye to enter into a Cooperation Agreement with the County of Westchester for the aforesaid purposes.

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Robert A. Morabito be and hereby is authorized to execute a Cooperation Agreement between the Town of Rye and the County of Westchester for the purposes of undertaking a Community Development Program pursuant to the Housing and Community Development Act of 1974 as amended and Title II of the National Affordable Housing Act of 1990, as amended.

ROLL CALL:

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

It was noted that the Community Development Block Grant Resolution has to be filed every two years in order for the Town to be eligible for funds.

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

WHEREAS, the Town Board of the Town of Rye, New York has gone on record taking exception to the fact that the residents of the Town of Rye, who subscribe to Cablevision, are unable to receive the Sports Channel aired by the "YES NETWORK", and

WHEREAS, the Town Board of the Town of Rye suggests that Cablevision enter into an agreement with the "YES NETWORK" so that the residents may be afforded the pleasure of the sports network,

NOW THEREFORE BE IT RESOLVED, that Cablevision take whatever action is necessary to work out an agreement with the "YES NETWORK" so that the residents of the Town of Rye who subscribe to Cablevision will be able to enjoy the sports programs.

ROLL CALL:

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

May 1, 2002

Supervisor Morabito stated he felt the residents of the Town of Rye should be entitled to watch sporting events on Cablevision and this resolution is necessary. A copy of said resolution was sent to Cablevision, Emilie Spalding, Director of Government and Public Affairs, 6 Executive Plaza, Yonkers, New York 10701 and the "Yes Network" Chrysler Building, 38th Floor, 405 Lexington Avenue, New York, New York 10074.

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

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD MAY 9, 2002

A meeting of the Town Board of the Town of Rye was held on Thursday evening, May 9, 2002, at 7:00 P.M. in the office of the Supervisor, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

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

ABSENT: Town Clerk Frances C. Nugent

Raymond L. Sculky led those present in the Pledge of Allegiance. The tape recorder was in use during the proceedings.

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On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the meeting scheduled for Tuesday, May 21, 2002 was rescheduled for Tuesday, May 28, 2002 at 8:00 P.M.

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There being no further business the meeting adjourned at 7:11 P.M. on motion of Councilman Lagana, seconded by Councilman Walter and unanimously adopted.

As presented to the Town Clerk by Raymond L. Sculky Confidential Secretary to the Supervisor.

Frances C. Nugent
Town Clerk,

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MEETING HELD AUGUST 20, 2002

A meeting of the Town Board of the Town of Rye was held on Tuesday evening, August 20, 2002 in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York at 8:00 P. M. with Supervisor Robert A. Morabito presiding.

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

ABSENT: None.

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.

DEPARTMENT

HEADS

ABSENT: Receiver of Taxes Hope B. Vespia, Town Assessor Mitchell Markowitz, and Representatives of the Court.

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

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On motion of Councilman Borrelli, seconded by Councilman Walter and unanimously adopted, the minutes of the meeting held on July 16, 2002 were approved as presented.

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The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of July, 2002:

Total to Supervisor..... \$ 1,453.00

RECEIVER OF TAXES, HOPE B. VESPIA, for the month of July, 2002:

Deposited to Supervisor, Town of Rye..... \$ 781,865.95

Deposited to Treasurer, Village of Port Chester... 1,710,592.86

Deposited to Treasurer, Village of Rye Brook.... 1,208,362.58

\$3,700,821.39

CRAWFORD PARK for the month of July, 2002:..... \$ 3,175.00

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Deferring from the Agenda, the Supervisor asked that III C be discussed.

Bernard B. Abel, Lt. Col. USAF (Ret.), Edgewood Drive, Rye Brook, presented the following:

“I am here tonight to speak on behalf of many Veterans and Seniors, many now in their late seventies or eighties. This group may be destroyed. They have lived here most of their lives, brought up their families and now are threatened by your actions. If your power to tax is a power to destroy. We are talking about destroying the people who have contributed all their lives, or who have served their country and have served all over the world. Maybe you can tell these elderly invested, ‘let them eat cake’. But that’s not what they are looking for. That seems to be your attitude toward the Veterans, the elderly and the infirm. Most are on fixed incomes. Increases in taxes most likely will come from their food or medical budgets or maybe even both. How can you take this heartless attitude in reval and doing what you are doing at this stage in their lives. Let them live in peace because no matter what you do, these are the people who are going to be hit the most. You originally said, a third will come down, a third will remain the same and a third will go up. The third that are going up are your elderly, who cannot afford it because, not like all of you, if you have to spend more, you’ll make more. They are living on a fixed income, even with the Veteran’s exemption you’re talking about. It doesn’t work, your arithmetic is off.”

He continued, saying “Almost all the rest of the County won’t go along except for little Pelham. I don’t know what makes us so fortunate that you’re thinking so much of us that you’re willing to help destroy the elderly, the infirm, the people who have built this community by raising their taxes at this point. Perhaps there is a hidden agenda for some political agenda on someone’s part. The elderly veterans groups want nothing for nothing. They have paid their dues. They’ve worked for \$21.00 a month, \$75.00 a month, they were bombed, they were strafed, they were shot at.

They served all over the world, away from their families. I don't think that anyone here has been away from their family unless they got paid for it. These people went out and put their lives on the line and it is unfair for you at this stage in life to raise their taxes. They're the third that we are talking about. Have you no heart, can't you stop what you are doing and leave these people alone? There was a Letter to the Editor of one of your backers, The Daily Item, it's not the Item anymore it's a Gannett, the Item is not in Port Chester anymore, it's an insert on a Friday—let them take out a mortgage. Borrow the money yourself. If they take out a mortgage and borrow it, how can they pay your taxes, because they are living on fixed incomes. They don't want to be forced out, they want to live their lives in peace in the community they helped to build. The people who have just moved in knew before they came to town what they were going to pay in taxes. Before they bought the house, they were told what it would be in taxes. I do not believe you have had any certioraris from those people. The businesses are the ones that are getting the certioraris and they are almost completed now. You said that you had borrowed, not borrowed, but taken of our tax money \$500,000 and only spent \$50,000. If you drop this insanity, will you return the \$450,000 to the taxpayer or will you find another project to spend it on?"

The Supervisor interjected that "We'll probably have to hire more lawyers to spend on the Certioraris we have, but that's OK", and Lt. Col. Abel replied saying "So, all right, destroy your elderly in order to take care of that—that's wonderful. The elderly veterans who have already paid their dues."

After apologizing for interrupting him, the Supervisor asked that Lt. Col. Abel continue.

Lt.Col. Abel continued, "The Town of Rye has no police department, no garbage department, no highway department, no building department—they manage two parks. Are you looking to make work, to make yourself a name to justify your salaries? Are you going to walk around with your golden parachute, your pensions and your hospitalization that we pay for the rest of your life? Are we or you, rather, creating another Enron on the elderly of Port Chester? Are you getting up and say, it's wonderful for them—they're going to have a marvelous time paying more taxes that you're going to force them to pay for your project when everyone else in the County has turned it down. There is no fairness in that. I say, in conclusion, please call off your insanity and leave the elderly, the infirm and the elderly veterans alone. They paid their dues. Whatever you have here, this building, was paid for by the people who were here thirty, forty years ago and paid the taxes levied upon them. This is no time for you to take actions that will destroy them. In the Gannett, in fact here is a clipping on December 11, 2000 in which I believe the Supervisor said, 'I'm really not a proponent of revaluation'. At that time, you said that a third will come down, a third will go up, and a third will stay the same."

In reply to the Supervisor who said he was misquoted, Lt. Col. Abel commented, "that was a nice excuse, now, all of a sudden you come out with new statistics, not a third, a third and a third, you said only 19%, but, who are this 19%? I don't know where you got your figures from. I think it is a political figure put out there to try and pacify some people as the Executives of Enron did with their poor stock holders. There is a letter from Mr. Futi of Rye Brook—quoted your December 11, 2000 article, 'The taxes on the early homeowners created the equity of the city by increasing in service and program. As the city became a more desirable place to live, more homes were built and assessed at the market value.' Another letter, in the same newspaper, 'Annual revaluation hurts many residents'. From Putnam County, where they went through it, this letter said that many of the elderly, the infirm, the veterans were hurt badly by the actions taken up there, which you are trying to mimic." He then asked if he would be able to respond further, to which the Supervisor agreed.

Mrs. Solomon, 6 Puritan Drive, Port Chester, New York, legislative representative for AARP 2871 for Seniors who cannot stand or take a reval as they are basically on fixed incomes and cannot take what's going on. She felt if there was enforcement of laws, here would be better control over residential properties being used as rooming houses to no avail. She suggested that local governments is to get the State to change the laws, noting this area is filled with commercials, who are benefiting though

certiorari process, citing the Rye Town Hilton, Caldor's, Pathmark, etc., and the homeowner has to pick up the slack. She continued by saying that this is a working man's community, approximately 50% between the non-profit corporations, municipal properties off the tax rolls and new development with its PILOT and IDA programs made for paying taxes in the Village of Port Chester, asking what is that doing to the tax structure now and cited the sickening sales tax distribution. She asked that the reval be cancelled, no sales tax increase and put back on the tax rolls, those presently exempted, like 999 High Street. She noted that "we are taxed to death in this country."

Silvio Buccieri, 350 King Street, Port Chester, concurred with the two speakers, noting his brother who is a wounded veteran, to which reval will make it more difficult for him and citing the many housing violations in his own immediate area in homes owned by big business, where "landlords who are running away with cash dollars in their pockets". He concluded by saying, "it's not fair" and asked the Board to please consider this and thanked them for their time.

Richard Abel, 19 Quintard Drive, Port Chester, spoke, as previously, in favor of revaluation, stating, "that the way it is now, is so inequitable. Whether Seniors or not, it is just such an unfair system that what we have to do is fix the system," and it should be equal for all and concluded by saying, "we'll see if you guys have the guts to go through with it."

Paul Jonke, Brewster, New York, President of the Putnam County Assessors Association and in 1996, when revaluation was done, he was Assessor in the Town of Shelton and currently, the Assessor for the Town of Carmel, who has 13,000 parcels, similar to the Town of Rye, citing that he was very partial to veterans as his father was a Korean combat veteran, and noted that the State Legislature has adopted laws that protect Veterans and Senior Citizens and that after revaluation, not one Veteran or Senior Citizen lost their home or moved out of town, citing instances where seniors were pleasantly surprised with the new tax bill. He said, "the power to tax is the power to destroy" and groups will be destroyed and felt that no one is giving any thought to the people who are going to be helped by this type of project. He also felt that the five members of the council are trying to do the right thing, as they see a bigger picture and how the tax base has been eroded due to certioraris throughout the years and are trying to put equity into the system although empty accusations are being made. He felt that the veterans and the seniors are the third who are going to go up. Replying to a question from Lt. Col. Abel, Mr. Jonke answered in the affirmative that he was invited to this meeting by the Town Board.

Quoting from a letter from a Mr. Birate, Lake Carmel, New York, Lt. Col. Abel read "The Star Program and elderly tax breaks implemented in recent years are being swallowed up by the new practice of an annual reassessment and I suspect that it is not so much about fairness as it is a ruse to increase the power of government and squeeze every last penny from the local homeowners and drive out the undesirables", which, to him proves that complaints were made and therefore creating falsified information.

The Supervisor, referring to Roberts Rules of Order, noted to Mrs. Solomon, that the reason Lt. Col. Abel is allowed 10 minutes, is because he is on the Agenda and she was allowed only 3 minutes, to which she commented, "taxpayers and citizens should have the right to complain", citing the Bill of

Rights and the right to redress, saying the State law has got to be changed, the commercials have to be separated from the residential as the latter cannot “bear the burden for every commercial that gets a reassessment”.

Noting that he wanted to answer some of Lt. Col. Abel’s concerns, the Supervisor stated that his late Father was a veteran of World War II and a combat veteran in Korea and he appreciates that issue, but was concerned about some of the comments he made, without bearing any facts, which were:

“Your quote with regard to you are going to destroy the Senior or Veterans exemption is absolutely without credibility and without fact. In fact, State Law is very clear. It protects the Veterans, Seniors and anyone else who is protected by law, including disabled Veterans or disabled people with regard to exemptions. There is also a provision in the law, the exemptions are carried over to the full extent under revaluation”, and cited figures. He said, “Other than Port Chester, who has not yet addressed this issue, the Town of Rye which is the fiduciary for the County and the Town, will obviously acknowledge the fact that we will extrapolate the exemption over. That’s one issue.” With regard to his remarks about political agenda, he said, “this is a very difficult, trying process we are going through” citing the board’s long time study, which will be continued; the computer system and property record cards being updated; overview flight data; tax mapping project; working with Consultants and common people who live in Port Chester, Rye Brook and Mamaroneck who are officials in the School Districts and are getting input from all of them. With regard to his comments on corporations versus residential homes, he asked if he would be surprised if he knew that within the last ten years, there were 1500 small claims filed from individual homeowners or 10% of the number of parcels in the Town of Rye because of the way the system is, and would he be surprised that over 20 Million plus Dollars have been paid back to the Corporations from your taxes to settle certioraris that the Town is not able to fight and combat, all based on the antiquated system the State provides. Regarding revaluation, he said there are three things he was going to address briefly:

“1. Upon completion of revaluation, not one more penny of taxes will be collected; Taxed fairly so that the results can be lived with; With regard to your remarks on political agenda, unlike many other communities in this County, including the County of Westchester which killed a good bill the Town sponsored in 1994, which was enacted by the Legislature in 1996 and was vetoed by the Governor because the Governor would not allow what happened from things that you said”, he felt they took a good bill and made it bad, that it could not be signed by the Governor, and cited another way a Republican has tried for six years to get 40% of the municipalities in Westchester to go along with revaluation in order for the County to pursue it.

He said it was his opinion that the people were not doing what they were supposed to do, what they were elected to do, and that is to “serve the public—all of the public, that’s leadership and one thing he had to give his Board credit for is that they’re showing leadership under a very adverse condition. No political agendas, Sir, this is nothing but adverse to this Board, myself and the people who are helping us and the 28 people serving on the committee to see how we can make this work. We’re not looking to increase or make a name for ourselves in the history of the Town of Rye. We’re

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trying to do what's fair. If we can do that and have a minimal adverse affect on people, our taxpayers, that's our goal. What the ultimate will happen, until you actually do reval, you have no way of telling." He noted that figures quoted are based on only 60% of the record cards completed, and went on to explain the long term process needed, which after completion, "gives credibility to our study and gives credibility to the reval and you are taxed fairly. The ultimate goal, Sir, is to stop the increase of certioraris from eating away more so with you, Sir, and the Seniors than anyone else, because well over \$2,000 of your bill today is based on certiorari settlements that we've settled within the last ten years", citing the Rye Town Hilton's 11 Million Dollar award and those who will be re-filing such a General Foods, Kohl's, Home Depot, etc. He said they are trying to make the system and stop the corporations, etc. He concluded by saying, "we are trying to give integrity to our Assessor, integrity to our property record cards and hopefully, as you created a future for us, Sir, we create a future for those future generations."

Mrs. Solomon again felt that the way to be equitable, is to get the laws changed and Lt. Col. Abel, again referring to the Board as an Enron Board, felt that inaccurate information is being given and questioned veterans percentage exemptions which will create a tax increase, to which the Supervisor replied that the only way taxes will go up, is if the property is under assessed. Lt. Col. Abel felt that taxes will be increased noting that the Villages do not have to grant veteran exemptions, and what he thought to be erroneous figures, etc., after which a discussion ensued between he and Supervisor Morabito concerning number of veterans involved, veterans exemptions and school taxes, etc. The Supervisor said that in his estimation that the veterans and/or seniors will probably experience some sort of decrease in taxes and replying to his remarks concerning "numbers out of a hat" asked him to verify the figures with his son, a member of the Reval Committee, whereby Lt. Col. Abel felt the Supervisor was creating a generation gap and if his Father was here, he would be ashamed of him. To which the supervisor took exception.

Richard Abel felt that the Board has an interesting problem in that those people living here in the same house for many years, for 35 years, you have an assessment from 1967 and if you have built or bought a new house, you have a new assessment. Citing an organization he headed previously, which taxpayers filed, en masse, against the Town, but that was the only way to remedy the problem. He said he has always been for reval because it is inequitable and the Board has to deal with the problem noted previously.

John Watch, leading the Town through the reval process, was present, and noted that all comments made this evening are recognized by the Town Board. He said that his company has an incredible reputation in the industry and the entire country and took exception to comparing this Board as being an Enron Board, as it was a personal attack to his company, noting that not only his company but the Board would never tolerate raising Senior Citizens or Veterans because they are Seniors or Veterans. He further noted he was upset with what he heard as he was taught respect from his Senior parents, still alive, and his veteran father which would be very disrespectful. He invited Lt. Col. Abel and Mrs. Solomon to partake in the reval process as their views must be heard and discussed. After discussion, the Supervisor said he understood their concerns and the concerns of many people in the community, but "we were elected here as leaders to do what's good for the overall

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populace". He said he appreciated their concerns and hoped that they would not pre-judge the process until it is concluded.

* * * * *

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

WHEREAS, Petitions and Notices of Petition to review the assessment for taxation years 1997, 1998, 1999, 2000 and 2001 of the real estate of the Bank of New York affecting the respective parcels of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 61, Lots 5 and 6, County of Westchester, State of New York, were duly served upon the Board of Assessment Review and Assessors in the Town of Rye; and

WHEREAS, the Town of Rye and said property owner are prepared to enter into an Agreement and Stipulation of Compromise and Settlement of their differences in summary as follows:

<u>Property Description</u>	<u>Assessment Roll/Year</u>	<u>From</u>	<u>To</u>
2/61/5 & 6	1997	\$75,000.00	\$50,000.00
	1998	70,000.00	47,500.00
	1999	50,000.00	42,500.00
	2000	40,500.00	40,500.00
	2001	40,500.00	40,500.00

WHEREAS, it appears to be in the best interest of the Town of Rye to settle said matter as recommended by Special Counsel for the Town of Rye and the Town Assessor without further attendant legal and appraisal costs relating to said matters.

NOW, THERFORE, BE IT RESOLVED, by the Town Board of the Town of Rye in regular session duly convened as follows:

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

Daniel D. Tartaglia of DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr, LLP, 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 1997 through 2001 as aforesaid to execute Stipulations of Discontinuance of said proceedings.

The Supervisor of the Town of Rye be and he hereby is authorized to make and pay refunds on the terms set forth herein.

This Resolution shall take effect immediately.

ROLL CALL:

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

NOES: None

* * * * *

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

RESOLVED, that MILTON MEISKIN, residing at 3 Country Ridge Circle, Rye Brook, New York, be and he hereby is re-appointed a member of the Town of Rye Board of Assessment Review for a Five (5) year term, effective October 1, 2002 and expiring September 30, 2007, subject to approval of the State Board of Equalization and Assessment and the satisfactory completion of any training requirements, at an annual compensation of \$1,000.00 and be it further

RESOLVED, that the Town Clerk shall cause the said MILTON MEISKIN to take and file the necessary Oath of office forthwith.

ROLL CALL:

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

NOES: None.

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On motion of Councilman Walter, seconded by Councilman Borrelli and unanimously adopted, the request of the Port Chester Recreation Department as evidenced by letter of Emilia Bellofatto, Senior Citizen Club, dated July 31, 2002, for the use of Crawford Park on Tuesdays and Wednesdays, September 10, 2002 through mid-June, 2003 between the hours of 9:30 A. M. to approximately 2:30 P. M. on a weekly basis for meetings of the Port Chester Senior Club.

Mrs. Bellofatto also thanked the Town Board for its cooperation and contribution to the Port Chester Senior Citizens,

Other requests from the Port Chester Recreation Department for the use of Crawford Park for Second Language Classes and for the use of the Soccer Field, were tabled for report at the September meeting.

* * * * *

On motion of Councilman Walter, seconded by Councilman Borrelli, the TOWN OF RYE TREE GUIDELINES were unanimously adopted:

TOWN OF RYE TREE GUIDELINES

Section 1. Definitions.

STREET TREES: Street trees are herein defined as trees, shrubs, and bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways, within the Town of Rye that the Town has jurisdiction over.

PARK TREES: Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks and cemeteries having individual names: and all other areas owned by the Town, or to which the public has free access as a park.

Section 2. Creation and Establishment of a Town Tree Board.

There is hereby created and established a Town Tree Board for the Town of Rye which shall consist of three (3) members. Who shall serve at the pleasure of the Supervisor.

Section 3. Term of Office.

The term of the persons appointed by the Supervisor shall be made annually. In the events that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 4. Compensation.

Members of the Board shall serve without compensation.

Section 5. Duties and Responsibilities.

It shall be the responsibility of the Board to study, investigate, counsel, develop, and/or update annually, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, and in other public area, including, but not limited to easements. Such plan will be presented annually to the Town Council and their acceptance and approval shall constitute the official comprehensive Town Tree Plan for the Town of Rye.

The Board when requested by the Town Board, shall also consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work.

Section 6. Operation.

The Supervisor shall choose the Chairperson of the Board. The Board shall keep a record of proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 7. Tree Species to be Planted.

The Town of Rye Tree Board shall develop and maintain a list of desirable trees for planting along streets in the three (3) size classes based on mature height: small, under 25 feet, medium, 25-40 feet and large, over 40 feet. The Rye Town Tree Board will also create lists of trees not suitable for planting.

Section 8. Spacing.

The spacing of street trees will be in accordance with the three (3) species size classes listed in Section 7 of these Guidelines, and no trees may be planted closer together than the following: Small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings, approved by the Board.

Section 9. Distance from Curb and Sidewalk.

When practicable, the distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in section 7 of these Guidelines, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

Section 10. Distance from Street Corners and Fireplugs.

No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted within 10 feet of any fireplug.

Section 11. Utilities.

No street trees other than those species listed as small trees (mature height under 25 feet) in Section 7 of these Guidelines may be planted closer than 15 feet of the vertical plane of any existing power line, excluding service wires.

Section 12. Public Tree Care.

The Town of Rye shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within easements, rights of ways and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds or areas within the Town's jurisdiction.

The Town of Rye Tree Board will refer to the Town notice of order to be removed, any tree or part thereof, on public lands, which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, and these Guidelines are designed to provide a resource for Town residents to learn of the appropriate species and planting practices.

Section 13. Tree Topping.

It shall be unlawful as a normal practice, for any person, firm, or Town department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical, or posing a danger to the public welfare, may be exempted from these Guidelines at the determination of the Town Tree Board.

Section 14. Review by Town Board of the Town of Rye.

The Town Board of the Town of Rye shall have the right to preview and approve the conduct, acts and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Rye Town Board, which shall hear the matter and make the final decision.

Section 15. Penalty.

It shall be illegal for any person, corporation or partnership to cut, prune or destroy any tree on public lands within the Town of Rye. A violation of any provision of these Guidelines, shall be an infraction, which upon conviction, shall subject the violator to a maximum fine of \$500.00 and or 15 days incarceration.

* * * * *

A request from the Port Chester High School Band Association, dated July 16, 2002, from Domenic P. Carriero, President and Co-Chairperson, Fed-Ex Orange Bowl Committee, requesting funds for the Band's trip to Florida, was tabled for study and report from the Town Comptroller.

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With reference to the letter received from the Leaders of Tomorrow, dated August 5, 2002 from Douglas Carey, the Supervisor said that they want to do a walk-thru the African-American Cemetery, located behind the Greenwood Union Cemetery, to do so if headstones can be repaired, etc., and felt that although he was not familiar with this group, if they provide the necessary insurance, the request should be granted.

On motion of Councilman Borrelli, seconded by Councilman Lagana and unanimously adopted, the request was granted subject to submission of the necessary insurance.

* * * * *

With reference to one of the two letters received from Goldie Solomon, which asked the Town to participate with the Village of Port Chester in its 9/11 Vigil, the Supervisor asked Mr. Scully to finalize plans for a combined effort including the Village of Rye Brook.

On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the Town, after its meeting to be held on September 17, 2002, will host a presentation honoring the Birth of the US Constitution and Citizenship Day.

The Clerk was directed to invite Officials to this WE, THE PEOPLE celebration.

* * * * *

The Clerk stated she had a letter and resolution were not on the Agenda.

ROLL CALL on objections. There were none.

Summarizing the letter received from the Sierra Club, the Supervisor said that the Club is looking for a Resolution from the Town of Rye supporting its stand on the de-icing facility at the Airport.

After discussion, the Supervisor asked the Board to adopt a Resolution calling for an alternate site.

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

WHEREAS, the Town Board of the Town of Rye understands that the County of Westchester currently violates its State water discharge permit from time to time and that the County of Westchester must find a solution to this problem. Specifically as it relates to aircraft De-Icing, and

WHEREAS, the Town Board of the Town of Rye urges Westchester County to seek alternate solutions to remedy its permit violations, inasmuch as the proposed De-Icing Facility and its proposed location will be detrimental to the quality of life and the well-being of the residents of the Villages of Port Chester, Rye Brook and the Rye Neck section of the Village of Mamaroneck, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Rye believes alternate sites on the Airport grounds for the proposed facilities should be explored to the fullest extent possible. When an alternate site is located, this in fact would alleviate the quality of life impacts and potential environmental impacts on the neighboring residential communities as well as the United Cerebral Palsy compound.

ROLL CALL:

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

NOES: None.

* * * * *

Superintendent of Highways Sapione reported on the progress of the emergency repair situation on the Mamaroneck Bridges citing the bridges are in litigation, discussion will be continued in Executive Session.

* * * * *

The Town Clerk reported that upon request, she and the Custodian/Election Coordinator Mecca visited the facilities at Bellefair for a relocation of the Polling Place for Election District 31, which encompasses the north side of Anderson Hill Road, west side of King Street to the Blind Brook, currently housing Arrowwood and Bellefair, and after checking distances, etc., recommend that the Board consider the possibility of changing the polling place for the 31st ED from the Bruno Ponterio Ridge Street School to the Fireplace Room at the Bellefair Community Center.

Mr. Mecca concurred stating that the Fireplace Room meets all regulations, provides handicapped entrances and exits, and Bellefair mileage would be reduced from 21/4 miles, while those in Arrowwood would remain the same as the distance to the Ridge Street School.

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

RESOLVED, that the Town Board of the Town of Rye authorizes that effective January 1, 2003, the Polling Place for Election District 31 be relocated from its current Bruno M. Ponterio Ridge Street School to the Fireplace Room of the Community Center at Bellefair, Rye Brook, New York and that all steps necessary, including notification to the Board of Elections as well as to the voters residing within the boundaries of said ED 31.

ROLL CALL:

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

NOES: None.

Reporting the Registration process, the Clerk said she had received a call from Congresswoman Lowey's office stating that the Congresswoman felt that this is not a Federal problem, but a State responsibility and felt that the State Legislature should enact legislation. This was in addition to the call she received from Assemblyman Tocci's office who felt likewise.

Councilman Borrelli explained the current process in voter registration noting that there is no process permitted to check if a person is a citizen or not and the Town Board has been asking Federal, State and County Officials to seek a remedy for this.

Mrs. Solomon also explained her unsuccessful efforts along these lines.

* * * * *

Supervisor Morabito reported on meetings held at Bellefair regarding the de-icing facility, congratulating his Board for attending, when other Boards did not and Rye Town Park and its very successful season. After noting his attendance at a Shakespearean Performance, suggested that the Town consider this type of entertainment and thanked the RTP Lifeguards for their diligent and heroic actions during the recent tragedy at Playland Beach.

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The Supervisor also noted that a Public Hearing will be held by the City of Rye's Planning Commission on September 10, 2002 on the Rye Town Dock project, which should be completed sometime in May of 2003.

* * * * *

Reporting on the letter from the Municipal Official Association, referred to him during the meeting, stated that he felt that the Board should go along with this ACT as it will benefit municipalities.

On recommendation of the Town Attorney, Councilman Lagana moved, seconded by Councilman Borrelli and unanimously adopted, the prescribed letter was approved to sent to Senator Oppenheimer to add the Town's support of S.2979-A, to amend CPLR Section 4545 Collateral Services.

* * * * *

Lt. Col.(Ret) Abel asked the Board to research the possibility of purchasing more property at Greenwood Union Cemetery for Veterans' Graves.

The Clerk reported that a former Board approved the purchase of more grave sites, but the purchase was never consummated.

The Clerk was authorized to so research this possibility.

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George Cady, Rye City, first Vice president of the Rye Youth Council was appearing with regard to activities at Rye Town Park and the Supervisor said that at the Rye Town Park Commission Meeting held earlier this evening, a presentation was so made.

* * * * *

Mrs. Solomon, reporting on a 1983 letter which related that after a survey, a cemetery was noted in the Port Chester Development Area which maps in the Clerk's office did confirm. She felt that the Historic Society does have a law suit because these burial grounds are directly across from Traverse Avenue the Development site. She also said that the Village claims they did not receive any of the letters, but notes that the Town has jurisdiction over cemeteries.

The Town Attorney read the following letter dated November 7, 2000 and addressed to the Supervisor and Members of the Town Board:

"An inquiry has arisen regarding a supposed cemetery located in the Town behind the gasoline station at Westchester Avenue. Both the physical inspection and research have not shown the existence of anything identifiable as a cemetery--no headstones, graves, markers, fences, etc. Until something is shown, there is no cemetery. Merely calling an area a "cemetery" does not make it so. Even if it were a cemetery, it is certainly abandoned.

In the case of Con vs. Boylan, 224 N.Y.S. 2d 823, the Court held, 'It is true that cemetery land may be the subject of adverse possession which may ripen into good title. But before that can happen there must have been a complete abandonment of the cemetery use. It must have wholly lost its identity as a cemetery and be indistinguishable from other land around it.

In the case of Hutchinson Land Co. v. Whitehead Bros. Co. 218 App. Div. 682, 219 N.Y.S. 413, the Court quoted "Where the ground ceases to be a place of burial, or where it has been permanently appropriated to a use or uses entirely inconsistent with its purpose as a cemetery, or where it has been so neglected as to lose its identity as such, it logically follows that under such circumstances title by adverse possession can be acquired. Section 332 of the Town Law (as amended by Laws 1920. c. 577) does not prohibit the assertion of such or defense."

The above court further quoted from 11 Corpus Juris, 58: "So long as a cemetery is kept and preserved as a resting place for the dead, with anything to indicate the existence of graves, so long as it is known and recognized by the public as a cemetery, it is not abandoned. But, where a cemetery has been so neglected as entirely to lose its identity as such, and no longer known, recognized and respected by the public as a cemetery, may be said to be abandoned."

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Section 296 of the Town Law provides, in part, that the Town may petition the Supreme Court to remove the remains of persons in abandoned cemeteries when no deceased persons has been buried for the past 20 years, to remove and possibly re-inter them, upon publishing the Court Order in a publication nearest to the cemetery one a week for two weeks. The Supervisor must 1) state the name of the deceased person or persons whose remains are sought to be removed, if known; 2) the name and location of the cemetery; 3) the name and location of the incorporated cemetery to which the remains are desired to be removed and re-interred; 4) the facts showing the reasons for such removal. It further provides for the removal and the re-setting of headstones, and the land may be used for town purposes or "may be conveyed or otherwise disposed of in the same manner as other town lands."

Here, the so-called 'cemetery' is indistinguishable from other land around it. Thus, from all this, we must first, a) have a cemetery, b) with remains. Without remains, without any headstones, we submit that the inquiry ends. Whatever may have existed on this location, it is obviously abandoned. Until remains appear, there is no action the Town is obligated to take. Accordingly, we know of no action required to be taken at this time."

* * * * *

There being no further business, the meeting adjourned at 9:50 PM on motion of Councilman Borrelli, seconded by Councilman Lagana and unanimously adopted.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD SEPTEMBER 17, 2002

A meeting of the Town Board of the Town of Rye was held on Tuesday, September 17, 2002 at 8:00 P.M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York, with Councilwoman Michele Mendicino Daly presiding.

PRESENT, in addition to Councilwoman Mendicino Daly, was Councilman Michael J. Borrelli and Deputy Town Clerk Linda A. Lyons

ABSENT: Councilmen Walter, Lagana, Supervisor Morabito and Town Clerk Frances C. Nugent

ALSO

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

DEPARTMENT

HEADS

ABSENT: Receiver of Taxes Hope B. Vespia and Representatives of the Court.

* * * * *

Town Comptroller Joseph M. Granchelli led those present in the Pledge of Allegiance and the tape recorder was in use during the proceedings. Councilman Borrelli read the opening prayer.

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There not being a quorum present, the meeting was adjourned at 8:05 P.M.

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD OCTOBER 15, 2002

A meeting of the Town Board of the Town of Rye was held on Tuesday evening, October 15, 2002 in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York at 8:00 P.M. with Supervisor Robert A. Morabito presiding.

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

ABSENT: None

ALSO

PRESENT: Superintendent of Highways Vincent A. Sapione, Town Assessor Mitchell Markowitz, Town Attorney Monroe Y. Mann, Town Comptroller Joseph M. Granchelli, Court Clerk Anne M. Capeci, and Director of Purchasing Raymond L. Sculky.

DEPARTMENT

HEADS

ABSENT: Receiver of Taxes Hope B. Vespia.

Darel Franklin from Boy Scout Troop 6 led those present in the Pledge of Allegiance and the tape recorder was in use during the proceedings. Councilman Borrelli read the opening prayer.

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On motion of Councilman Borrelli, seconded by Councilwoman Mendicino Daly and unanimously adopted, the minutes of the meeting held on August 20, 2002 and September 17, 2002 were approved as presented.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of August, 2002:	
Total to Supervisor	\$ 2,012.50
TOWN CLERK FRANCES C. NUGENT, for the month of September, 2002:	
Total to Supervisor	\$ 2,205.77
RECEIVER OF TAXES HOPE B. VESPIA, for the month of August, 2002:	
Deposited to Supervisor, Town of Rye.	\$260,117.18
Deposited to Treasurer, Village of Port Chester.	58,495.05
Deposited to Treasurer, Village of Rye Brook	<u>150,617.67</u>
Total.	\$469,229.90
CRAWFORD PARK for the month of August, 2002:	\$ 3,685.00
CRAWFORD PARK for the month of September, 2002	\$ 8,435.00

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Brian Niles, 70 Rockridge Drive, Rye Brook, New York made a presentation of the possibility of having a "Shakespeare Festival in Crawford Park" next summer. The Hudson River Shakespeare Festival, a professional group of actors and actresses, do a great job of bringing Shakespeare to the community. They bring their own tent, props, etc. and we were hoping to work out a plan to have 3 or 4 weeks of performances of Shakespearean plays they have rehearsed. On evenings they are not using the tent, have the community involved at some level. They have apprentice programs so the young people can work with sets, make-up, etc. Supervisor Morabito stated there is the possibility of the Council of the Arts using the tent for their performances. Councilman Borrelli suggested the theatrical groups at the Port Chester, Blind Brook, and Rye Neck High Schools be contacted also. Councilwoman Mendicino Daly questioned the cost of the tickets, number of people the tent will hold. Mr. Abel questioned if they will be paying rent to the Town of Rye for the use of the park? Mr. Niles replied "these are all things that will have to be worked out". Mr. Abel also questioned if it will interfere with the soccer, baseball and camp. On motion of Councilman Borrelli, seconded by Councilman Lagana and unanimously adopted the Town Board gave approval for Mr. Niles to proceed

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Bernard B. Abel, Lt. Col. USAF (Ret.), Edgewood Drive, Rye Brook, New York, presented the following:

“To begin with I’m asking this Board to refund illegal over charges in the office downstairs. The State Law says they are allowed to charge \$.25 a copy, here is a copy of the law and here is the original of the overcharges to me for copies that I requested. According to the law they are allowed to charge \$.25, they charged me a \$1.00 each, which means I spent \$3.00 when they are allowed to collect \$.75. Do I have to bring a Notice of Claim or will this Board authorize the overcharge refund?” Supervisor Morabito stated he did not know if that is the law, “is that the law Mr. Mann?” Town Attorney Mann stated “the law requires a Notice of Claim to be filed before any refund can be made.” Mr. Abel stated “I didn’t ask about any Notice of Claim, I asked can I get paid back without a Notice of Claim?” Mr. Mann stated “anyone who has a claim against a municipality must file a Notice of Claim within 90 days under Section 50e of the General Municipal Law. Once that claim is filed then the Board can investigate whether or not it is a legitimate claim, whether it should be paid, whether it should not be paid. So until the claim is made the Board is not authorized to make any refund and there is a question as to whether or not the Board, the Town in fact, is authorized to make a charge of \$.50 a page as I understand it, because as I was told by the people down stairs in the assessor office it is not making an ordinary copy of a page, it is a card that is 9” x 12” which has to be reduced to size and it has to be shaded appropriately in order to reproduce properly. It takes a lot more time then just making a copy.” Mr. Abel stated “It says in the law that \$.25 per copy up to 9” x 14”, Mr. Mann is quoting a size which is below the 14”. There is a copy of the law, the Town of Rye Clerk’s Office gets \$.25 for two sides, the Village of Port Chester gets \$.25 for two sides, the Village of Rye Brook gets \$.25 for two sides according to law. I am not only making this claim for me because it amounts to \$1 some odd, whatever, it amounts to thousands of dollars in overcharge to the community for copies out of that office. Here is the law, they made up there own rules and said that we are going to charge, and here it is: 8 ½ x 14 - \$1.00. The law doesn’t allow it and they have been doing it for quite a long time and here is the law, when Supervisor Morabito said he only wanted to see the copies. “OK and here are copies of the receipts” stated Mr. Abel, “but the amount to me is insignificant, but it amounts to thousands of dollars of overcharge by your office, by your office I mean the Town of Rye, and people getting copies for many years and I think not only I should be granted the money back, but I do believe everyone who has been overcharged illegally by the Town of Rye should get their money back.” Supervisor Morabito said “Let me ask you a question Mr. Abel, how does the Village of Port Chester Police Department allowed to charge \$10.00 for a 8 ½ x 11 copy of an accident report.” Mr. Abel replied “I have no idea, I only know that the clerks office in your town, the tax office in your town, the Village of Port Chester and the Town of Rye all get \$.25 and it is spelled out in the law, and if the police department is doing it they should change it also. Supervisor Morabito replied “ Mr. Abel, what we will do is look into it and if we are allowed to make the authorization to pay you we will just pay you.” Mr. Abel replied “OK thank you.” Councilman Walter asked Mr. Abel if he will file a claim. Mr. Abel responded “I’d rather - you want me to file a claim for \$3.75” – Mr. Walter stated that was what Monroe said, “OK then I will have to file a claim for my \$2.00 back, but I still believe that you should change your policy since I’m showing you the law. I think, you have a copy of it don’t you, if you want a copy get it from your own clerk’s office which spells out exactly.” Supervisor Morabito stated “I appreciate what your saying and I would ask you Monroe to see what the feasibility is of just refunding his money, I’d rather do that if

that is allowable and in the meantime I think we should really look into why the police department charges \$10.00 for a copy.” Mr. Abel replied “Maybe they are doing it illegally also, I don’t know” Supervisor Morabito said “I don’t know, but every time you get into an accident you pay it, because you have to get the report.”

“Now, Reval – Mr. Morabito you stated that the Town and Villages, the community, are being hit by certioraris, I went down and did a little checking. Your house on Glen Avenue, you spent \$35,000.00 in renovations and your taxes went from \$12,600.00 (that is your assessment) to \$11,500.00. You went to the Board of Review in the Town of Rye and they turned you down. You went to the Village of Port Chester and you got it the other way.” Supervisor Morabito stated “that was correct.” Mr. Abel replied “yet your complaining about everyone else doing certioraris, you don’t even have to do a certiorari, you can get it by yourself.” Supervisor Morabito stated “No you can do a small claim, like you can sir and your son has in the past.” Mr. Abel replied “ I am talking about you sir because you are the one pushing Reval.” Mr. Morabito stated “I have to answer your opposition, your question or whatever you call it. My house #1 in my opinion is significantly assessed higher than any other house on my street. When I did that work on the house the assessor came out and put a value on it and I got the comparables from the assessor office as to what the other houses in my area were. I filed against the Town of Rye and I was rejected because I didn’t file the appropriate form. I filed only the comparables, and Mr. Meiskin, who is the Chairman of the Board said I had to actually go out and get an appraisal so that is what I did. I went out and got an appraisal and I filed next year.” Mr. Abel stated “you didn’t have to bring a certiorari then did you.” Supervisor Morabito stated “No”. Mr. Abel stated “I noticed Mr. Mann also in 1991 went to the Board of Review and I noticed that on two properties he went. Who does the assessor work for?” Supervisor Morabito said “Excuse me sir, every citizen has the right of regress. Because of our official position I think that if you check every Board, since you have the time to do this, you will find numerous people who felt they were overtaxed and done the same thing.” Mr. Abel stated “by the way I might mention I was over charged to get these copies. I went to get copies of this and I got over charged according to the law.”

Mr. Abel continued “ I was going over your budget, I noticed Mr. Mann gets \$35,928.00. You have \$30,000.00 in additional legal costs – can you tell me what they are sir?” Supervisor Morabito stated “Yes, they are normally for certiorari.” Mr. Abel asked “who gets it?” Mr. Morabito stated “our outside council, they may have to hire specialist in certain commercial – requires special attorneys and special appraisers, for example hospitality for our large commercial building that’s out of the purview. Well first of all Mr. Mann, although he probably would be capable of doing that, he works in conjunction with the experts, because the villages require us to hire people who are specifically knowledgeable or abreast of issues that relate to those kind of certioraris and if we went with just Mr. Mann’s opinion or an on street appraisers opinion they would not take that as if we were doing our job. We are obligated to hire the most qualified people.”

Mr. Abel continued, “I noticed in one part of your budget it says Mr. Sculky gets \$40,475.00 and in other place it says he gets \$46,475.00, now what is the discrepancy?” Supervisor Morabito stated “it is not a discrepancy sir, Mr. Sculky, as all previously secretaries, have the responsibility of the bookings and day to day booking of Crawford Park and Rye Town Park, as well as he is in charge of doing the

minutes for the Rye Town Park meeting so he is compensated, at the request of the Rye Town Park Commission a stipend to do that work.” Mr. Abel said “ you mean triple dipping, that is triple dipping, he gets paid by the Town of Rye, gets paid by the Park – Oakland Beach, and he also gets paid by Crawford Park. That is triple dipping”. Supervisor Morabito replies “ As every other secretary in the history of the Town of Rye has”. Mr. Abel stated “I don’t know, I looked up the records and it said Mr. Patafio, when they had a complete government to govern, he made \$20,000.00, \$20,400.00 – yes but he also had a complete government.” Supervisor Morabito stated “he also got a stipend sir as the comptroller, which I don’t know if you bothered to check that.” Mr. Abel stated “\$400.00 I think” and Supervisor Morabito thought it was a little more then that. Mr. Abel responded “alright \$20,000.00 plus \$400.00.” Supervisor Morabito stated “he was also paid to attend night meetings and Raymond is not. And by the way Mr. Sculky, just to let you know your worth every penny we pay you.” Mr. Abel said “say again” and the Supervisor replied “he is worth to me every penny we pay him.” Mr. Abel stated “I’m not saying – I just want to see the discrepancy” ----- Supervisor Morabito responded “in most municipalities his salary would be significantly higher then it is in the Town.” Mr. Abel said “So raise it!” and the Supervisor replied “we have a tight budget.”

Mr. Abel stated “there is \$15,000.00 in the budget every year for electrical, could you tell me what that is for sir?” Supervisor Morabito stated “probably for upgrading the service at Crawford Park, Rye Town Park” and Mr. Abel interrupted “ No not for electricity, for electrical – not for oil and things of that sort.” Supervisor Morabito replied “Oh electricity” and Councilman Walter said “ no he is saying for electrical work”. Councilwoman Mendicino Daly stated “like what happened Saturday when we had no power at Crawford Park and we had to call in an electrician. Electricians make a lot of money, they make over \$40.00 an hour.” Supervisor Morabito stated “we had an electrician that had to visit us Saturday night through the middle of the night and all day Sunday to get the power back on for a function.”

Mr. Abel stated “ you know something has been bothering me – how come your daughter makes more then your son working at Oakland Beach. She gets \$10.00 plus and he gets \$8.00 plus. Is there any reason for it? I’d like to know” “Yes,” Supervisor Morabito replied “people who are employed there as they move on in years, for each year they go they get an increase in pay, that is the incentive to try to draw them back. If you would also check the lifeguard – you will see annually we raise them in compensation, we try to keep them from going to private parks. My son, who was hired by Mr. Terenzi this year” – Mr. Abel stated “who was hired by you” – Supervisor Morabito restated “who was hired by Mr. Terenzi this year” – and Mr. Abel stated “ Mr. Terenzi was hired by you” – then Supervisor Morabito replied “You are not letting me finish Mr. Abel, I did not interrupt you sir. My son Christopher, who is my oldest son, worked for me for two years in my store, which you frequented on a regular basis, and the people who worked at Rye Town Park, including the foreman and Mr. Terenzi, who came into the store at 5:30 in the morning on Saturday and Sundays were so impressed by his usage of the computer as well as his work ethics, that they wanted to hire him immediately and I said first of all you can’t hire the kid because he is not of age – you have to be 16 years old to work for Rye Town Park or the parks, so he said the day that kid turns 16 I’m going to grab him and he did. His salary is lower because he is a first time employee.” Mr. Abel stated “you have 19 cashiers, just taking money at Oakland Beach, you have 25 lifeguards. Lifeguards who make from \$8.50 to \$13.00 per hour.” Supervisor Morabito stated “the highest makes \$19.00 per hour sir.” Mr. Abel stated “OK, I stand

corrected.” Supervisor Morabito asked “can I fill you in on that sir? His responds was “yes sir I’d like to know.” “The average lifeguard salary in Westchester County at most facilities, other than Playland and the Rye Town Park are anywhere from \$15.00 to \$25.00 per hour. The private entities like the Coveleigh Club or the other clubs who draw our children away from us every year pay \$22.00 per hour. So we have a significantly difficult time and that is why we have to constantly replenish the lifeguards, because they get drawn out. If I am going to pay somebody \$8.50 and they can go next door and make \$22.00, I mean what would you do Mr. Abel. By the way, we are obligated by law to have “X” amount of lifeguards per hundred of heads on the beach.” Mr. Abel responded “are you also obligated by law to have 19 cashiers? It says 19 cashiers, that’s 19 people taking money.” Supervisor Morabito responded “that’s not every day sir, there are not 19 people there everyday, there are shifts of 8 to 10 people. Mr. Sculky stated “ Mr. Abel, that’s a turnover, people quit during the summer and we have to replace them.” Supervisor Morabito stated “all the band kids quit August 1st for band camp and that was about 8 kids.” Councilman Borrelli said “excuse me Mr. Chairman, I thought we were talking about Reval.” Mr. Abel said “we are, I am trying to show where we can save some”-----Councilwoman Mendicino Daly stated “this is not a budget meeting”, and Supervisor Morabito concurred stating “this is not a budget meeting and you are more then welcome to attend the budget meeting in January.” Mr. Abel replied “well I put down I wanted to speak tonight, I don’t believe there was a subject on it. I was at the last Reval meeting and you made a public statement that Reval is a done deal.” The Supervisor stated “I did.” Mr. Abel, “I thought it was a study, not a done deal.” The Supervisor responded “when I said it was a done deal, can I explain myself to you, (Mr. Abel said yes) as far as I’m concerned with the Board making the commitment to fund this process over two years it’s a done deal. As I said to everyone here that night that there are three sets of numbers that are going to come in. The Board has the obligation of either approving them, disapproving them or going out for another study. But as far as the work , the work will transpire, all the work towards revaluation will be done. The final vote will be on enacting the numbers and until the numbers we feel comfortable with, were going to continue the study.” Mr. Abel asked “so is it or is it not a done deal” The Supervisor replied “ it’s a two way street Mr. Abel, as far as I’m concerned we funded it and we are going through with it.” Mr. Abel asked how about the rest of the Board, “how do they feel, is it a done deal?” Councilman Lagana stated “it is a done deal to continue the study.” Mr. Abel replied “no I did not ask that, Mr. Morabito said that Reval was a done deal, not the study.” Councilman Lagana stated “ it seems to me Mr. Abel, you know more then this Board right now, when we don’t even have the information in front of us. I want to comment on what your saying OK, we still have to go through the process to see if the Reval is going to go through, we have to do the Reval. Its been 30 years – 37 years, they are upgrading our assessment office, we are also updating our property record cards, there is a lot of work to do.” Various people from the audience commented on their opposition to Reval.

Mr. Richard Abel stated “a point of order on Reval at that meeting was that the assessor is the final say on that, not this Board, that is why it is a done deal. You guys will never get to vote on whether Reval gets put in or not – it’s done. The only person that can put to terminate Reval right now or not accept the roll once it is done is the assessor, and that was the discussion that came up at that meeting.” Supervisor Morabito stated “no – first of all before the assessor accepts the roll the numbers are presented to the Town Board and as was done in Greenwich on a few occasions they were turned back and the numbers were done again. Prior to reaching Mr. Markowitz, I don’t know who the

assessor is in Greenwich, prior to the roll being given with the new calculations to the assessor, the Board has the right to review the information which we will do and if there is a significant shift, then we have options that we have to take. One is to accept it, do it again, enact the Homestead, because we don't know until that process takes place. The Board does have a vote I believe before it goes to Mr. Markowitz.” “But that was not the discussion that we had that night” stated Richard Abel, “I'm hearing different thing.” Supervisor Morabito said “Richard, I did say very clearly the vote will go through this process and will complete the study.” Richard responded “you said there was no need to have a vote then you would have a ceremonial vote. Supervisor Morabito said it was still a vote Richard, and Richard responded “a ceremonial vote is not a vote.” The Supervisor stated “I don't understand what you are looking for, we are going through a process and there will be a vote, whether you call ceremonial or dictatorial, no I did not use the word ceremonial. I said the Board will take a look because if once we do accept those numbers we have to vote whether or not to enact legislation to do Homestead. You can't do that until that roll is presented for us.” Richard Abel stated, “once the valuation is done the only person that gets to decide whether to accept, the final person gets to accept it is the assessor, not the Town Board.” Supervisor Morabito concurred “he is the final person, that is correct. This Board actually can not turn it down, those new numbers.” Supervisor Morabito said “Richard there is going to be different sets of numbers, if there is a major disparity between any of the three then that would warrant taking a forth look and if there is still a major disparity amongst the four that would require the Board to have an obligation to take a fifth look. Before he enacts that roll we have to be certain that we feel comfortable that the study has integrity, because if it doesn't have integrity we will never have the ability to go back to the villages again. We want to make sure the process is done properly.”

Supervisor Morabito asked Mr. Abel to set a time limit of another 5 minutes, to which Mr. Abel responded “OK.” Mr. Abel proceeded stating “at the Reval meeting you made a statement that Bellefair will take up a collection for poor people in the area who can not afford an increase.” The Supervisor stated “that is partially correct sir, we received an e-mail from the President of the Association Mr. Schlactus, who felt that they did not know, but if they were entitled to any kind of reduction that there is a movement afoot amongst Bellefair residents to set aside some kind of fund for maybe people who can not afford it.” Mr. Abel said “charity from Bellefair for Port Chester – that's very nice”. Mr. Morabito said “I don't think its charity sir, I think it is a very nice suggestion. I give them credit for having such a philanthropic attitude.” Mr. Abel responded with “I'm sure the people of Port Chester will be very happy to receive donations from Bellefair, that is probably where you are figuring you will get your votes, and that is why you are catering to those people, where we who built the community are not being taken care of.”

Mr. Abel continued “ I received a letter – I am writing to tell you that the article re: Morabito and the ridiculous revalutaion was long over due. He is crazy to think that he will work, that it will work rather. I am also writing to tell you that my niece worked at the camp at Crawford Park for 6 weeks and what she observed during that time was in creditable. Illegal dumping in dumpsters, employees urinating in the bushes, employees washing their vehicles during the drought, employees walking in and out of the girls rooms unannounced, and parties in the mansion during the day. Even when my niece went to the Rye Town Park with friends the person taking the money at the booth would double charge them for parking and pocket the rest. I am respectfully requesting you look into these matters.”

Supervisors Morabito responded “ your more them welcome to look into them sir. We build an immeasurable, impeccability of creditability at Rye Town Park by trips, by video camera, by cards that have to be stamped so no one gets in.” Councilman Lagana asked “who sent the letter?” Mr. Abel stated “the letter did have a name on it.” Councilman Lagana stated “anonymous letters are worthy of the garbage.” Mr. Abel said there is a name on it but would not divulge who wrote it. Councilwoman Mendicino Daly stated “ if this person was so busy checking all this stuff they couldn’t have been doing their job.”

Mr. Abel proceeded – “I went over all the employees that the Town of Rye has, how many would you say one hundred?” Supervisor Morabito replied “if I had to guess off the top of my head, and you were counting also the park employees who work only in the summer, so many come and go with the park I could not give you – full time employees is probably 35.” Mr. Abel asked “plus part time.” The Supervisor responded “ they change every two week – somebody quits – so I couldn’t give you an answer.” Mr. Abel stated “well you have 25 and 19 is 34 right there, no 44. How do you get your employees?” Supervisor Morabito asked “for the parks” to which Mr. Abel replied “all over.” The Supervisor stated “that for the parks they come in and start applying in February and we normally have a full contingent of about 30 or 40 by May 1st, because by June 1st, we loose a third of that and by July 1st we loose more, and then band camp starts on August 1st we loose another 10 to 12.” Mr. Abel asked “how many Afro-Americans have you hired?” to which the Supervisor replied “two.” He continued saying “Mr. Abel I am going to explain to you one more time, if we had 50 people working for us in the parks this summer, if there was more then 10 or 15 in any one given day that was a lot. At the end of the season we ended with – we actually had to have people go down and help because we were short two booths the last two weeks of the year. There are employees who come, they want to work three weeks, five weeks, they may have done something wrong and were let go.” Councilman Borrelli stated he did not like the part about African-Americans – “what is your point – how many applied that were refused?” Mr. Abel said “I would like to say that I believe”– Mr. Borrelli interjected “if your going to make a statement back it up with a further statement” – Mr. Abel stated “ I would like to say that what I am trying to show is it appears to be democratic patronage hiring headquarters.” Supervisor Morabito responded “our two finest employees for the last few years have been the Colangelo girl. I don’t know them to be Democrats.”

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Mr. Cohan came before the Rye Town Board to make a presentation of the Afro-American Cemetery in Greenwood Union Cemetery in Rye, New York seeking the support of the Rye Town Board to apply to the State’s National Registry Program for the African American Burial Ground at Greenwood Union Cemetery. Noting the registration in no way limits your control or use of the site. With your support for registering the cemetery as a site of historical significance, it would enable us to apply for a Grant with the NYS Dept. of Parks, Recreation & Historic Preservation. This grant, if received, will provide the necessary funds for the renovation and restoration of the cemetery as well as for research and valuation of the historical cultural significance of this site. Betsy Robinson, who represents the Rye Historical Society, was also present. The Historical Society has graciously offered the access of its Senior Archivist, extensive library research, materials, as well as space for planning and architectural design work at the Knapp House. Tom Kissner, President of the Port Chester, Rye NAACP, residing at 258 Madison Avenue, Port Chester, New York was present tonight to give his full

support of the process and will present it to the NAACP at their meeting on October 21, 2002. Mr. Cohan stated the grant would allow to further research the history of the African-American Community and relationship to this community to the greater Rye Town Community. Mrs. Solomon stated that in 1983 that cemetery was landmarked by Karen Kennedy and Westchester County. The Town Council, along with the Supervisor felt this was a wonderful undertaking.

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Supervisor Morabito made a presentation in the absents of the proprietors, of the restoration of the downstairs facility at Seaside Johnnie's. As you know they have restored the restaurant already. They want to take down the wooden structure and actually make a new structure of stone to match the stone of the entire park, giving him the capability of expanding the kitchen to provide the same quality of food downstairs and they have upstairs. The project will be completely undertaken by the proprietors, at his own expense costing about \$180,000.00. The Rye Town Park Commission has approved the project as long as it is signed off by the City of Rye, the Town of Rye, and it goes through the appropriate permit process, etc..

Mrs. Solomon stated "I am opposed to giving up more beach to Seaside Johnnie's and taking away from the public, but I am also totally opposed to alcohol being served on the beach." Supervisor Morabito stated that the footprint at its biggest point is only 9 inches bigger then what is existing and at its less point it is 11 inches smaller. Its basically matches the exact footprint of what is presently there. For the publics edification it is written in the agreement that any alcohol served can only be served to patrons who are dinning at that facility, but in can not be served until after 6 P.M., so there will be no alcohol permitted on the beach whatsoever, until the dinning hour when the beach is 90% empty.

On motion of Councilman Borrelli, seconded by Councilman Walter, and unanimously adopted, the Town Board granted the Supervisor permission to proceed with the project.

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On motion of Councilwoman Mendicino Daly, seconded by Councilman Borrelli and unanimously adopted, the Toys for Tots Campaign was approved. Councilwoman Mendicino Daly stated Margaret Del Vecchio ran the program and it was very successful.

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Town Assessor Mitchell Markowitz reported there computer system is on order, the tax mapping project is nearing the end, as is the renumbering project for all the parcels within the Town. The Assessor also made contact with NYS ORPS (NYS Office of Real Property Services) who is going to make the final push to convert the Town of Rye to the RPS operating system. If all goes well by late November everything should be running. Councilwoman Mendicino Daly asked "who is looking into meshing this with the tax office?" Mitchell stated that KVS can read the RPS operating system.

The Assessor stated meetings have been set up to meet with the three school districts to discuss revaluation.

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Town Attorney Monroe Mann state the case against the Village of Mamaroneck and the Town Rye is proceeding and I would like to commend Nick Mecca for the wonderful job he is doing on the research of the bridges.

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Town Comptroller Joseph Granchelli stated he is checking the the NYS Comptrollers Office to see if the Town Council can approve a donation to the Port Chester High School Marching Band.

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Supervisor Morabito gave an update on the Rye Town Dock showing a drawing of the final draft approval. Keane & Beane notified the Town that all permits have been filed and they are looking at a ceremony date of May 17, 2003 for the dock to be open to the public.

Supervisor Morabito stated the Town was the recipient of two grants – one being for Crawford Park for a Walking Trail in the amount of \$50,000.00 and one for a Baseball Field to be created in Crawford Park to aid the Villages of Port Chester and Rye Brook with their various baseball leagues. Our thanks goes to our Assemblyman Ronald C. Tocci, who procured those grants for us.

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Councilman Borrelli asked Mr. Mecca how the voter registration process was coming. Mr. Mecca stated a follow-up letter has been sent again telling them the Town Board , spearheaded by yourself, is still waiting for some information as to what is taking place.

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Supervisor Morabito asked the Deputy Town Clerk if we received any input back from our Resolutions in regard to the Westchester Airport Deicing Facility. After advising no he asked that the Resolutions be resent to the County Chairman, County Board of Legislators, and County Executive Andy Spano. Mr. Morabito asked Mr. Mann if the Town could enter into an Article 78 and report back to the Board next month.

Supervisor Morabito stated he met with DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr, who did research regarding the segmentation of taxes in the Rye Neck School District that was passed upon them through the City of Rye in what the City called an incorrect apportionment of taxes. We have a responsibility to Mamaroneck and the school district and if we can have that decision reversed it would mean a significant reduction in taxes for the Mamaroneck residences.

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On recommendation of Town Attorney, Councilman Lagana moved, seconded by Councilman Walter and unanimously adopted, the prescribed letter was approved to send to the Corporation Counsel of the City of New York to add the Town's support of S2979-A, to amend CPLR Section 4545 Collateral Services.

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Goldie Solomon spoke again on the Merritt Cemetery, also stating the Brown Cemetery is also suffering. The Supervisor stated prior to the developer coming in we asked that research be done in the area of the Merritt Cemetery, Mrs. Nugent and her staff researched the area and afforded to the developer the appropriate map and citing. Whatever records we had, were given to the developer. They did everything by law that was required to do, and unfortunately there was nothing indicating as to a cemetery.

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Supervisor Morabito recognized Boy Scouts Darel Franklin and Vincent Verdino of Port Chester Boy Scout Troop 6. He thanked Darel for his work in Columbus Park, the erection of the flag pole which he completed as part of his Eagle Scout Project. He also suggested if any of the scouts

October 15, 2002

wanted to work with Mr. Cohan in the African American Cemetery they would find in very interesting. Again Supervisor Morabito stated their efforts are appreciated for their public service and look forward to your continuing to be good citizens as your obviously are.

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Mr. Abel stated “in discussing Reval before, I neglected to mention something that’s bothering me and many others greatly – our homes, our castles, where we live are being put on line for anyone to search our property to find out where our doors, our windows, our rooms, it puts us in jeopardy and I am asking this Board to, if possible, its up to you, not to put our homes on line. If anyone wants to come in and look it up we have a face, we have a body, we have someone we can see and talk too, but to let someone anonymously go into the internet and case our houses I think is against our privacy. We want to be left alone in our homes, we don’t want people to know, its our business and its not the governments, the private party who wants to look at it.” The Supervisor replied that Mr. Abel’s concern is duly noted and prior to any final decision being made with regard to internet we will appraise you of it, and I will do some research with regards to security.

Mr. Abel made further comments with regards to the band, seniors, veterans and Reval.

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There being no further business, the meeting adjourned at 9:30 P.M. on motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted.

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD NOVEMBER 4, 2002

A meeting of the Town Board of the Town of Rye was held on Monday evening, November 4, 2002 at 6:15 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 Councilman Michele Mendicino Daly, Dominick Lagana, John P. Walter and Town Clerk Frances C. Nugent.

ABSENT: Councilman Michael J. Borrelli.

ALSO

PRESENT: Assessor Mitchell Markowitz, Town Attorney Monroe Y. Mann, Town Comptroller Joseph M. Granchelli and Director of Purchasing Raymond L. Sculky.

DEPARTMENT HEADS

ABSENT: Receiver of Taxes Hope B. Vespia, Superintendent of Highways Vincent A. Sapione and representatives of the Town Court.

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The Supervisor led those present in the Pledge of Allegiance and the tape recorder was not in use during the proceedings.

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The Clerk presented the 2003 Tentative Budget to the Board Members present, as required by statute.

She noted, for the record, that the Title Page was in error and should reflect that this is the TENTATIVE BUDGET, not the Preliminary Budget, and after the words, "Village of Mamaroneck" should reflect, in parenthesis, (Rye Neck Section); and in the Election segment of the Tentative Budget, listed on page 7, "Coordinator of Elections" in the amount of \$5,000.00 was omitted.

* * * * *

On motion of Councilman Lagana, seconded by Councilman Walter and unanimously adopted, the date of November 19, 2002 was set for PUBLIC HEARINGS on Local Laws #1, 2 and 3 for the year 2002, amending Local Law #1 for the year 2000; Local Law #2 for the year 2000 and Local Law #for the year 1986.

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There being no further business, on motion of Councilmlan Mendicino Daly, seconded by Councilman Lagana and unanimously adopted, the meeting adjourned at 6:15 P. M.

Respectfully submitted

Frances C. Nugent
Town

MEETING HELD DECEMBER 17, 2002

A meeting of the Town Board of the Town of Rye was held on Tuesday evening, December 17, 2002 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 Dominick Lagana, John P. Walter, Michael J. Borrelli and Town Clerk Frances C. Nugent.

ABSENT: Councilwoman Michele Mendicino Daly.

ALSO

PRESENT: Town Attorney Monroe Y. Mann and Director of Purchasing Raymond L. Sculky.

DEPT. HEADS

ABSENT: Town Assessor Mitchell Markowitz, Receiver of Taxes Hope B. Vespia, Superintendent of Highways Vincent A. Sapione and Representatives of the Justice Department.

Deputy Town Clerk Linda A. Lyons led those present in the Pledge of Allegiance and the tape recorder was in use during the proceedings. Councilman Michael J. Borrelli read the opening prayer.

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On motion of Councilman Lagana, seconded by Councilman Borrelli and unanimously adopted, approval of the minutes of the meeting held on November 17, 2002, was tabled.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of November, 2002:

Total to Supervisor.....\$ 1,257.41

RECEIVER OF TAXES HOPE B. VESPIA, for the month of October, 2002:

Supervisor, Town of Rye.....\$3,268,881.35

Treasurer, Village of Port Chester..... 30,288.92

Treasurer, Village of Rye Brook..... 13,481.81

Total.....\$3,312,652.08

For the Month of November, 2002:

Supervisor, Town of Rye.....\$ 390,978.87

Treasurer, Village of Port Chester..... 125,472.64

Treasurer, Village of Rye Brook..... 5,580.30

Total.....\$ 522,031.81

CRAWFORD PARK, month of November, 2002:

Total.....\$ 2,175.00

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

WHEREAS, CAROL M. TRUANCE, residing at 93 Putnam Avenue, Port Chester, New York, has been appointed Deputy Receiver of Taxes by the Receiver of Taxes of the Town of Rye in accordance with law, to be effective January 1, 2003,

NOW, THEREFORE, BE IT RESOLVED, that said Carol M. Truance be and she hereby is compensated as such Deputy Receiver of Taxes annually, as provided for in the budget, with benefits excluding health, to be paid in equal bi-weekly installments.

ROLL CALL:

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

NOES: None.

ABSENT: Councilwoman Mendicino Daly

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December 17, 2002

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

RESOLVED, that PETER SCHLACTUS, residing at 80 Bellefair Rd., Rye Brook, New York, be and he is hereby appointed the Town of Rye representative on the Westchester Airport Advisory Committee, to serve at the pleasure of the Town Board; and

BE IT FURTER RESOLVED, that said Peter Schlactus execute and file his Oath of Office with the Town Clerk forthwith.

ROLL CALL:

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

NOES: None.

ABSENT: Councilwoman Mendicino Daly.

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On motion of Councilman Borrelli, seconded by Councilman Walter and unanimously adopted, the request from the Village of Rye Brook Recreation Department, dated November 20, 2002 for use of Crawford Mansion on Thursday mornings, January 23, 2003 through March 20, 2003 for a Woman's Adult Yoga Class, was approved.

Councilman Walter stated that although he had no issue with this request, he felt that in the future, before fliers are circulated, that the necessary permissions be obtained.

* * * * *

The following letter was read, addressed to the Supervisor, dated December 20, 2002 from County Legislator Jose I. Alvarado:

Several organizations advocating for the disabled have brought to our attention the large number of Westchester County Polling Places that are not accessible to the disabled. They also point out that most voting machines are not accessible to people who are blind or mobility impaired.

The Committee on Community Affairs sponsored the enclosed resolution, which was passed by the entire Board of Legislators in September of this year. In it, we urged that 1) the County Board of Elections assist local governments to find compliant locations; 2) all municipal governments select sites and equipment that provide for access; 3) Westchester County make CDBG funds available where possible to help municipalities make polling sites accessible; 4) both the Board of Elections and the municipalities consult with an independent living center; and 5) that New York State pass and support litigation making it mandatory for all polling sites in the state comply with the Americans with Disabilities Act.

We are hopeful that all levels of government will look at the success of total access for the disabled as essential to voting reform in New York. It is our hope that you will lend your support to accomplish total accessibility for all voters.

After discussion, the Town Board directed the Town Clerk to write County Legislator Alvarado to advise him that the Town's 31 Districts are all disabled accessible, but if there are any funds available, please so advise the Town in order that necessary repairs can be made to existing ramps, etc.

Also, the Clerk was directed to inform him that it is spearheading Registration Reform in order that voters can verify their citizenship by contacting Federal, State and local authorities, and to request any assistance.

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December 17, 2002

The Clerk noted she had two resolutions which were not on the Agenda.

ROLL CALL ON NO OBJECTIONS: There were none.

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

WHEREAS, WILLIAM GIACOMO, residing at 12 Ilana Court, Armonk, New York, be and he is hereby appointed a Senior Account Clerk/Part Time (0710-01) in the office of the Supervisor of the Town of Rye, effective January 1, 2003, and

NOW, THEREFORE, BE IT RESOLVED, that said William Giacomo be and he hereby is compensated as such Senior Account Clerk/Part Time at a compensation of \$10,000 per year for a 20 hour week, to be paid in bi-weekly installments.

ROLL CALL:

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

NOES: None.

ABSENT: Councilwoman Mendicino Daly.

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

WHEREAS, CHARLES PARLATORE, residing at 65 Wesley Avenue, Port Chester, New York, be and he is hereby appointed an Intermediate Account Clerk/Part Time (0713-02) in the office of the Assessor of the Town of Rye, effective January 2nd, 2003, and

NOW, THEREFORE, BE IT RESOLVED, that said Charles Parlato be and he hereby is compensated as such Intermediate Account Clerk/Part Time at a compensation of \$17.00 per hour with full benefits for a 20 hour week, to be paid in bi-weekly installments.

ROLL CALL:

AYES: Councilmen Lagana, Walter, Borrelli and Supervisor Morabito

NOES: None

ABSENT: Councilwoman Mendicino Daly

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Reporting on Rye Town Park, the Supervisor said the new Sand Bar is almost completely done, but landmark status has not yet been obtained, noting that once it has been obtained, as the Town has been told, work will start on the pavilion restoration. Regarding the Town Dock, the Supervisor said he was told to contact the State DEC as the necessary permit has not yet been given to start the bidding process for construction. He asked the Clerk to write if he has not heard from the DEC by the end of this week.

Councilman Lagana commented on the Westchester Municipal Officials Association and commended the Supervisor on his keynote address on revaluation which stressed taking politics out of this matter. He said it was well attended by 80 persons.

He further noted to the Clerk that he missed the "Historical Minute" that she began and hoped she would reconsider presenting it again, and announced the forthcoming Christmas Party to be held this coming Friday in the Court Room.

December 17, 2002

Councilman Borrelli asked that a third request be made on the verification of Citizenship on the Registration Form.

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On motion of Councilman Borrelli, seconded by Councilman Lagana and unanimously adopted, the meeting adjourned at 8:40 P. M. to Executive Session for the purpose of discussing litigation.

Respectfully submitted

Frances C. Nugent
Town Clerk

