

MEETING HELD JANUARY 21, 2003

A meeting of the Town Board of the Town of Rye was held on Tuesday, January 21, 2003 at 8:00 P. M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

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

ABSENT: None.

ALSO

PRESENT: Assessor Mitchell Markowitz, Town Attorney Monroe Y. Mann, 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 Court.

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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The Supervisor called for a moment of silence in memory for the passing of Elliot Glaser, who was very important as an Advisor, confidante, help in the reval process, appraising property for certioraris, who was a great friend of the Town and its Supervisor, who said, "I miss him already", who passed away in Florida on New Year's Eve after a 15 day illness.

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The Supervisor asked that the Minutes of November 19th, 2002 be again tabled until the next meeting when they will be professionally transcribed by a legal stenographer and will be available to the Board prior to the next meeting, at that point, once they are verbatim, he will call for a motion to approve.

On motion of Councilwoman Mendicino Daly, seconded by Councilman Walter and unanimously adopted, the minutes of the meeting held on December 10, 2002 were approved as presented.

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

On motion of Councilman Borrelli, seconded by Councilman Walter and unanimously adopted, the minutes of the meeting held January 7, 2003 were approved as presented.

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In his presentation of Shakespeare in Crawford Park, Brian Niles noted that the group is sponsored by the Hudson River Shakespeare Festival, who will work with the Town. He explained details that under a tent, housing 450 persons, three sides closed and the performance to be held at the fourth side; the kinds of performances, including juggling, the usage of other areas of the park for lighting, live traditional music, etc., and the proper atmosphere for people to come to relax and enjoy. In response to the question of price he stated he does not have an exact number as yet. Parking has to be addressed as well as insurance, restoring areas to their original condition, etc. etc.

The Supervisor felt that the Town must have something ready to go by March or April, if not sooner, and at that time it will be presented before the Town Board.

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The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of December, 2002:
 Remitted to Supervisor.....\$1,088.93
 CRAWFORD PARK for month of December, 2002:
 Total submitted.....\$4,125.00

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

WHEREAS, RONALD J. COLAVITO, residing at 529 Irving Avenue, Port Chester, New York, formerly a part time Park Attendant, be and he is hereby appointed a Park Attendant, Full Time, in the Parks Departments of the Town of Rye, effective January 2, 2003, and

NOW, THEREFORE, BE IT RESOLVED, that said Ronald J. Colavito be and he hereby is compensated as such Park Attendant, at an annual compensation of \$28,000.00 with full benefits, 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 Councilman Walter, the following Resolution was adopted:

WHEREAS, MICHAEL IANTORNO, residing at 54 Sylvan Road, Port Chester, New York, was appointed a PARK ATTENDENT in the Parks Department of the Town of Rye effective January 1, 2002 with full benefits and compensated therefore as budgeted to be paid in bi-weekly installments,

NOW, THEREFORE, BE IT RESOLVED, that said Michael Iantorno will be compensated presently in the amount of \$36,050, as budgeted.

ROLL CALL:

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

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Turning the meeting over to the Assessor who explained the five upcoming Resolutions, representing Certiorari Settlements which show settlements of outstanding pending litigation. The first four, he said, are very similar and all relatively small on the tax assessments and don't have any meaningful impact going forward or right now. He gave a brief history of the assessment review process. All these applications of complaints to the Towns and Villages are screened to see which ones have a real complaint as well as asking for documentation of complaints, discuss them with Elliot Glaser, evaluate, etc., and make recommendations to the Board of Review, who discussed this with Mr. Tartaglia and noted said Board made all of these reductions during the past year, after which many of the applicants come back to the Town and accept said reductions going forward, but would like to settle up on the outstanding past years where there is a difference of opinion. He and Mr. Glaser try to negotiate out or phased in the new assessments. Going forward, there will be no impact on the municipalities because for the most part, these assessments have already been reduced on the tax rolls.

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As part of these settlements, he continued, there will be a freeze by the applicants, noting that for three years they will not be allowed to contest their assessments going forward, to provide stability to the various jurisdictions.

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

WHEREAS, petitions and Notices of Petitions to review the assessment for taxation years 2000, 2001 and 2002 of the real estate of CITIBANK, N.A. affecting the parcel of real property on the Tax Rolls of the Town of Rye known as Section 4, Block 61, 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; 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>
4/61/1	2000	\$44,000.00	\$40,000.00
	2001	\$44,000.00	\$38,500.00
	2002	\$40,000.00	\$37,000.00

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

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 2000 through 2002 as aforesaid to execute Stipulations of Discontinuance of said proceedings.
3. The Supervisor of the Town of Rye be and he hereby is authorized to make and pay refunds on the terms set forth herein.
4. This resolution shall take effect immediate.

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, petitions and Notices of Petitions to review the assessment for taxation years 2000, 2001 and 2002 of the real estate of HUDSON VALLEY BANK, affecting the parcel of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 78, 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; 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:

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<u>Property Description</u>	<u>Assessment Roll / Year</u>	<u>From</u>	<u>To</u>
2/78/1	1999	\$12,500.00	\$12,000.00
	2000	\$12,500.00	\$11,500.00
	2001	\$12,500.00	\$10,500.00
	2002	\$10,500.00	\$10,500.00

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

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 Del Bello, Donnellan, Weingarter, 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 2000 through 2002 as aforesaid to execute Stipulations of Discontinuance of said proceedings.
3. The Supervisor of the Town of Rye be and he hereby is authorized to make and pay refunds on the terms set forth herein.
4. This resolution shall take effect immediate.

ROLL CALL:

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

NOES: None.

ABSTAINING: Councilmen Borrelli.

Councilman Borrelli stated that he voted to Abstain as he was a member of the Business Development Board of the Hudson Valley Bank.

Regarding this Certiorari Settlement asked the Town Attorney, noting that this Bank is one of the Town's Depositories, is there a problem to which the Town Attorney answered that he did not think so.

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

WHEREAS, petitions and Notices of Petitions to review the assessment for taxation years 2000, 2001 and 2002 of the real estate of 321 N. MAIN STREET HOLDING CORP., affecting the parcel of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 24, Lot 35A, 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>
2/24/35A	2000	\$2,400.00	\$1,200.00
	2001	\$2,400.00	\$1,200.00
	2002	\$1,200.00	\$1,200.00

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

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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 2000 through 2002 as aforesaid to execute Stipulations of Discontinuance of said proceedings.
3. The Supervisor of the Town of Rye be and he hereby is authorized to make and pay refunds on the terms set forth herein.
4. This resolution shall take effect immediate.

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, petitions and Notices of Petitions to review the assessment for taxation years 2000, 2001 and 2002 of the real estate of 321 N. MAIN STREET HOLDING CORP. affecting the parcel of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 24, Lot 35B, 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>
2/24/35B	2000	\$16,300.00	\$15,800.00
	2001	\$16,300.00	\$13,800.00
	2002	\$13,800.00	\$13,800.00

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

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 2000 through 2002 as aforesaid to execute Stipulations of Discontinuance of said proceedings.
3. The Supervisor of the Town of Rye be and he hereby is authorized to make and pay refunds on the terms set forth herein.
4. This resolution shall take effect immediate.

ROLL CALL:

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

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Assessor Markowitz noted that the previous two resolutions involve the same owner, but separate parcels. The last settlement to be considered, he continued, is the Home Depot. As part of the review process the Board of Assessment Review, Elliot Glaser and himself, took a careful look at the value of that property, its development costs and comparable sales, income and based on those criteria reduced the assessment. He further noted that they cannot file against the Town for the next three years or School District and any and all paybacks is for one year resulting in 1/3 taxes each of said years. He stated that to minimize the impact on the school, this was the suggestion of the Chairman of the School Board and further said that compared to other similar properties, their assessment is at the highest end of those kind of properties, and even after the settlement, this property is still at the highest end of assessment. Therefore, since this is a very favorable settlement recommended adoption of this Resolution.

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

WHEREAS, petitions and Notices of Petitions to review the assessment for taxation years 2000, 2001 and 2002 of the real estate of HOME DEPOT affecting the parcel of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 137, Lot 50, 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>
2/137/50	2001	\$785,000.00	\$570,000.00
	2002	\$570,000.00	\$570,000.00

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

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 and hereby be 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 2000 through 2002 as aforesaid to execute Stipulations of Discontinuance of said proceedings.
3. The Supervisor of the Town of Rye be and he hereby is authorized to make and pay refunds on the terms set forth herein.
4. This resolution shall take effect immediate.

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 Councilwoman Mendicino Daly and unanimously adopted, the request from the Village of Rye Brook for the use of 11 voting machines for its upcoming election on March 18, 2003 was approved as was the use of voting machines by the Village of Port Chester on the same day, request for which has not yet been received.

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The Clerk stated she had a Resolution which was not on the Agenda.

ROLL CALL on no objections. There were none.

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

WHEREAS, the Town of Rye retained the law firm of DelBello, Donnellan Weingarten Tartaglia Wise & Wiederkehr, LLP with offices at One North Lexington Avenue, 11th Floor, White Plains, New York, as special counsel, to represent the Town of Rye in connection with the review and annulment of a certain determination of the New York State Board of Real Property Services, dated August 20, 2002, establishing a 2002 special equalization tax rate for the Rye Neck Union Free School District segment of the Town of Rye, (the "Determination"); and

WHEREAS, on December 20, 2002, DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr, LLP, on behalf of the Town of Rye, commenced a special proceeding pursuant to CPLR Article 78 and New York Real Property Tax Law 1218 to review and annul the Determination pursuant to that certain Notice of Petition and Petition captioned: "Town of Rye, Petitioner, For Judgment Pursuant to Article 78 of the Civil Practice Law and Rules against New York State Board of Real Property Services, the City of Rye and the Rye Neck Union Free School District, Respondents", Index Number 2002-11412, (the "Special Proceeding"); and

WHEREAS, subsequently, it was determined that DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr, LLP had a potential conflict of interest in continuing to prosecute the Special Proceeding; and

WHEREAS, due to the aforesaid conflict of interest, DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr, LLP will withdraw as special counsel to the Town of Rye and the law firm of Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP with offices at 120 Bloomingdale Road, White Plains, New York 10605 will be substituted as special counsel to the Town of Rye, retaining the specific services of Mark S. Tulis, Esq. of Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP; and

WHEREAS, the Supervisor of the Town of Rye will enter into and execute a Retainer Agreement with the law firm of Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP in order to effectuate the retention of said new special counsel, the law firm of Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP; and

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

1. The law firm of DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr, LLP be and hereby is withdrawn as special counsel to the Town of Rye in connection with prosecuting the Special Proceeding.
2. The law firm of Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP, be and hereby is retained and substituted as special counsel to the Town of Rye, retaining the specific services of Mark S. Tulis, Esq. of Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP in connection with prosecuting the Special Proceeding.
3. The Supervisor of the Town of Rye be and hereby is authorized and directed to retain the law firm of Oxman Tulis Kirkpatrick Whyatt & Geiger, LLP retaining the specific services of Mark S. Tulis Esq. and to enter into and execute a Retainer Agreement with Oxman Tulis

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Kirkpatrick Whyatt & Geiger, LLP, upon such terms as he deems proper and advisable.

4. This Resolution shall take effect immediately.

ROLL CALL:

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

NOES: None.

The Supervisor stated that as per Resolution, due to a potential conflict of interest, the services of Mark Tulis of Oxman, Tulis, Kirkpatrick, Whyatt & Geiger, LLP were retained to file a Section 78 Proceedings against ORPS etal. He was cautioned to not speak any further on the merits of the case as it is in litigation.

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The Clerk stated she had a Report which was not on the Agenda.

ROLL CALL: On no objections. There were none.

The Supervisor reported on the shortage of Soccer Fields for use by school children in Rye Brook and the possibility of using Crawford Park for this purpose. He said that the School Board President, Mrs. Matthews, said that she was going to bring this matter up to her School Board this evening and if the Town could help them for this period, a tremendous amount of pressure would be taken off the School Board and probably Rye Brook. He said, in contact with County Legislator Rogowsky, who is meeting with the Commissioner of Parks and Recreation to see if he can get some sort of an emergency fund to prepare one area of Crawford to be utilized for Soccer this season. Further, he said, working with the School Board, the Rye Brook Board and its Recreation to see if there is any consideration of a long term field in Crawford Park, which is meant for Recreation purposes, noting that the "Friends of Crawford Park", through its President, felt that the only consideration would be that no trees be removed. He asked the Boards permission to "entertain this as an objective for the Town for this season and I would like to establish a committee going forward with regard to the usage of Crawford Park dealing with our Master Plan which is already on file," and the Model Plan does indicate the usage of Soccer and Ball Fields as part of the Recreation end done in the overall development for the long term. He said he would like to appoint Mr. Borrelli, Deputy Supervisor to set up such an advisory committee, suggesting members of the Rye Brook, Blind Brook and Port Chester Recreation Departments along with concerned parents and residents of the communities involved.

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

WHEREAS, there is a shortage of soccer fields for youths in grades 3 through 8 in the Blind Brook School System, and this Board has been approached by the President of said School Board, and

WHEREAS, soccer is a recreational activity in Crawford Park as approved for use in the Model Plan of Crawford Park, either temporary or permanent,

BE IT RESOLVED, that Supervisor Robert A. Morabito be granted permission to entertain this objective for the Town, and

BE IT FURTHER RESOLVED, the said Supervisor be and he hereby is authorized to establish an Advisory Committee working with the Recreation Directors of the Blind Brook Schools, the Villages of Port Chester and Rye Brook, concerned parents and residents of the involved communities to inquire into the situation for a suitable location of a soccer field in Crawford Park, and to research into the availability of funds in cooperation with the County of Westchester and the State of New York.

ROLL CALL:

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

NOES: None.

The Supervisor then appointed Deputy Supervisor Borrelli as Chairman of this Committee.

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Assessor Markowitz reported on the status of the office modernization, stating that portions of the new network are running, new server and equipment has been installed or will be installed, a preliminary GIS system is up and running, not available as yet to the public, both Village tax rolls on RPS and a variety of things already discussed. He said tax mapping is moving along.

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The Town Clerk reported on the status of the Verification of Citizenship on the Registration forms, stating that to date, Senator Clinton has not replied; Senator Schumer's office is consulting with their Washington Attorney; State Senator Oppenheimer will be working with Congresswoman Lowey's office and will get back to her; Assemblyman Tocci's office has already placed this matter on the floor of the Assembly and County Legislator Alvarado from Yonkers, NY will take this matter to the County Board. All those contacted will contact her and an ongoing report will be forthcoming.

The Town Attorney stated that he had recently received an auto license renewal, noting that an affidavit on the form given to him from the NYS Board of Registration Application, which the person only has to sign his name or mark, with no verification, and suggested putting the pressure on our state legislators to change this law.

Deferring to Nick Mecca, Records Clerk, who reported on the Record Minute: "Because of conditions as they exist in the world today, all that's going on, we decided not to go back too, too far and are going back over 42 years to 1940 when instructions were received by the Town Clerk from the Board of Elections ordering the Town of Rye to open all polling places, normally used for voting, on October 16th for the Selective Service Registration to register male inhabitants between the ages of 21 and 35 years old. This covered the entire Town because the City of Rye was still a part of it so henceforth the whole town had to be open. A letter was also sent to the polling places stating that Governor Lehman felt that every polling place owner should consider it their patriotic duty to open the polls free of remuneration. Twenty six districts were open, 129 workers were engaged for registration and 4,826 men were registered. A request was also received from the Board of Elections for a list of names and addresses of all Hospitals, Sanitariums, Jails and other institutions harboring male between the ages of 21 and 35 years old, all done because of the possibility of war." He also stated he had a copy of the actual registration form handed out to the men. He also noted that the widow of the last Union General of the Civil War, who was 18 when she married the 81 year old General, has passed away and still alive is the widow of a General of the Confederacy.

The Town Attorney noted that on September 26, 1942, he enlisted in the Army.

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The Supervisor, reporting on the Town Dock stated that the Attorneys for the Shenorock facility have left a notification of a permit from the NYS Dept. of Environmental Conservation and since everything received a positive determination and are awaiting bids with a deadline date of the 24th. The Town has been further advised that as of right now the Town Dock will be open by Memorial Day, 2003, at no cost to the taxpayer.

The Supervisor further advised in regard to assessment a sample working document has been prepared showing various statistics with a picture of the homeowner's home thereon and announced meetings set up with the public during the coming months and that comments will be appreciated and welcomed.

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Mr. Markowitz said he would be very glad to meet with the Press to advise them of the progress.

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Councilman Borrelli thanked the Clerk's office for the work they did on the Verification of Citizenship project, and said, "Maybe it will mushroom throughout the country."

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Goldie Solomon, regarding the unfair press coverage given to the PCHS Marching Band during its recent visit to Florida, asked the Town Board to take some action to protest this, which was thoroughly discussed, after which Councilman Borrelli moved, seconded by Councilman Walter and unanimously adopted, approval was granted for writing of the letter of protest, once Mrs. Solomon presents a copy of her letter, together with the Resolution adopted by the Village of Rye Brook Board.

Referring to a letter sent to Rye Town from the Westchester County Dept. of Planning which included a survey from Westchester County Historian Karen Kennedy showing historic sites in the Village of Port Chester, which letters were ignored with the result that all the historic sites on the waterfront have been destroyed. She also discussed the South Main Street Firehouse, on the National Register, and the fact that she does not know of the plans for same.

The Supervisor replied that he had spoken with Mayor Logan, who indicated that there are various options open to the Village and once this has been determined, the Town will be so advise.

Richard Abel, 19 Quintard Drive, Port Chester, questioned why the recent appointees to the Public Safety Committee were given \$1.00 per year, citing service on commissions, Boards, etc., always serve voluntarily, to which the Supervisor replied that this was done on advice of the Town Attorney, and in reply to him concerning the tabling of the November minutes not being approved, he said because to the best of his knowledge, the minutes are not a full dialogue of what actually was said and that the services of a Licensed, Court Stenographer has been obtained to review the tape and transcribe it verbatim; the selection and cost will be announced when obtained the minutes will be available to the public to read before acceptance.

In reply to William Villanova, 124 N. Regent Street, Port Chester, concerning the impact on parking problems relating to the Shakespeare in the Park and the Soccer proposals, the Supervisor said that the Soccer Fields will only be used between March 1st and Father's Day, on a temporary basis and the Festival will start the latter part of June or July and the locations of same will be different.

Mr. Niles thanked Ray Sculky for his assistance and being supportive over a long period of time.

Mr. Abel asked if there was a vote not to accept the November 19th meeting minutes to which the Supervisor replied in the negative saying he had asked that action be tabled on them and it met with affirmative responses from the Board and that no formal vote was taken.

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

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD FEBRUARY 18, 2003

A meeting of the Town Board of the Town of Rye was held on Tuesday evening, February 18, 2003 at 8:00 P. M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

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

ALSO

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

DEPART. HEADS

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

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

The Supervisor called for a moment of silence in memory of the seven Astronauts who perished in the recent tragedy.

* * * * *

Approval of the November 19, 2002 Minutes were again tabled, pending transcription of the tapes and on motion of Councilman Lagana, seconded by Councilman Borrelli and unanimously adopted, the minutes of the meeting held on January 21, 2003 were approved.

The Supervisor noted an apparent correction on page 20 wherein he referred to the Master Plan, which should have been Model Plan.

The Clerk advised that was a quote from the tape and not a correction, but would be noted. He asked that in the future when plans were referred to in Crawford Park, they would be part of the Model Plan.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT for the month of January, 2003:	
Total submitted to Supervisor.....	\$ 1,012.42
RECEIVER OF TAXES HOPE B. VESPIA, for the month of December, 2002:	
Deposited to Supervisor, Town of Rye.....	\$4,099,053.26
Deposited to Treasurer, Village of Port Chester.....	4,664,095.10
Deposited to Treasurer, Village of Rye Brook.....	<u>82,871.01</u>
Total.....	\$8,846,019.37
CRAWFORD PARK, for month of January, 2003:	
Total.....	\$ 1,825.00

* * * * *

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

WHEREAS, Petitions and Notices of Petition to review the assessment for taxation years 1999, 2000, 2001 and 2002 of the real estate of VITO SALAMON and ANN SALAMON, affecting the parcel of real property on the Tax Rolls of the Town of Rye known as Section 4, Block 60A, Lot 30, 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 owners 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>
4/60A/30	1999	\$25,200.00	\$16,400.00
	2000	\$25,200.00	\$16,300.00
	2001	\$25,200.00	\$15,000.00
	2002	\$25,200.00	\$15,000.00

WHEREAS, it appears to be in the best interest of the Town to settle said matters 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, and

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 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 Del Bello 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 year 1999, 2000, 2001 and 2002 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.

ROLL CALL:

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

* * * * *

The Clerk presented a letter addressed to her from Christopher Bradbury, Administrator/Clerk of the Village of Rye Brook and dated February 12, 2003, requesting the use of an additional voting machine for the March 18, 2003 election.

On motion of Councilman Lagana, seconded by Councilman Borrelli and unanimously adopted, the request was granted.

NOT ON THE AGENDA was another letter from the Village of Rye Brook.

ROLL CALL on no objections: None.

The Clerk presented a letter from Robert Bertolacci, Superintendent of Parks and Recreation dated February 13, 2003 and addressed to the Supervisor, requesting permission to hold its Annual Rye Brook Birthday Party and the use of the Crawford Park facilities on Saturday, June 14, 2003. He also noted that his Parks Department will set up on Wednesday, June 11, 2003 and that the Park would be cleaned up by 7 P. M. Saturday evening.

On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the requests were granted.

* * * * *

February 18, 2003

The Clerk presented a letter dated February 3, 2003 from the City Clerk of the City of Rye, copied to the Town Board and addressed to Kuder Island Colony, Inc., Hen Island, spelling out overnight parking regulations for guests.

The members of the Town Board seemed to be very familiar with this situation and voiced no objections.

Superintendent of Highways Sapione asked if there was any liability risk involved and Councilman Borrelli felt that the Town's General Liability Insurance will suffice.

* * * * *

NOT ON THE AGENDA was a letter from NYS Office of Parks, Recreation and Historic Preservation.

ROLL CALL on no objections: None.

The Clerk presented a letter from Ruth L. Pierpont, Director, addressed to the Supervisor dated February 14, 2003 re: African Cemetery, North Street, Rye, New York as follows:

“Dear Mr. Morabito:

We are pleased to inform you that the property noted above will be considered by the State Review Board at its next meeting for nomination to the National and State Registers of Historic Places. These Registers are the federal and state governments' official lists of historic properties worthy of preservation. Listing in the Registers provides recognition of our national, state and local heritage and assistance in preserving it. Enclosed is a copy of the criteria under which properties are evaluated for listing.

Listing in the National and State Registers affords properties a measure of protection from the effects of federal and/or state sponsored or assisted projects, providing eligibility for certain federal tax provisions and renders certain properties eligible for federal and state preservation grants. In general, there are no restrictions placed upon private owners of registered properties. The results of listing are explained more fully in the attached fact sheet.

Owners of private properties proposed for listing in the National Register must be given the opportunity to concur in or object to the listing. Each private property owner has one vote regardless of how many properties or what part of a single property that party owns. A notarized objection by the sole owner of a private property will prevent that property from being listed in the National Register. For properties or districts under multiple ownership, a majority of the owners must object in order to prevent the listing. If a property owner wishes to object to a proposed listing, he/she must submit a notarized acknowledgement that he/she is the owner of the property in question and that he/she objects to the proposed National Register listing. Objections must be submitted before the property is listed. Specific instructions for objecting to National Register listing are given in the enclosed fact sheet.

If a property cannot be listed because of owner objection, the SHPO will submit the nomination to the Keeper of the National Register for a determination of eligibility for listing. Properties formally determined eligible for National Register listing by the Keeper are subject to the same protection from the effects of federally sponsored or assisted projects as are listed properties. There are no provisions in the New York State Historic Preservation Act that allow an owner to prevent listing in the State Register by means of objection.

If you wish to comment on whether or not the property should be nominated to the National and State Registers, please send your comments to the SHPO at the address below. Comments must be received by March 13, 2003 in order to be considered when this property is reviewed by the State Review Board.

February 18, 2003

A draft copy of the proposed nomination is on file in this office and can be made available to you upon request. For more information, please contact Peter Shaver, Historic Preservation Field Service Bureau, New York State Office of Parks, Recreation and Historic Preservation, Peebles Island, P. O. Box 189, Waterford, New York 12188-0189, (518) 237-8643, ext. 3264.”

The Supervisor gave a brief history of this matter when a presentation was made from concerned citizens of the City of Rye together with members of the NAACP and in reply to the Clerk who was not present at the October 15, 2002 meeting when this was heard, “this is the application we applied for together with that group to give national and state recognition of that entity.” He asked that Mr. Sculky copy this to Chris Cohan and the PC-Rye NAACP.

* * * * *

Referring to a FYI from Keane and Beane regarding the Breakfast Seminar meeting between Municipalities and School Districts on the Storm Water Regulations to be held at the Tarrytown Hilton on February 26, 2003 at 8 A. M. and asked all to participate, if possible.

* * * * *

The Town Attorney reported that work on the Bridge Case is proceeding, noting that depositions have been taken and to be taken. He felt that the Town is doing well and are eliminating bridges.

* * * * *

The Superintendent of Highways reported that the Otter Creek Bridge project “is moving along and, at least, the bridge is secure at this point.”

* * * * *

The Clerk reported that with reference to the Verification of Voters project, calls were made and, possibly due to the weather, no responses were received except from the office of Congresswoman Lowey, where Beth Hofstetter said there was talk about it, but no action taken. This undertaking will continue to be pursued. Superintendent Sapione felt that this was a worthy project and suggested contacting the Association of Towns.

Regarding the RECORD MINUTE, Nick Mecca, Records Clerk, stated that before the report came in from the NYS Parks, Recreation and Historic Preservation, in honor of Black History Month, had searched the record and read the following terms of the Deed conveying the African Cemetery to the Town of Rye, which was duly filed in the County Clerk’s Office under Liber No, 438-Page 427, 6/27/1860 from Underhill Halsted and Elizabeth, his wife, to Newbury D. Halsted and others as Trustees, etc:

“CONVEYS: All that certain piece or parcel of land situate, lying and being in the Town of Rye, County of Westchester and State of New York now known as the African Cemetery and bounded and described as follows:

Beginning at the North-east corner of the same; thence running North-west 8 rods to the land of Mr. Benedict; thence South-west by the land of said Benedict 20 rods to the land of Benjamin Mead; thence South-east by said Mead’s land 8 rods; thence North-east still along the land of said Mead 20 rods to the place of beginning.

Subject to the following trusts and conditions, namely: that said above described and hereby granted premises and every part and parcel thereof shall be forever hereafter kept, held and used for the purpose of a cemetery or burial place for the colored inhabitants of the said Town of Rye and its vicinity free and clear of any charge there for.”

February 18, 2003

The Supervisor reported on the Rye Town Park Commission meeting held this evening, in which the 2003 Budget was adopted and noted that the Leukemia Foundation, Heart Association as well as the Rye YMCA and Carver Center's Triathlon will be held on September 21st. He also noted two mistakes in the newspaper article by Ken Heller regarding the increase in taxes paid in Pelham and an error in reporting the size of the soccer field planned in Crawford Park.

Councilman Borrelli updating the Rye Town Committee on Youth Soccer Field February 5th and 12th, basically an exploratory committee looking into the feasibility of a field at Crawford Park. At these two meetings, he said, there was some concern and interest as far as the drainage, parking and usage in the field is concerned and the interest is to have a professional field for the youth of the community. He continued that what the committee is trying to do is come up with not only a professional or regulation size field, but also an intermediate type of field that we can use in the same area, and that on March 12th there will be another meeting and he is in the process of reviewing with the schools and the villages as to where this is going and report back to the Board at the March meeting for determination. He also mentioned that a group from Good Will, made a presentation at the February 12th meeting, perhaps funding the whole field construction.

The Supervisor added that by the next committee meeting, it should be staked out, as well as the approximate amount of fill and or drainage material which will be needed.

* * * * *

In response to a question from Richard Abel, 19 Quintard Drive, Port Chester, the Supervisor stated as to why the Commissioner of Public Safety has not yet reported to the Board, the Supervisor noting the presence of its Chairman, Gene Branca who stated that the first meeting will be in March and a report will be forthcoming at the March meeting.

* * * * *

On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the March 18th meeting was changed to March 19, 2003 due to a conflict with Village Election Day.

* * * * *

There being no further business, the meeting adjourned at 8:40 P.M. on motion of Councilman Lagana, seconded by Councilman Walter and unanimously adopted.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD MARCH 19, 2003

A Meeting of the Town Board of the Town of Rye was held on Wednesday evening, March 19, 2003 at 8:10 P. M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York, with Supervisor Robert A. Morabito presiding.

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

ABSENT: None.

ALSO

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

DEPART. HEADS

ABSENT: Assessor Mitchell Markowitz; Comptroller Joseph M. Granchelli; Receiver of Taxes Hope B. Vespia, Superintendent of Highways Vincent A. Sapione and Representatives of the Court.

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

An outside Court Stenographer was also present.

* * * * *

The Supervisor stated that Item III C on the Agenda, would be reviewed first as the people attending for the specific purpose of the proposed Soccer Program could, if they so desired, leave after review.

Chairman of the Advisory Committee, Deputy Supervisor Michael J. Borrelli, noting this is the first time they are sitting as a Board, stated he would like to advise the name of this Committee is the Rye Town Advisory Committee for Youth Soccer Field noting the membership, as Christopher Cohan, Landscape Architect; Thomas Hroncich, Supt. of Recreation, Village of Port Chester; Bert Bertolucci, Supt. of Recreation for the Village of Rye Brook; Ken Finder, President of the Rye Brook Soccer League; the Honorable Martin Rogowsky, County Legislator; Ron Zicca, landscaper at Crawford Park; Eleanor Herman, President of the Friends of Crawford Park; Frank DeLeo, Park Foreman and Councilman Walter, liaison to the Town Board. He said the purpose of the committee was to establish a plan for the creation of a Youth Soccer Field at Crawford Park within the perimeter and not affect the aesthetics of Crawford Park, to be used by both communities. He asked Mr. Cohan to review the area the field has been moved to whereupon Mr. Cohan displayed a sketch of the area at the rear of the Mansion, which was a compromise offer and reviewed same, locating the area, parking, drainage, bathroom facilities, etc. Councilman added concerns of safety, costs, noise pollution, usage, location and asked for public input.

Eleanor Herman, 25 Lincoln Avenue, Rye Brook; Richard Marino, 2 Whippoorwill Road, Rye Brook; Ted Michaud, 2 Wilton Road, Rye Brook; Ken Finder, 3 Carlton Lane, Rye Brook; William Villanova, 124 N. Regent Street, Port Chester; Richard Abel, 19 Quintard Drive, Port Chester; Mike Perna, 4 Wilton Road, Rye Brook; Tom McGowan, 8 Wilton Road, Rye Brook; Jeanette Yurman, 1 Wilton Road, Rye Brook and Debra Young, reporter from Manhattan.

The following letter from Jennifer A. Fissekis, 21 Argyle Road, Rye Brook, New York, dated March 15, 2003:

“

Dear Mr. Morabito,

Thank you for responding to my telephone call to you.

I am appreciative of your courtesy in keeping me up to date on the progress of plans for Crawford Park. Your suggested change of location of the large soccer field to the area where the current baseball field is located is welcome an acceptable alternative to me.

The fact that another, smaller field will be required for use when baseball/softball conflicts with soccer is understandable. Your possible solutions which keep the sports areas together are constructive and desirable.

My overriding concerns are that two issues be appropriately addressed.

- 1. That the park is for everyone, and all should be accommodated as far as possible.
- 2. That the environmental concerns, plant, insect, bird, animal and human habitations must be considered.

The second point, I would emphasize, is to ensure that no actions/plans should fail to consider the integrity of the soil stability. To ignore this would threaten neighbors' homes by compromising their foundations/basements whether by flooding or by shrinkage and compaction of the soil structure by drying out.

Your action in bringing Mr. Cesar Aliaga into the process is commendable. I have been concerned that the needs and interests of less politically active citizens should not be overlooked or brushed aside by the forcefully expressed opinions of citizens aware of how to bring their desires to the attention of our elected representatives.

I look forward to working with you and Chris Cohan to develop a cohesive plan for the park and to enhance it with plantings. May I express one last preference? I believe it would be an advantage to all to have the smaller field use natural grass, not artificial turf.”

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

WHEREAS, after investigation, it was determined that it would be in the best interests of residents of the Town of Rye to create and install a temporary Ball Park – Soccer Field at Crawford Park, Now, therefore, be it

RESOLVED, that the Town of Rye hereby is authorized to create and install a temporary Ball Park – Soccer Field in Crawford Park, and the Soccer Field Advisory Committee, led by Deputy Town Supervisor Michael Borrelli is authorized to proceed appropriately, subject to same being adequately funded.

ROLL CALL:

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

* * * * *

The Supervisor called for a two minute recess.

The recess being over, the meeting resumed at 9:26 P. M.

On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the Minutes of the meeting held on February 18, 2003, were approved as presented.

Approval of the Minutes of the meeting held on November 18, 2002 was again tabled.

* * * * *

The Supervisor noted that before the Departmental Reports are read, he asked that the Town Attorney present his report, as he had to leave the meeting.

The Town Attorney reported that the NYS Dept. of Transportation and the Court has ordered the Town to reconstruct the bridge over Otter Creek, the cost of which is not budgeted, therefore it will be necessary to let out a bond issue and “under the circumstances, normally, a Public Hearing would be necessary to determine whether or not it is necessary or desirable to expend the funds”. But, he continued, “the Town has no choice noting that the bridge is a public hazard, and “the Town has no alternative but to go out and float a bond issue to pay for this repair.”

March 19, 2003

The Supervisor located the bridge, saying that this is one bridge that the Town has been taking care of and it was never “red flagged” and he was looking for a Resolution to seek bond counsel.

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

RESOLVED, that Supervisor Robert A. Morabito be and he hereby is authorized to work with the law firm of DelBello, Donnellan, Weingarten, Tartaglia, Wise and Wiederkehr, LLP, Special Counsel and Town Attorney Monroe Y. Mann to seek Bonding Counsel to present the Town with the Bond Issue.

ROLL CALL:

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

NOES: None.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT for the month of February, 2003:
Total Fees to Supervisor.....\$1,253.88

CRAWFORD PARK for the month of February, 2003:
Total Fees.....\$5,725.00

* * * * *

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

RESOLVED, that pending the establishment of the necessary Civil Service List, KIP CARBONARO, residing at 61 Breckenridge Avenue, Port Chester, New York, be and he is hereby provisionally appointed an INTERMEDIATE CLERK, (0187-02) in the Office of the Receiver of Taxes of the Town of Rye, New York, effective March 5, 2003 and be it further

RESOLVED, that he will receive an annual compensation of \$32,000.00 to be paid in equal, bi-weekly installments, with full benefits.

ROLL CALL:

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

NOES: None.

* * * * *

The Clerk presented a letter from Paul Feiner, Supervisor, Town of Greenburgh, dated March 6, 2003, addressed to the Supervisor as follows:

“Just a note reminding you that my office will be sponsoring an important meeting on Thursday, March 27th at 8:00PM at Greenburgh Town Hall. The purpose of this meeting will be to lobby for legislation to exempt municipalities from the Wick’s Law. This law increases construction cost by as much as 30%. The Wick’s Law mandates that all public construction projects be awarded to four specific contractors. The law is cumbersome, wasteful, and results in increased taxes. Why should we be required to overpay. Why should we pay more than the private sector to do the same thing?

In 1993 a study conducted by the New Your State’s Division of the Budget claimed that the Wick’s Law rated as much as \$400 million dollars a year in construction costs throughout the state. Other communities like Buffalo, the Port Authority, and the Dormitory Authority have received exemptions in the past.

Please attend this strategy meeting and help us develop a lobbying plan so we can save taxpayers dollars.

Enclosed please find a copy of a letter I recently received from Assemblyman Richard Brodsky and Senator Nicholas Spano about this matter.”

March 19, 2003

The Town Attorney previously approved the adoption of this Resolution after explaining the Wicks Law.

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

WHEREAS, Senator Nicholas A. Spano and Assemblyman Richard L. Brodsky have introduced bills to give local contracting agencies the ability to choose an appropriate contracting method for governmental construction work which would give state and local contract agency managers the flexibility of determining the most efficient contracting method for them, and

WHEREAS, the enacting of the bills would be of benefit to municipalities, including the Town of Rye,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Rye hereby states its support to the bills introduced by Senator Spano (S.1607) and Assemblyman Brodsky (A.3176) in the enactment of the law as proposed by said Senator and Assemblyman, and it is further

RESOLVED, that a copy of this Resolution be forwarded to Senator Spano and Assemblyman Brodsky, and to Senator Suzi Oppenheimer and Assemblyman Ronald C. Tocci.

ROLL CALL:

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

NOES: None.

* * * * *

The Clerk presented a letter dated February 18, 2003 addressed to Supervisor Morabito from John P. Swick, Recreation Assistant, Rye Brook Recreation as follows:

“Rye Brook Recreation is requesting use of Crawford Park for our Junior Sports program, 2nd Grade T-Ball program and Men’s Softball.

Junior Sports will take place on Monday and Tuesday afternoons from 2:30 pm – 5:00 pm from April 7th – June 10th. For this program we will need use of the softball field and field adjoining the softball field and also use of the bathrooms.

2nd Grade T-Ball will take place on Wednesday afternoons from 3:00 pm – 5:00 pm from April 19th – June 6th. For this program we will need the use of the softball field and field adjoining the softball field and also the use of the bathrooms.

The Men’s Softball League will begin April 7th and run through September 2nd Monday – Friday from 6:00 pm - 8:00 pm. As in the past, we will work out the conflicts in advance of our schedule publication. For this program we will need the use of the softball field and also use of the bathrooms.

Once again this summer, Rye Brook Recreation is planning to have our Day Camp at Crawford Park. We will need to utilize the Pavilion, Wednesday, July 2nd from 9:00 am – 3:30 pm for camp orientation. The dates for camp are July 7th – August 15th. Our camp hours are from 8:30 am – 4:00 pm. We will be doing various activities throughout the park.

Last year our camp office was located on the left side of the pavilion, with our refrigerators also located in the same area. We also utilized the holding area on the same side for our arts and crafts program, which seemed to work out well. We would like to utilize these same areas this summer.

We look forward to working with the Town of Rye for the aforementioned programs. Should you desire to meet with us regarding our usage, feel free to contact me at 939-3235 x 117.”

After review, Councilman Borrelli moved, seconded by Councilman Lagana, the requests were unanimously approved.

The Clerk stated she had another request from the Rye Brook Recreation, which was not on the Agenda.

ROLL CALL On No objections. There were none.

March 19, 2003

The Clerk presented a request dated March 14, 2003 to the Supervisor from Robert Bertolucci, Parks and Recreation Superintendent, for a Rye Brook Recreation program for the use Crawford Mansion on Thursday mornings starting on April 3, 2003 – May 29, 2003, between the hours of 10:30 A. M. - 11:15 A. M. for a Woman's Adult Yoga Class, with no class being held on April 7th.

On motion of Councilman Borrelli, seconded by Councilwoman Mendicino Daly and unanimously adopted, the requests were granted.

* * * * *

The Clerk stated she had a request for the use of voting machines, which was not on the agenda.

ROLL CALL on no objections. There were none.

The Clerk presented a request from Victoria Sessler, District Clerk, for the use of three (3) voting machines by the Rye Neck Union Free School District on May 20, 2003 the date for the school's annual Budget vote and election to be delivered on Monday, May 19, 2003 to the High School Library Community Room at 300 Hornidge Avenue, Mamaroneck, NY.

On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the request was granted.

* * * * *

The Clerk stated she ha another request for the use of Crawford Park which was not on the Agenda.

ROLL CALL On no objections. There were none.

The Clerk presented a letter from Robert J. Bonaventura, President, Sound Shore Youth Foundation, Inc., dated March 12, 2003, as follows:

“Pursuant to your conversation with Mr. Dominic Bencivenga, former president of the Sound Shore Youth Foundation, we wish to formally request the use of the field at Crawford Park for our new Lacrosse program. As previously discussed, we would need the field every Wednesday and Friday from March 19th to approximately May 31st, 2003, between the hours of 4 PM and sunset. It is my belief that Dom and yourself have verbally reserved the Saturdays of April 12th, April 19th and April 26th between the hours of 2 pm and 6 pm. The field will be used for our 3rd and 4th grade Bantam team as well as our 5th and 6th grade Junior team.

Sound Shore Youth Foundation has never previously been charged for using the field, and we would be grateful for the continuations of this arrangement. Furthermore, insurance certificates naming the Town of Rye (Crawford Park) as an additional insured are enclosed. If you have any questions please feel free to contact me at 1-800-866-6116x8286.”

On motion of Councilman Borrelli, seconded by Councilwoman Mendicino Daly and unanimously adopted, the use of the existing soccer field, located at the right side of Crawford Park Road, opposite the softball field was approved for Lacrosse use by the Sound Shore Youth Foundation, Inc.

* * * * *

Briefly discussed was the report on the recent annual meeting held at the Board of Elections Town and City Clerks on the “Help America Vote Act of 2002” and other elections matters attended by Nicholas C. Mecca, Custodian of Voting Machines, which will be fully discussed at the next meeting, when Mr. Mecca is present.

March 19, 2003

The following "Record Minute"

OFFICE OF THE TOWN CLERK

TOWN OF RYE

A.W. Walton Marshall

Town Clerk

Port Chester, NY. Nov. 7th, 1905

Received from A. W. Marshall, Town Clerk, Town of Rye, the following election supplies:

1 Box sealed, containing 1200 official ballots and 300 Sample Ballots, Statement of Canvass books, Poll Books, Tally Sheets, Ballot Clerks return, Cards of instruction, several languages, Ink, Mucilage, Pens, Pen-Holders, Pencils sealing wax, Envelopes, legal caps, etc.

Necessary blanks, for assisting voters and others, oaths, etc.

4 Ballot boxes with proper lock and key.

Last year poll book.

s/s Solon E. Slater)	
William J. Bain)	Inspectors
C. E. Merritt)	Election
Daniel McCarthy, Jr.))	District

Required by Section 87 Election Law.

It was noted this was before mechanical voting and the Westchester County Board of Elections, therefore, the conduct of the election was the responsibility of the Town Clerks.

* * * * *

The Supervisor reported on the Rye Town Park Commission held prior to this meeting, noting the restoration of the buildings is underway and fees have been set for the coming year, citing the pavilion, carvings and restaurant, the latter, scheduled to be open next Friday.

He said that an update has been received from Keane & Beane on the Rye Town Dock in Rye, New York, noting it is not costing the taxpayers of the Town one cent, being solely funded by Shenorock Club and the Friends of Rye Town Dock, which is scheduled to be completed by Memorial Day.

Reporting on the African Cemetery, the Supervisor reported that the Cemetery will be re-designated and historically land marked during the month of April, and a cleaned up of the cemetery, which the Town is working in conjunction with the NAACP is scheduled for completion by Memorial Day.

* * * * *

The current fees at Rye Town Park were detailed, in reply to a question from Richard Abel and the Supervisor added that since the Beach in Mamaroneck Village will be closed all summer, the citizens of the Village of Mamaroneck will be welcomed to Rye Town Park at resident fees.

* * * * *

There being no further business, on motion of Councilwoman Mendicino Daly, seconded by Councilman Borrelli and unanimously adopted, the meeting was adjourned at 10:00 P. M.

Respectfully submitted

Frances C. Nugent
Town Clerk

On motion of Councilman _____ seconded by Councilman _____ and
unanimously adopted, the following Verbatim Transcripts, received in my office on May 12, 2003, as
an Addenda to the approved minutes of the Town Board Meeting held on March 19, 2003, were
accepted and made a part the record thereof.

MEETING HELD APRIL 15, 2003

A meeting of the Town Board of the Town of Rye was held on Tuesday evening, April 15, 2003 at 7:30 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, and Michael J. Borrelli

ABSENT: Councilwoman Michele Mendicino Daly.

ALSO

PRESENT: Superintendent of Highways Vincent A. Sapione, Town Assessor Mitchell Markowitz, 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.

Goldie Solomon led those present in the Pledge of Allegiance and Councilman Borrelli read the opening prayer.

The Supervisor called for a moment of silence in memory of all the men and women who lost their lives in the far-eastern war.

* * * * *

The Clerk presented an Affidavits of Publication, duly certified by Natasha Brown, principal clerk of the Journal News, stating that the following Public Notice was duly published in the Central Area of said newspaper on April 5th, 6th 7th 8th and 9th, 2003:

PUBLIC NOTICE

PLEASE TAKE NOTICE that pursuant to Section 202 of the New York Eminent Domain Procedure Law, the Town Board of the Town of Rye will hold a Public Hearing on April 15, 2003 at 7:30 P.M. in the Court Room, Town Office Building, 10 Pearl Street, Port Chester, New York to review the public use to be served by the acquisition of the parcel located as 120 North Ridge Street and Crawford Park Road as an addition to the existing Crawford Park and to review the impact on residences which may result from the condemnation of such property.

The property is located at the entrance to Crawford Park and is known and designated on the tax assessment map of the Town of Rye as Section 1, Block 5, Lot 17 B.

All persons desiring may attend and be heard.

By Order of The Town Board of the Town of Rye
Frances C. Nugent, Town Clerk

The Supervisor declared the Public Hearing open and asked for comments.

James Staudt, a member of the firm of Mc Cullough, Goldberger and Staudt, representing Jehovah's Witnesses, owners of record, noting that this has come as a surprise to the church, who purchased the property on April 4th and requested that this Hearing be continued for at least two weeks to enable them the opportunity to properly prepare a presentation as to the Church's position, citing the letter forwarded to the Town and noting their apparent absence at this Hearing and the discouraging of a "mass" attendance of congregation.

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The Supervisor, Town Board, Town Attorney and Attorneys representing the Town concurred and the date of Tuesday, May 6, 2003 at 7:30 P. M. was set for the continuation of this Hearing.

In response to the Supervisor, Mr. Staudt introduced Matthew Bavoso, his Associate.

The Supervisor gave a history of the matter stating that the Town had expressed interest in this property and sent a letter to the Trustees of the estate stating that in acquiring this property for the good of the overall populace of the Town of Rye and since it actually falls within the realm of the park to make it a part of Crawford Park, and were surprised to learn, while surveying the parcel that there was a contract on that property. After consulting with the Town Board and its attorneys, were able to start this procedure, as the Town would very much like to purchase this property and make it a part of Crawford Park for a passive use. He continued saying that after publication of the notice, he spoke with Chris Bradbury of the Village of Rye Brook who claimed he was in touch with the Mayor and Board who unanimously concurred with regard to the acquisition of the subject property. He said, "we are not as a Town Board doing this in a vacuum, we value out neighbor's opinion" and planned to have a conversation this week with Mayor Filipowski and his Board for report to this Board when this Hearing is continued on May 6th, which report would also contain the concerns of the Rye Neck Section of the Village of Mamaroneck. He then opened the meeting again to those who would like to comment on this matter, asking all to come forward giving their names and addresses.

The following spoke in favor of acquisition for Park land:

Glen Rubin, 117 N. Ridge St., Rye Brook; Brett Slavin, 88 N. Ridge St., Rye Brook; Diane Rubin, 117 N. Ridge St., Rye Brook; Eleanor Herman, 25 Lincoln Avenue, Rye Brook, President of Friends of Crawford Park, submitted the following:

"Supervisor R. Morabito and Rye Town Council:

Since Crawford Park was bequeathed to the Town of Rye in 1973 it has become a treasure of natural beauty to the Rye Town Community. Lawns, rocky cliffs, stately trees, characterized in particular by Norwegian Spruce, and woodsy areas make up the visitors grand experience. The mansion, former home of the Crawford family, adorns the crest of the hill. Behind it are play areas for sports enjoyed by young and old of the community. In all it is approximately 36 acres. As Rye Brook and Port Chester continue to grow in population the park becomes ever more significant in offering quality of life to surrounding residents.

The Town of Rye has responded to the needs of the community by upgrading the mansion available for community gatherings and celebrations. The grounds and sport fields are maintained and the landscape tended to. They have been committed to enhancing the park. The Friends of Crawford Park, formed in 1997, has worked with the Town in these efforts to improve the park.

The property adjacent to Crawford Park, 120 North Ridge Street, has always appeared to be part of the park forming part of a wide green span on either side of the entrance. The meadow has been maintained by the Town through the years of its ownership. It consists largely of wetlands with a stream feeding into the Blind Brook which ultimately empties into Long Island Sound. So it is an environmentally sensitive area. This property provided privacy for Crawford family members residing in the gatehouse.

Now that the family is relinquishing ownership of this property, it seems fitting that the part once again becomes part of the whole. In speaking for the Friends of Crawford Park I wish to applaud the Town of Rye in its magnanimous public-spirited desire to increase our parkland. "Forever Green", in our increasingly urbanized villages is a priceless gift. It will forever be appreciated!"

Also speaking in favor was Meg Veith-Heib, 91 Valley Terrace, Rye Brook, Landscape Designer who also submitted

“Dear Mr. Morabito,

Re: Property sale of 1 acre lot at entrance to Crawford Park on North Ridge Street, Rye Brook, New York.

It has come to our attention that the 1 acre lot with the burned house to the left at the entrances of Crawford Park on North Ridge Street is presently in the process of sales to an organizational group. Whose projected use of this property will need a parking facility to accommodate their meeting functions.

At present this is a purely single family residential neighborhood. It may even be possible with the history and age connected to the Crawford family estate to be **an historical building**. Has anyone double checked on the exact age of this building and out structures i.e. barn and sheds? Yes, there has been a terrible fire inside, however, if the building has any section even remotely salvageable that can remain, be renovated and the balance can be reconstructed to the original structure. Given historical status would that make it impossible to tear down and build parking lots and other intentions other than a single family dwelling on this site?

The traffic pattern would be greatly altered for Ridge Street in and around this neighborhood. It is already busy Monday thru Friday with the regular business traffic that uses this thoroughfare street. The speed at which cars travel, the steep slope and the tightness of the road right in front of this property is already very dangerous. Additional in and out moving traffic would not help this part of the road. In addition, evenings and weekends would now see a sign of increased traffic due to meetings that this organization will offer. Has there been a study on this very dangerous corner or bend in the road in front of this property? It is a very dangerous part of North Ridge Street where at the south end is a narrow, low lying section that turns sharply more than 45 degrees. If there is a sizeable parking lot for an organization/business do they need two vehicle exit and entrance sites. If so, where will they be located? Will they use the present Crawford Park as one and locate another on North Ridge Street? Where will the second site be located? Also, there is a natural wetland in the south section of the property. **Are they able to build on a wetland site?** Could someone on your legal staff look into this because there is NY State wetland map that documents the wetland areas and this part of the property is sited adjacent to the east branch of Rye Brook. I think the Rye Brook is the actual boarder/property line?

Did the organization buying this property do their homework for all the state, federal and local permits regarding construction in this site? There are NPDES – National Pollution Discharge Elimination System rules now in effect for storm water runoff from ALL construction sites. The runoff from this site would go right into the Rye Brook and would swell the brook well beyond its capacity, eroding the banks and destroying plant life and flooding the homes south of the property. As stated in the Civil Engineering publication CE News, ‘**20 to 150 tons of soil per acre** are lost yearly because of runoff from construction sites alone.’ ‘The problem is huge. The U. S. Department of Agriculture says we loose more than two billion tons of topsoil yearly due to erosion. Storm water runoff accounts for 80% of all U.S. water quality violations and it costs....Billions yearly. Storm water runoff from construction sites is a detriment to America’s water quality. It washes sediment into our bodies of water, along with chemicals and oil.’ (Landscape Management Nov., 2002 article, Be Ready for Erosion Rules, by Cindy Grahl). Don’t the new owners, by law, have to have the **NPDES Phase II permits**? Did they collect complete storm water management plans? Doesn’t this need to be studied and documented before any earth is turned? We need to see the plans as well because NPDES Phase II means that how water is managed on a site must be determined and accounts for even **BEFORE CONSTRUCTION BEGINS**. If not then they are liable for costly penalties and expenses.

What will happen to the heirloom trees on that site? There is a full grove of Norway Spruce Picea, (over 70 plus years old) on the west edge near the Korean monument, one large copper beach tree near the house, (*Sylvatica fagus purpurea*), one black pine and three white plines, (*Pinus nigra* and *Pinus stobes*, respectively). Most of these trees are on the endangered tree list and are long lived, environmentally beneficial species that were planted by the Crawford family and are for their appropriate site. **These trees in particular do not survive well if there is any compaction to their feeder roots. The essential feeder roots that sustain nutrients and moisture to the tree are found only within the first few inches (surface to 3 to 4 inches down) of the soil.** The tap root, the center root, that secures the tree is different and is not a feeder element. The feeder roots reach out well past the canopy of any of these trees and often reach 1 ½ to 2 times the width of the outside the drip line or trees’ canopy. This distance is 75-100 feet or more across for this large grove of heirloom trees. **Mr. Carmine Serpe, NY Arborist expert and Cornell Extension, owner of Serpe Tree Company (914-725-4148) has indicated that “any disturbance or compaction to the root system on the Copper Beech, and Norway Spruce trees will cause stress, damage, disease and guaranteed premature death to these heirloom trees.”** The following explains why these heirloom trees must be preserved and protected:

Copper Beech – ‘*Sylvatica facus purpure*, a long lived ‘English’ native species-It is a stately and beautiful tree in all seasons. It’s purple green leaves turn a copper to golden brown in autumn. Fall foliage is a spectacular golden brown. They are often planted as ornamentals in parks. Beeches prefer rich fertile soil and some shelter from strong wind. It tolerates shade and has oil rich (beech nuts) fruit that is eaten by mammals and birds as a major food source. They can grow to a height of 80-100 ft. and can be very long lived.” Trees, by Herbert Zim PhD-University of Ill. And Alexander Martin, PhD, Senior biologist, U.S. Fish and Wildlife Service.

White Pine – North American *Pinus Strobus* – “a soft pine that include some of the tallest conifers in North America. The species grow in sites with symbiotic soil fungus to assist nutrient uptake-these fungi are likely to be already in the pines’ native region...The majority of white pines require well drained soil, and resent soil disturbance.” Botanica, 1997, Chief Editors R.J. Turner, Jr. and Ernie Wasson, page 678.

Norway Spruce-*Picea abies*-“Sometimes reaching an impressive 200 ft in heights. Shallow rooted but grow where there are deep pockets of moist, rich acidic, freely draining soil. They are able to withstand strong winds. They will not survive transplantation when large, nor grow well in heavily polluted environments.” Botanica, 1997, Chief Editors R.J. Turner, Jr. and Ernie Wasson, page 672. “Often Norway spruce is planted as an ornamental with its graceful dropping branches and long cones. Spruces are used by northern wildlife during the long winter, song birds and mammals eat the needles and small winged seeds.” Trees, by Herbert Zim PhD-University of Ill. And Alexander Martin, PhD, Sr. biologist, U.S. Fish and Wildlife Service.

These heirloom trees need to be protected and not allowed to be cut down for some parking lot, multi residential residence and/or meeting building. Will this new owner pay for installation and ecological restoration to compensate for the loss of habitat and clear cutting? How will they replace the irreplaceable heirloom tree and groves that have been on that site for well over 70 years? These heirloom trees are a living legacy of the Crawford estate. They should not be destroyed, damaged or compromised for some shortsighted purchase. Perhaps the Town of Rye can purchase this acre site to add to the park to ensure their existence? Clear cutting all these heirloom trees and valuable natural resource for a parking lot and buildings **will greatly reduce the water absorption and transpiration thus affecting both our air and water quality**. Without the trees to absorb the moisture they do so well in, the runoff would raise the Rye Brook water table and flooding would increase for the residents south of the Crawford Park.

These heirloom trees, which most are listed on Rye Brook’s (a Tree City), endangered and protected list, must be saved. **They are too valuable to loose environmentally and ecologically**. No amount of money can or will replace any one or all of those grand heirloom trees. They co-exist and have developed a natural ecosystem that has evolved over their lifespan (70-100 years) and will continue past our children’s, children’s lifespan if left undisturbed. The trees should be valued for the greatness they do for our environment and the beauty they bring to our community. Call my colleague(s), (**Mr. Carmine Serpe** –914-725-4148), and **Mr. Jay Archer** (President of John Jay Land Management Corp- NY Botanical Gardens professor of Wetland Management and Wetland Restoration-914-232-0399). They will give expert advise the town can really use to support the protection of these trees and their balanced ecosystem.”

The Supervisor pointed out that the property already is in contract and that the driveway, by the terms of the deed, belongs to the Town and as a neighborly gesture to the Crawford’s, access to the driveway was continued, but there is no access to Crawford Park and access would be to N. Ridge Street. In addition, he further noted that the Park Personnel has been providing maintenance to a portion of that property.

Goldie Solomon also spoke in favor of the acquisition, and Richard Abel, 19 Quintard Drive, Port Chester, questioned certain aspects of the acquisition proposal, to which the Supervisor replied as he was able to.

John Watkins, Special Counsel explained the procedure initiated with the Public Hearing, for consideration by the Board, filing a Determination of Findings, which is published after which there is a procedure for challenging the petition. If no challenge is filed or the challenge is disposed of in the Town’s favor, the Town brings a petition to give them the property and it goes to Court and the owners

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are served, notice of that is published to discover any title searches, interest, easements or other issues involved, and go to Court to allow the Town to condemn the subject parcel and, if granted, the necessary map is filed with the County of Westchester. Normally, he continued, an appraisal is obtained in order that the Town can make an appropriate offer to the owner and once title is taken, a payment as per the appraisal and if the owner is not satisfied, you could "wind up in further litigation".

In reply to a question from Richard Abel, the Supervisor noted that over a year ago, the Town Board upon finding out that the property was for sale, sent notification to the Trustees that it would be interested in purchasing, having first right to refusal for the purpose of adding to this contiguous piece to add to the park and were not afforded the opportunity to bid and noted that it was only "through fate" that it was discovered that there was a contract of sale.

Speaking in favor of acquisition, Jennifer Fissekis, 31 Argyle Road, Rye Brook was present and submitted a poster entitled, "Conserve Open Space" stating "Yes" to: preserving Park land, protecting heritage trees, preserving the estate aesthetics and protecting the Blind Brook Aquafilter and saying "NO" to: A Firehouse, dumping, over large/misplaced memorials and pavings, bad sites for playing fields, disruption of ecology, hydrology and negative affects on safety and traffic.

Allan Scheinkman, Attorney representing the Town, noted that there are two separate issues for the legal process explained by Mr. Watkins for acquiring title to the property, and explained the SEQRA which is required by law where environmental impact is involved as the Town's intention to be a lead agency, which is circulated to other governmental agencies and be available to the public and an unlisted action. The second is a Bond Anticipation Note Resolution authorizing the issuance of \$575,00 in bonds, to be borrowed, backed by the full faith and credit of the Town to be sold to the public to pay for the process, which includes the cost of acquisition and the costs associated with that, such as legal fees of attorneys involved in the process as well as the cost of environmental review. He felt that since this would be for a public betterment, a proposed park, the life of those bonds would be in excess of five years, interest to be tax exempt to the Investors and the bonds would be paid off by the Town over time. In reply to a question from the Supervisor, he said that adoption of the resolutions is separate from the Public Hearing on the Condemnation proceedings, but suggested that the Hearing be adjourned before adoption.

Before adjourning the Hearing, Ted Musho, 2 Wilton Road, Rye Brook, questioned the SEQRA process, to which Mr. Watkins explained the process and in reply to questions from Goldie Solomon, Meg Veith -Heib and Jennifer Fissekis, said that this is a Town property that the Town may decide to expand the park to in its judgment, and as far as the villages go, "this is a stand alone piece of property adjacent to nothing that they own."

On motion of Councilman Borrelli, seconded by Councilman Lagana the Public Hearing was adjourned until May 6, 2003 at 7:30 P. M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York to afford ample time for a presentation by the Attorneys and their client.

OF THE TOWN BOARD OF THE TOWN OF RYE
DECLARING INTENT TO ACT AS LEAD AGENCY UNDER THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH
RESPECT TO THE CONDEMNATION OF THE PROPERTY KNOWN
AND DESIGNATED ON THE TAX ASSESSMENT MAP OF THE
TOWN OF RYE AS SECTION 1, BLOCK 5, LOT 17B

On motion of Councilman Walter, seconded by Councilman Lagana, the following Resolution was adopted by the Town Board of the Town of Rye, New York (the "Town Board" or the "Town"):

WHEREAS, the Town of Rye has commenced a proceeding pursuant to the New York Eminent Domain Procedure Law ("EDPL") to acquire the property known as 120 North Ridge Street, also known and designated on the tax assessment map of the Town of Rye as Section 1, Block 5, Lot 17B (the "Property"), through the exercise of its power of eminent domain for the public purpose of making the Property part of Crawford Park; and

WHEREAS, the Property consists of approximately 1.04 acres and is located adjacent to Crawford Park in the Town of Rye; and

WHEREAS, the Town Board, as lead agency under the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"), has determined that the proposed condemnation is classified as an "Unlisted" action under SEQRA; and

WHEREAS, the Town Board has caused the preparation of an Environmental Assessment Form (EAF) dated April 15, 2003, and has carefully reviewed the information contained in the EAF;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board hereby classifies the Project as an "Unlisted" action for purposes of review under SEQRA.
2. The Town Board hereby declares its intent to be Lead Agency for the review of the Project under SEQRA.
3. The Town Board hereby authorizes and directs the Town Clerk to circulate the EAF among all potentially involved agencies together with a request that such involved agencies agree to the designation of the Town Board as Lead Agency pursuant to 6 N.Y.C.R.R. Sections 617.6(b)(2) and (3).

ROLL CALL:

AYES: Councilman 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:

A RESOLUTION APPROPRIATING \$575,000 AUTHORIZING
THE ACQUISITION OF LAND FOR PARK PURPOSES WITHIN
THE TOWN OF RYE, NEW YORK, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$575,000, AND AUTHORIZING
THE ISSUANCE OF \$575,000 SERIAL BONDS OF SAID TOWN
TO FINANCE SAID APPROPRIATION.

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF RYE, IN THE COUNTY OF WESTCHESTER, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Town Board), as follows:

April 15, 2003

Section 1. The Town Board hereby determines that the specific object or purpose authorized pursuant to this resolution constitutes an "Unlisted Action" pursuant to the provisions of the State Environmental Quality Review Act, Part 617 of 6 N.Y.C.R.R., and will not have a significant effect on the environment. A record of such determination shall be maintained in a file, readily accessible to the public, at the office of the Town Clerk.

Section 2. The town is hereby authorized to finance the costs of the acquisition of land for park purposes, described as 120 North Ridge Street, Rye Brook, New York, Section 1, Block 5, Lot 17B on the Town of Rye Tax Map. The estimated maximum cost of said specific object or purpose, including costs incidental thereto and the financing thereof, is \$575,000 and said amount is hereby appropriated therefore. The plan of financing includes the issuance of \$575,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property of the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. Serial bonds of the Town in the principal amount of \$575,000 and hereby authorized to be issued pursuant to the provisions of the Local Finance Law (the "Law") to finance said appropriation.

Section 4. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$575,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 21 (a) of the Law, is thirty (30) years.

(b) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00 and Section 63.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and the renewals thereof, determining whether to issue bonds with substantially level or declining annual debt service, prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, and any other powers or duties pertaining to or incidental to the sale and issuance of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 7. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication,

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This resolution is adopted subject to permissive referendum and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the Issuer voting on the referendum.

Section 9. The Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause this resolution to be (a) published in *The Journal News*, a newspaper published in White Plains, New York, and the *Westmore News*, a newspaper published in Port Chester, New York, both of which are hereby designated the official newspapers of the Town, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of the adoption thereof. After this bond resolution shall take effect, the Town Clerk is hereby further directed to cause said bond resolution to be published, in full, together with a Notice attached in substantially the form prescribed in Section 81.00 of the Law, in said official newspapers of the Issuer.

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:

A RESOLUTION APPROPRIATING \$750,000 FOR THE RECONSTRUCTION OF OR ADDITION TO THE SOUTH BARRY AVENUE BRIDGE WITHIN THE TOWN OF RYE, NEW YORK STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000, AND AUTHORIZING THE ISSUANCE OF \$750,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF RYE, IN THE COUNTY OF WESTCHESTER, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Town Board), as follows:

Section 1. The Town Board hereby determines that the specific object or purpose authorized pursuant to this resolution constitutes a Type II Action pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and, therefore, no further environmental review is required. The Town Board hereby directs that notice of this determination be filed to the extent required by the applicable regulations under that Act or as may be deemed advisable by the Town Board.

Section 2. The Town is hereby authorized to finance the acquisition, construction or reconstruction of or addition to the South Barry Avenue Bridge over Otter Creek Tidal Basin, located in the Village of Mamaroneck, whether or not including the acquisition of land or rights in land, and whether or not including retaining walls or approaches thereto, of stone, concrete, or steel, or of a combination of two or more of these materials. The estimated maximum cost of said specific object or purpose, including costs incidental thereto and the financing thereof, is \$750,000 and said amount is hereby appropriated therefore. The plan of financing includes the issuance of \$750,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property of the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. Serial bonds of the Town in the principal amount of \$750,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law (the "Law") to finance said appropriation.

Section 4. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness of said specific object or purpose for which said \$750,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 10 of the Law, is twenty (20) years.
- (b) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sales of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00, Section 30.00, Section 50.00, Sections 56.00 to 60.00 and Section 63.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and the renewals thereof, determining whether to issue bonds with prescribing the terms, form and contents of the bonds herein authorized, bond anticipation notes issued in anticipation of said bonds and the renewals thereof, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

April 15, 2003

Section 7. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. The resolution is adopted subject to permissive referendum and shall take effect thirty (30) days after its adoption or, if a referendum is held, upon the affirmative vote of a majority of the qualified electors of the Issuer voting on the referendum.

Section 9. The Town Clerk is hereby authorized and directed, within then (10) days after the adoption of this resolution, to cause this resolution to be (a) published in *The Journal News*, a newspaper published in White Plains, New York, and the *Westmore News*, a newspaper published in Port Chester, New York, both of which are hereby designated the official newspapers of the Town, and (b) posted on the sign board of the Town maintained pursuant to the Town Law, together with a notice of the adoption thereof. After this bond resolution shall take effect, the Town Clerk is hereby further directed to cause said bond resolution to be published, in full, together with a Notice attached in substantially the form prescribed in Section 81.00 of the Law, in said official newspaper of the Issuer

ROLL CALL:

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

**Declaration of Intent to be Lead Agency
 under the State Environmental Quality Review Act**

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

WHEREAS, the Town of Rye (the "Town") wishes to construct a new soccer field (the "Project") on the property commonly known as Crawford Park, also known and designated on the tax assessment map of the Town as Section 1, Block 5, Lot(s) 17 (the "Site"); and

WHEREAS, a portion of the costs of construction of the Project may be funded by a grant from the County of Westchester, making the County of Westchester an "involved agency" under the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"); and

WHEREAS, under SEQRA, the actions directly and indirectly proposed by the Project are classified as "Unlisted"; and

WHEREAS, the Town has prepared a short Environmental Assessment Form ("EAF") dated April 9, 2003; and

WHEREAS, at its regularly scheduled meeting on April 15, 2003, the Town Board reviewed the EAF for the Project;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Rye as follows:

1. The Town Board hereby classifies the Project as an "Unlisted" action for purposes of review under SEQRA.
2. The Town Board hereby declares its intent to be Lead Agency for the review of the Project under SEQRA.
3. The Town Board hereby authorizes and directs the Town Clerk to circulate the EAF among all potentially involved agencies together with a request that such involved agencies agree to the designation of the Town Board as Lead Agency pursuant to 6 N.Y.C.R.R. Sections 617.6(b)(2) and (3).

ROLL CALL:

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

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Mr. Watkins stated that this Resolution would not authorize the use of the property for anything, but simply would be authorizing the use of the study of a potential field and would be classified as an unlisted action and the Board would be declaring its intent to be the Lead Agency, the Environmental Form will get circulated as before and the Board will then proceed a subsequent date in light of the environmental information and make a determination.

A discussion ensued between Ted Musho, 2 Wilton Road, Rye Brook; Chris Cohan, Landscape Architect; Jennifer Fissekis, recognized earlier; Mike Perna, 3 Wilton Road, Rye Brook; Frank Pugliese, 1 Wilton Road, Rye Brook concerning temporary field, minutes of March 17th and 19th, adequate screening, area drainage, etc.

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The Supervisor called for a recess at 9:10 P. M.

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The recess being over, the meeting resumed at 9:23 P. M.

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On motion of Councilman Lagana, seconded by Councilman Walter, the Minutes of the meeting held on March 19, 2003 were approved as presented and action on the minutes of the meeting held on November 19, 2002 were tabled.

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The following Departmental reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT for the month of March, 2003
 Total remitted to the Supervisor.....\$1,206.39
 CRAWFORD PARK, for the month of March, 2003:
 Total remitted.....\$1,550.00

* * * * *

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

RESOLVED, that the following named places be and they are hereby are designated as polling places in the Town of Rye for the year commencing May 1, 2003:

<u>ED#</u>			
1	United Methodist Church	546 E. Boston Post Rd., Mamaroneck,	NY
2	Columbia Fire House	N. Barry Avenue, Mamaroneck,	NY
3	United Methodist Church	546 E. Boston Post Rd., Mamaroneck,	NY
4	Halstead Manor Firehouse	Halstead Ave., Mamaroneck,	NY
5	Don Bosco Community Center	22 Don Bosco Place, Port Chester,	NY
6	Don Bosco Community Center	22 Don Bosco Place, Port Chester,	NY
7	Don Bosco Community Center	22 Don Bosco Place, Port Chester,	NY
8	John F. Kennedy School	Olivia Street, Port Chester,	NY
9	John F. Kennedy School	Olivia Street, Port Chester,	NY
10	Corpus Christi School	South Regent St., Port Chester,	NY
11	Carver Center / YMCA	Westchester Avenue, Port Chester,	NY
12	Park Avenue School	Park Avenue, Port Chester,	NY
13	Masonic Temple	360 Irving Avenue, Port Chester,	NY
14	Masonic Temple	360 Irving Avenue, Port Chester,	NY
15	Masonic Temple	360 Irving Avenue, Port Chester,	NY

April 15, 2003

16	Summerfield United Methodist Church	225 King Street, Port Chester,	NY
17	Terrace Avenue (Brooksville Terrace)	Terrace Avenue, Port Chester,	NY
18	Girl Scout House	Parkway Drive, Port Chester,	NY
19	Park Avenue School	Park Avenue, Port Chester,	NY
20	Port Chester Middle School	Bowman Avenue, Rye Brook,	NY
21	Port Chester Middle School	Bowman Avenue, Rye Brook,	NY
22	Blind Brook High School	Upper King Street, Rye Brook,	NY
23	Bruno M. Ponterio Ridge Street School	North Ridge Street, Rye Brook,	NY
24	Rye Neck H S (Library Community Room)	300 Hornidge Road, Mamaroneck,	NY
25	King Street School	King Street, Port Chester,	NY
26	PC High School (Neuton Avenue)	Tamarack Road, Rye Brook,	NY
27	Bruno M. Ponterio Ridge Street School	North Ridge Street, Rye Brook,	NY
28	United Methodist Church	546 E. Boston Post Road, Mamaroneck,	NY
29	Bruno M. Ponterio Ridge Street School	North Ridge Street, Rye Brook,	NY
30	Blind Brook High School	Upper King Street, Rye Brook,	NY
31	Bellefair Community Center (Fireplace Rm)	24 Bellefair Blvd., Rye Brook,	NY

and be it further

RESOLVED, that exclusive of polling places located within municipal-owned buildings and schools the annual rent to be paid therefore for each be and it hereby is fixed as budgeted, effective May 1, 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 the Town Board of the Town of Rye approved the participation of the Port Chester-Rye-Rye Brook Ambulance Corps, Inc., in the Westchester County EMS Mutual Aid Plan, and will agree to recognize a call for assistance through the Westchester Emergency Communications Center (60 Control) and will comply with the provisions of such plans as now in force and as amended from time to time, and certified by the Westchester County EMS Council through the County EMS and Emergency Service Coordinators and that no restrictions exists against "outside service" by the Port Chester-Rye-Rye Brook Ambulance Corps, Inc. within the meaning of Section 209 of the General Municipal Law which would affect the power of the Port Chester-Rye-Rye Brook Ambulance Corps, Inc., to participate in such plan; and

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Westchester EMS and CAD coordinators.

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:

RESOLVED, that Supervisor Robert A. Morabito, be and he hereby is authorized to retain the law firm of JORDAN & DWYER, 1207 Route 9, Executive Park, Suite 1-F, Wappingers Falls, New York 12590, to render professional legal services as general legal counsel to the Supervisor of the Town of Rye, including the collection of delinquent taxes, obtaining municipal legacy money, and any other legal services as requested by the Supervisor, pursuant to the terms and conditions set forth in the annexed Contract and Retainer Agreement for Legal Services, and

RESOLVED, the term of this contract shall begin on April 15, 2003, and shall expire at the close of business day on April 14, 2004,

NOW, THEREFORE, BE IT RESOLVED, that said Jordan & Dwyer will be compensated at an annual retainer fee of \$9,996.00 payable in monthly increments of \$883.00 on the fifteenth (15th) of each month.

ROLL CALL:

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

NOES: None.

ABSENT: Councilwoman Mendicino Daly.

* * * * *

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

RESOLVED, that pending the establishment of the necessary Civil Service List, Ricio Gonzalez, residing at 59 Grand Street, New Rochelle, New York, be and she is hereby provisionally appointed an INTERMEDIATE ACCOUNT CLERK (0713-12) in the Office of the Assessor of the Town of Rye, New York, effective April 14, 2003, and be it further

RESOLVED, that she will receive an annual compensation of \$32,000.00 to be paid in equal, bi-weekly installments, with full benefits.

ROLL CALL:

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

NOES: None.

ABSENT: Councilwoman Mendicino Daly

The Supervisor explained what led to this appointment, further noting Ms. Gonzalez was bi-lingual and the Assessor said that she not only is well experience, but she comes highly recommended.

* * * * *

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

WHEREAS, the Town of Rye last completed a reassessment in 1967 and changes in the market have occurred, and

WHEREAS, the Town of Rye plans to implement a reassessment of all properties within the Town for the 2004 roll, and

WHEREAS, the New York State Office of Real Property Services (ORPS) can provide certain services in connection with the proposed revaluation,

NOW, THEREFORE BE IT RESOLVED, the Town of Rye is requesting the assistance of ORPS in the town-wide revaluation project.

ROLL CALL:

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

NOES: None.

ABSENT: Councilwoman Mendicino Daly.

The Assessor explained the need for such a resolution to request assistance in valuing utilities, water lines, gas lines, Fiber Optic cable, electric lines, etc., which are specialized to which the State ORPS has expertise.

* * * * *

On motion of Councilman Walter, seconded by Councilman Borrelli, the use of voting machines at the annual school elections to be held on May 20, 2003 were approved for the following:

PC-Rye UFSD for the use of 6 Voting Machines,

Blind Brook-Rye UFSD for the use of 3 Voting Machines.

* * * * *

April 15, 2003

The following letter dated April 1, 2003 and addressed to the Supervisor and Town Board, from Frederick C. Schmaling, Secretary, Veterans Central Committee:

Dear Mr. Supervisor and Members of the Town Board:

The Port Chester-Rye Brook, Town of Rye Central Veterans Committee is completing plans for the 2003 Memorial Day Parade and ceremonies at all the War Monuments on Monday, May 26, 2003.

We are in the process of contracting for bands, wreaths, flags, flowers, etc. for the ceremonies at Veterans Memorial Park, the Marina, our five other war memorials and for the decoration of veteran's graves in various cemeteries.

We respectfully request that the Town of Rye appropriation of One Thousand Five Hundred Dollars(\$1500) for the year F/Y 2003, be transferred to the Central Veterans Committee checking account at the First Union National Bank, N. Main St., Port Chester, by way of a check payable to the Committee, at 78 Pearl St., Port Chester, NY 10573.

As directed by the three local governments, all bills must be paid by the Veterans Central Committee.

The Supervisor stated that since the \$1500 was not budgeted, he did not feel that this amount could be given this year, but asked that this be presented at Budget time for consideration.

The Town Attorney, noting his talk with Commander Gus Pasquale and Vice Commander Joe Vaccaro of the American Legion, he suggested that these public funds be accounted for submission to the Board for review.

After discussion with Richard Abel and Goldie Solomon, the Supervisor felt that a meeting should be held with Mr. Schmaling and "parties to be" and tabled the issue of accounting, but grant what is in the Budget for their Memorial Day Celebration. So moved Councilman Lagana, seconded by Councilman Borrelli and adopted.

* * * * *

A letter was received from the Port Chester Recreation Department, dated April 4, 2003 addressed to Ray Sculky from Heather Krakowski, Recreation Leader, requesting the use of Crawford Park for the Port Chester Youth Soccer League practices on Tuesdays, from 5 to 7 PM starting as soon as possible and ending June 24th.

The Supervisor, acknowledged receipt of letter and felt that all that was needed was for Recreation Leader Krakowski to contact Mr. Sculky for confirmation of dates for the use of the existing soccer field.

* * * * *

The Assessor reported on the progress of updating the Assessment cards, etc., stating that he now is seeing "the end in sight".

* * * * *

Chairman Gene Branca of the Public Safety Committee reported on the necessary seminars that he and his committee are attending.

* * * * *

Superintendent of Highways reported that the bridge over Otter Creek is being repaired and has been made structurally sound meeting the requirements of the State of New York. The surface will be completed as soon as weather permits.

April 15, 2003

Records Clerk Nick Mecca, reporting on voting, explained the report submitted previously, noting that the Green Party and the Right To Life Party will not show on the November ballot. He then presented the following "Record Minute":

BRIEF

June 1909

Compiled by George A. Slater, Counsel to the Town of Rye, Port Chester, NY
IN SUPPORT OF THE TITLE OF THE TOWN OF RYE TO LAND UNDER THE WATER OF THE
BRYAM RIVER, PORT CHESTER HARBOR AND OTHER NAVIGABLE WATERS WITHIN
SAID TOWN.

HISTORICAL.

The territory now comprising the Town of Rye was settled by 17 English planters in 1660, being located first on an island, now called Manursing Island, and later upon the mainland. Lands were purchased from the Indians and a community established which was called the Town of Hastings.

Between 1660 and 1718, a period of fifty years, the government here erected. was within the English colony called Connecticut. The General Court in Hartford appointed a Magistrate and Constable.

In 1665 the said General Court changed the name of the Town to Rye.

In 1700, sixty persons were paying county rates. Prior thereto, the people met in yearly town meetings, and elected a Supervisor, Constable, Town Clerk, Fence Viewer, Collector and Justice of the Peace and Deputies to the General Court. The record of the town meeting are still in existence in the Town Clerk's office.

* * * * *

The Supervisor reported that as per Keane & Beane, the Attorneys for the Shenorock Club, bids were awarded and they are still on target for May, 2003 for the opening of the Town Dock.

He announced that the Town had received a NYS National Historic Site Designation and gave a brief history of the African Cemetery in the area of Greenwood Union Cemetery and through Mrs. Solomon received a Westchester County Designation in 1985 and, now with the NY State designation, the Town will seek funds for the "capital restoration of the site" working with the Port Chester and Rye Historical Societies and noted what the funds would be available for.

He further stated that the Town has been officially known as Tree Town, USA as per qualifications for such a title, set and sponsored by the National Arbor Day Foundation, through the Town's efforts in Crawford and Rye Town Park. He said that an award will be forthcoming.

He also announced that the first draft of the Reval is available in his office to all committee members to pick up.

On the Segmentation Tax matter, the Supervisor stated he had received a letter from Robert J. Sperber, 573 The Parkway, a resident of Mamaroneck, who favored the Town challenging said tax, even though he had approached the Village Board to support the challenge. The following letter, addresses to the Supervisor and dated April 13, 2003 was as follows:

Since we spoke several weeks ago, a couple of letters to the editors have appeared in local newspapers concerning the Rye Neck school tax issue. Because they were directed at the Village of Mamaroneck's elected board, I wrote a letter and addressed it to them.

I was urged to send the copy herein enclosed to the Gannett Newspaper, but I first wanted to fax a copy to you. We discussed the matter of arousing the public when we spoke, and you suggested waiting until after the Town of Rye's appeal was heard in the court.

I repeated our conversation to the two letter writers about events as I understand them, and I indicted that I believe our attorney, Mr. Oxman, is well known in the political arena. However, I still believe that if there is evidence that there was a conflict of interest because of the law firm affiliation between the Rye City attorney, and the sitting governor of our state, it should not go without saying in the appeal process.

April 15, 2003

Councilman Borrelli announced that at the next meeting of the Chamber of Commerce, yellow ribbons will be available and that the guest speaker will be the Supervisor, who will speak on Reval.

* * * * *

Councilman Walter discussed the recent “wear and tear or vandalism” at the Civil War Monument on Pearl Street and asked that the Town Board look into ways of getting that restored.

* * * * *

Mrs. Solomon spoke at length on the history, previous damages done and concurred that funds for its restoration be sought. She announced that in honor of the 135th Anniversary of the Incorporation of the Village of Port Chester, hand cancellation of mail May 14th at the Port Chester Post Office and gave her negative views on Reval, to which the Supervisor replied positively.

* * * * *

The Supervisor publicly apologized for a remark he made concerning reval and his reelection, stating that this first impact statements do not go out until January 1st, and in reply to Mr. Musho, stated that the next meeting to discuss the Soccer Field will be before the next scheduled meeting of the Town Board, May 20th and he, his neighbors and the Friends will be so advised, and the minutes of the meeting held on March 19, 2003, taken by the Court Stenographer will be ready when transcribed.

* * * * *

Frank Pugliese, an Attorney, referring to the Deed between the Crawford’s and the Town of Rye, questioning the Executor of the Estate claimed he did not hear of the plans for the Soccer Field and it could not be done, citing “improvement” to the park parcel and the Supervisor, noting that a signed receipt of said letter informing him of the proposal is in his office, under date of April 1, 2003.

A discussion ensued between the Supervisor, Town Attorney and Mr. Pugliese on this matter.

In reply to a question from Richard Abel, the Supervisor said that the building of the pavilion was before his time.

* * * * *

There being no further business, on motion of Councilman Borrelli, seconded by Councilman Walter, the meeting adjourned at 10:26 P. M.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD MAY 20, 2003

A meeting of the Town Board of the Town of Rye, New York was held on Tuesday evening, May 20, 2003 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, John P. Walter, Dominick Lagana, Michael J. Borrelli and Deputy Town Clerk Linda A. Lyons.

ALSO

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

DEPT. HEADS

ABSENT: Town Clerk Frances C. Nugent, Receiver of Taxes Hope B. Vespia and Representatives of the Court.

Sally Lagana led those present in the Pledge of Allegiance and Councilman Borrelli read the Opening Prayer.

* * * * *

On motion of Councilman Walter, seconded by Councilman Borrelli and unanimously adopted, the minutes of the meeting held on April 15, 2003 were approved as presented. On motion of Councilman Lagana, seconded by Councilman Borrelli and unanimously adopted, the minutes of the meeting held on May 6, 2003 were approved as presented. Action on the minutes of the meetings held on November 19, 2002 and the verbatim transcripts as an addenda to the minutes of the meeting held on March 19, 2003 were tabled.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of April, 2003:

Total Fees to Supervisor.....\$1,609.71
CRAWFORD PARK.....\$3,875.00

* * * * *

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

WHEREAS, Petitions and Notices of Petition of review the assessment for taxation years 1998, 1999, 2000, 2001 and 2002 of the real estate of VILLAGE COMMONS BY GELLERT & RODNER, ESQ., AGENTS, affecting the parcel of real property on the Tax Rolls of the Town of Rye known as Section 2, Block 89, Lots 1A.01-1A.14, 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 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</u> <u>Description</u>	<u>Assessment</u> <u>Roll / Year</u>	<u>From</u>	<u>To</u>
2/89/1A.01-1A.14	1998	\$62,300.00	\$57,330.00
	1999	\$62,300.00	\$56,070.00
	2000	\$62,300.00	\$54,215.00
	2001	\$62,300.00	\$52,955.00
	2002	\$62,300.00	\$49,840.00

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

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

1. The Supervisor of the Town of Rye be and hereby is authorized to enter into a Stipulation of Settlement of said pending proceedings on the terms set forth herein.
2. Daniel D. Tartaglia of DelBello Donnellan Weingarten Tartaglia Wise & Wiederkehr, LLP, Special Counsel for the Town of Rye, be and hereby is authorized to consent to the 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 1998, 1999, 2000, 2001 and 2002 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, Walter, Lagana, Borrelli and Supervisor Morabito
NOES: None

Assessor Markowitz explained this is a graphic example of the impact of the equalization rate. Discussion ensued with questions from Supervisor Morabito, Richard Abel and Bernard Abel regarding reval and its effect on the equalization rate.

* * * * *

On motion of Councilwoman Mendicino Daly, seconded by Councilman Borrelli, the use of Crawford Mansion for the Port Chester Nutrition Program was unanimously adopted. The facility will be used from August 18, 2003 to May 31, 2004 with hours of operation from 9:00 A.M. to 2:30 P.M. Monday, Tuesday, Thursday and Friday and from 9:00 A.M. to 4:00 P.M. on Wednesdays only. The Village will provide supervision, materials and the necessary workforce to clean and maintain the Mansion for this program. An inter-municipal agreement will be drafted for final approval of both parties along with the proper insurance.

Councilman Borrelli asked if May 31, 2004 was the target date the Village of Port Chester expects to have a Senior Center? Supervisor Morabito stated "that according to Mayor Logan that is when they are hoping that this will be, giving them the ability to have the time to do that, but if not this could come back to us in 2004 for an extension."

* * * * *

Assessor Markowitz meet with the State ORPS representative and Mr. Watch's computer expert and they printed a roll out of the Real Property Tax Services Program, which is the new tax assessment program. Supervisor Morabito stated he read John Watch's comments regarding the Reval Question and Answer piece that Richard Abel help complete and it will go to the Board for approval within the next two weeks. Discussion ensued regarding the mailing of this pamphlet.

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Supervisor Morabito stated the Commissioner of Public Safety is on vacation, but he attended two seminars and will give a full report next month.

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May 20, 2003

Superintendent of Highways Sapione gave a report on the two bridges, stating that the Guion Creek Bridge has a depression in the sidewalk and suggested that the contractor doing the Otter Creek Bridge, when the blacktoppings being done, fix this. The Otter Creek Bridge is progressing on schedule.

* * * * *

Records Clerk Nicholas Mecca updated the Board regarding the Governor's appropriation of \$150,000,000 in the New York State Budget for new electronic voting machines. The Clerk's office sent a letter to the NYS Association of Towns President James Loeb, and Ruth Mazzei, Dist. 2 Director, NYS Association of Town Clerks/Town Clerk, Town of Southeast regarding Verification/Validation of Voter Registration. Mrs. Massei brought the letter to the Town Association meeting and later to her Town Board meeting, where it was read and they have unanimously backed the Town Board of the Town of Rye with there sanctioning of this. With all the changes in the voting procedure, with the "Help American Voters Act of 2002", they believe this is the proper time to do something and hopefully it will chain react throughout the state.

The following "Record Minute" was presented:

Taking into consideration Playland Park, Rye, New York is celebrating the 75th anniversary of its opening, we bring a petition filed in the Office of the Town Clerk July 17, 1902 against Merry-go-round Rye Beach.

Gentlemen:

Whereas the undersigned are property owners and residents of Oakland Beach, Lounsbery Park, and Rye Beach and land adjacent thereto, and whereas there have recently been established certain amusements resorts known as merry-go-rounds, in Rye Beach Park and at Beck's Hotel, which merry-go-rounds are in operation every day in the week including Sunday and far into the night (some times as late as 2 o'clock in the morning); and

Whereas the noise and turmoil produced by the music of the said merry-go-rounds and the crowds thereby attracted disturb the sleep of the residents in the vicinity of said merry-go-rounds and are positively detrimental to their health and comfort and constitute an unbearable and unhealthful nuisance;

Therefore we, the undersigned, respectfully petition your honorable body to abolish the nuisance created by the said merry-go-rounds and more especially do we respectfully request your honorable body to take such steps as may be necessary to compel the owners of said merry-go-rounds to close their respective places of amusement on Sunday and after 8 o'clock in the evening on other days, and to greatly reduce the loud shrieking tones of the organs at such times as they are run; and we further beseech your honorable body to take the necessary action in the premises without delay.

Most respectfully submitted.

Signed by 33 residents

Reply received dated August 6th 1902 on letterhead from the Manhattan Biscuit Co.

Gentlemen:

I find that some unexpected business coming up that I will be unable to attend a meeting of your Town Board tomorrow, and as such is the case, beg to advise you that a committee of the Petitioners called upon Mr. Rushmeyer, who is running Mr. Beck's merry-go-round, and after going over matters with him received his promise that he would abate the nuisance as much as he possibly could without injury to his business as follows: He would muffle the tunes during the day time and stop all music every night at 10 o'clock. If this is done, and he will promise your honorable Board to do this, the Petitioners have no wish to have this declared a nuisance and abolished entirely as we believe Mr. Rushmeyer willing to do whatever he can in his power. If not, we would respectfully request you Board to secure his promise to do this with the understanding that should he not keep his promise, the Petitioners will immediately ask your Board to declare it a nuisance and stop it completely.

Thanking you for your courtesy in this matter, I remain,

Very Truly yours,
Signed F. W. Brooker

* * * * *

May 20, 2003

Supervisor Morabito reported that Sam Chernin and John Ambrose, of Seaside Johnny's, at Rye Town Park have completed the historic restoration for the first pavilion, all cost were born by John and Sam, with no cost to the taxpayers. The total cost to date is between \$350,000.00 and \$400,000.00 per pavilion. The second pavilion is scheduled to start November, 2003.

The first opening of the soccer field was Sunday at Crawford Park, and Supervisor Morabito stated the parents were wonderful, the kids were great, they were quite and cleaned up after the games, the parking was done orderly, and in checking with Raymond, the Rye Brook Police and the Village of Rye Brook Administrator there were no complaints lodged by neighbors.

Supervisor Morabito reported the Otter Creek Bridge should be completed within the next 30 days, we are waiting to file a permit, which was granted May 20, 2003, by the Health Department for the sewer lines, work will begin by the end of this week.

Rye Town Dock is under construction, restoring it back to the 1880's grandeur, all being done by the Shenorock Beach Club with no cost to the taxpayers.

The Supervisor reported the Segmentation Tax Rate Hearing is scheduled for June 10, 2003 and Mr. Tullis feels confident the Town will prevail.

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Councilman Borrelli wanted to publicly thank Fran Nugent and her staff for her "Stick-to-it" on this voter registration verification. He also announced "Our own Nick Mecca is being honored on Monday, June 9, 2003, at Wellingtons Restaurant by the New York State District Kiwanis as Past Lieutenant Governor."

* * * * *

Mrs. Solomon stated she felt a report should be given on Rye Town Park. Supervisor Morabito said "Weekly Reports are done for the Board and a Monthly Report that goes out with the meeting". Mrs. Solomon continued regarding the Civil War Monument in Monument Park asking her letter be made a part of the record: Port Chester Historical Society, P. O. Box 1511, Port Chester, New York, 10573. **PLEASE, WE NEED YOUR HELP!!** The Civil War Monument in Monument Park represents the United States, the abolishment of slavery, and the over 400,000 dead in the most costly war **IN THE COUNTRY. THE MONUMENT HAS BEEN DESECRATED!!** We need to replace the bronze eagle and the saber in the Northern General's hand. **PLEASE HELP!!** Built by the townspeople of Rye Town. We ask that **all levels of government** help us with the cost of the repairs, which is projected to be **approximately** \$25,000 to preserve history. **PLEASE HELP!! MAKE YOUR CHECK PAYABLE TO: "RESTORATION OF CIVIL WAR MONUMENT, P.C.,N.Y."** Checks can be brought to or mailed, and will be deposited at Hudson Valley Bank, 500 Westchester Avenue, Port Chester, New York 10573. **AMERICAN HISTORY MUST BE PRESERVED!!** Thank you. **Yours in History!! Yours to Preserve History!!** Goldie Solomon, President PLEASE NOTE: VETERANS' DAY CEREMONY PLANNED IS HOPE OF COMPLETION.

Goldie distributed this letter to various legislators, Chamber of Commerce, and the media.

Councilman Borrelli asked if anyone has checked into seeing if this is covered by insurance. If it was vandalism it may be covered by insurance. Richard Abel stated the police report does not say it is vandalism.

May 20, 2003

Mr. Bernard Abel questioned the employment practices at Rye Town Park, the Opening Prayer, and whether Board Members had gun permits upon which a discussion ensued.

There being no further business on motion of Councilman Borrelli, seconded by Councilman Lagana, the meeting adjourned at 8:50 P.M.

Respectfully submitted,

Linda A. Lyons
Deputy Town Clerk

MEETING HELD JUNE 17, 2003

A Meeting of the Town Board of the Town of Rye was held on Tuesday evening, June 17, 2003 at 8:03 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 Councilpersons Michele Mendicino Daly, Dominick Lagana, John P. Walter and Town Clerk Frances C. Nugent.

ABSENT: Councilman Michael J. Borrelli.

ALSO

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

DEPARTMENT HEADS

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

Deputy Town Clerk Linda A. Lyons led those present in the Pledge of Allegiance and Councilman Lagana read the Opening Prayer. The tape recorder was in use during the proceedings.

* * * * *

Action on the Minutes of the Meeting held on November 19, 2002 was tabled and on motion of Councilperson Mendicino Daly, seconded by Councilman Lagana and unanimously adopted, the Verbatim Transcripts of the Meeting held on March 19, 2003 as an addenda to the previously approved Minutes of said meeting and the Minutes of the meeting held on May 20, 2003 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 ending May 31, 2003:
Total amount remitted to the Supervisor.....\$ 1,409.71

CRAWFORD PARK – for the month ending May 31, 2003:
Total amount submitted.....\$ 7,930.00

* * * * *

The Clerk presented the following Resolution which on motion of Councilman Walter, seconded by Councilman Lagana, was adopted:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RYE CONFIRMING LEAD AGENCY STATUS AND ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE CONDEMNATION OF THE PROPERTY KNOWN AND DESIGNATED ON THE TAX ASSESSMENT MAP OF THE TOWN OF RYE AS SECTION 1, BLOCK 5, LOT 17B.

WHEREAS, the Town of Rye has commenced a proceeding pursuant to the New York Eminent Domain Procedure Law (“EDPL”) to acquire the property known as 120 North Ridge Street, also known and designated on the tax assessment map of the Town of Rye as Section 1, Block 5, Lot 17B (the “Property”), through the exercise of its power of eminent domain for the public purpose of making the Property part of Crawford Park (the “Acquisition”); and

WHEREAS, the Property consists of approximately 1.04 acres and is located adjacent to Crawford Park in the Town of Rye; and

WHEREAS, the Town Board has caused the preparation of an Environmental Assessment Form (EAF) dated April 15, 2003, and has carefully reviewed the information contained in the EAF;

WHEREAS, on April 15, 2003, the Town Board: (i) declared its intent to be Lead Agency for the review of the Acquisition under SEQRA; and (ii) authorized and directed the Town Clerk to circulate the EAF among all potentially involved agencies together with a request that such involved agencies agree to the designation of the Town Board as Lead Agency pursuant to 6 N.Y.C.R.R. Sections 617.6(b)(2) and (3); and

June 17, 2003

WHEREAS, no objection to the Town Board's declaration of intent to be lead agency was received during the required thirty (30) day waiting period;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board hereby declares itself Lead Agency in connection with all processing procedures, determinations and findings to be made or conducted with respect to the Acquisition under SEQRA.
2. After reviewing the EAF, and the criteria contained in 6 N.Y.C.R.R. Section 617.7(c), the Town Board hereby determines that the Acquisition of the Property by exercise of the Town's power of eminent domain will not result in any potential significant adverse environmental impacts.
3. Accordingly, for all of the reasons more fully set forth therein, the Town Board hereby adopts a negative declaration of environmental significance in the form attached hereto with respect to the Acquisition of the Property.

ROLL CALL:

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

NOES: None

ABSENT: Councilman Borrelli

The Supervisor gave a brief history of the matter noting the Public Hearing held in April, which was extended into May to hear public comments and the Public Hearing was subsequently closed, with the results that a resolution has been prepared for presentation.

The Clerk presented the following Resolution, which on motion of Councilman Lagana, seconded by Councilman Walter was adopted:

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RYE ADOPTING DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW:

Whereas, Crawford Park in the Town of Rye was created by bequest from the Crawford family; and

Whereas, at the time of the bequest a one (1) acre parcel fronting on North Ridge Street and known as 120 North Ridge Street and further identified as Section 1, Block 5, Lot 17B on the tax assessment map of the Town of Rye was reserved for heirs of the Crawfords; and

Whereas, said parcel has not been used by the Crawford heirs for several years; and

Whereas, the one-family residence on the property was damaged by fire several years ago, and has not been repaired or restored by the owner; and

Whereas, this is the last parcel of land from the original Crawford estate; and

Whereas, said parcel is surrounded on three sides by Crawford Park; and

Whereas, Crawford Park represents a unique recreational facility for all of the residents of the Town of Rye, which encompasses the Villages of Port Chester, Rye Brook and the Rye Neck portion of the Village of Mamaroneck; and

Whereas, the residents of the Town of Rye are in critical need of additional recreation facilities and land, open space and playing fields for a burgeoning population; and

Whereas, the subject parcel is unique because it is the last unoccupied parcel of property contiguous to Crawford Park; and

Whereas, the Town of Rye believes it is in the public interest to add this parcel to Crawford Park; and

Whereas, the Town Board of the Town of Rye, acting as lead agency under Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617 of the State Environmental Quality Review Act (SEQRA), has prepared an environmental assessment form with respect to the condemnation of the property; and

Whereas, the Town Board, after due deliberation, has determined that condemnation and use of the subject property as part of Crawford Park will not result in any significant environmental impact and has made a negative declaration of environmental impact with respect thereto; and

Whereas, the Town of Rye has duly advertised in the Journal News and The Westmore News of Westchester County the legal notice of a public hearing on April 15, 2003 at the Rye Town Hall regarding the proposed condemnation of the site for park purposes; and

Whereas, beginning on April 15, 2003 and continuing on May 6, 2003, the Town of Rye held such public hearing at Town Hall; and

Whereas, at such public hearing the issues required under Section 202 of the Eminent Domain Procedure Law were duly discussed; and

June 17, 2003

Whereas, the Town of Rye was unsuccessful in attempts to acquire the property by purchase.

NOW THEREFORE BE IT RESOLVED that the Town of Rye hereby adopts the following Determination and Findings pursuant to Article 2 of the Eminent Domain Procedure Law:

1. That the use of the condemnation power of the Town of Rye is appropriate and proper in order to achieve the public purpose of expansion of Crawford Park;
2. That the proposed use of the site as an addition to the Crawford Park is for a public purpose, in furtherance of the objectives of the General Municipal Law and Town Law;
3. That the proposed use of the site for park purposes is in furtherance of the general welfare of the residents of the Town, and will have a positive effect by increasing parkland, providing additional recreational facilities and enhancing open space;
4. That the site was selected because it was part of the original Crawford estate, and it is surrounded on three sides by Crawford Park, and is the last unoccupied parcel of land contiguous of Crawford Park;
5. That the use of the subject property as part of Crawford Park will not have a significant environmental impact on the property or the surrounding area;
6. That the Town Clerk is authorized and directed to publish notice of the foregoing determination and findings;
7. That the Town Board hereby authorizes and directs its counsel to take whatever steps are necessary for acquisition of the subject property by condemnation in accordance with the Eminent Domain Procedure Law; and
8. That a copy of the determination and findings shall be made available to any person who requests in writing a copy of same.

ROLL CALL:

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

NOES: None

ABSENT: Councilman Borrelli

* * * * *

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

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF RYE CONFIRMING LEAD AGENCY STATUS AND ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE CONSTRUCTION OF A SOCCER FIELD AT CRAWFORD PARK, ALSO KNOWN ON THE TAX ASSESSMENT MAP OF THE TOWN OF RYE AS SECTION 1, BLOCK 5, LOT 17.

WHEREAS, the Town of Rye (the "Town") wishes to construct a new soccer field (the "Project") on the property commonly known as Crawford Park, also known and designated on the tax assessment map of the Town as Section 1, Block 5, Lot(s) 17 (the "Site"); and

WHEREAS, a portion of the costs of construction of the Project may be funded by a grant from the County of Westchester, making the County of Westchester an "involved agency" under the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"); and

WHEREAS, under SEQRA, the actions directly and indirectly proposed by the Project are classified as "Unlisted"; and

WHEREAS, the Town has prepared a short Environmental Assessment Form ("EAF") dated April 9, 2003; and

WHEREAS, at its regularly scheduled meeting on April 15, 2003, the Town Board reviewed the EAF for the Project; and

WHEREAS, on April 15, 2003, the Town Board: (i) declared its intent to be Lead Agency for the review of the Project under SEQRA; and (ii) authorized and directed the Town Clerk to circulate the EAF among all potentially involved agencies together with a request that such involved agencies agree to the designation of the Town Board as Lead Agency pursuant to 6 N.Y.C.R.R. Sections 617.6(b)(2) and (3); and

WHEREAS, no objection to the Town Board's declaration of intent to be lead agency was received during the required thirty (30) day waiting period;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board hereby declares itself Lead Agency in connection with all processing procedures, determinations and findings to be made or conducted with respect to the Project under SEQRA.
2. After reviewing the EAF, and the criteria contained in N.Y.C.R.R. Section 617.7©, the Town Board hereby determines that the Project will not result in any potential significant adverse environmental impacts.
3. Accordingly, for all of the reasons more fully set forth therein, the Town Board hereby adopts a negative declaration of environmental significance in the form attached hereto with respect to the construction of the Project on the Property.

ROLL CALL:

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

NOES: None.

ABSENT: Councilman Borrelli.

* * * * *

The Clerk presented the following letter dated June 6, 2003, addressed to her from District Clerk Barbara Farrington, Port Chester-Rye UFSD:

Dear Mrs. Nugent:

For record purposes and pursuant to Section 2121 of the Education Law of the State of New York, this is to inform you that on June 3, 2003, James E. Dreves, 5 Field Place, Port Chester, NY, and Peter J. Mutino, 31 Tower Hill Drive, Port Chester, NY 10573, were elected Trustees of the Port Chester-Rye Union Free School District for a three (3) year term, beginning July 1, 2003 through June 30, 2006.

The Supervisor noted that his office had sent congratulatory messages to the two successful candidates, on behalf of the Town Board.

* * * * *

Assessor Markowitz stated that continued efforts on behalf of the Town and School Districts will be made, citing assessment complaints and the employment of Valuation Consultants to assist the Town to ensure fair and equitable assessments and that the Town is protected, noting that after the passing of Mr. Glazer, McGrath's and Associates office was engaged to assist, listing those preparing to file complaints. He looked forward to using the services of "Don" and his large commercial staff.

He further reported that the "Town for the first time in its history, completed an Assessment Roll this past June, utilizing the Real Property Tax Service software, the state's software." He further noted that conversion was completed of the old Section, Block and Lot system to a new system which conforms to the state's standards, which has been out of compliance since the 70's and "now that we are in the new millennium, we're finally up to date." He further reported on conference calls with the state concerning utilities and reval.

The Supervisor noted that he is looking forward to a long relationship with McGrath Associates as they are well qualified throughout the County and specifically listed those firms filing complaints. He felt that being on-line with ORPS, would help in the Town's reval.

* * * * *

Gene Branca, Chairman, Committee on Public Safety, reported on the conference he attended and his meeting with Port Chester Chief of Police Joseph Krzeminski on readiness, etc.

* * * * *

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Custodian/Coordinator of Elections Nicholas C. Mecca reported on a letter from the Board of Elections, accompanied by a survey conducted on polling place accessibility on November 5, 2002 by the Westchester Disabled on the Move, Inc. and the Westchester Independent Living Center and received in the office of the Town Clerk on June 11, 2003, copies of which were presented to each Board members, as follows:

The survey was compiled after visiting 70 polling places throughout the County of Westchester and 67 were included in the report, 6 being located in the Town of Rye. It is stated that the findings are objectively based on New York State Buildings Code as well as ADA Accessibility Guidelines. They are categorized into four groups:

ACCESSIBLE:

Terrace Apartment-Port Chester

MINOR MODIFICATIONS:

Girl Scout House-Port Chester

1. Ramp requires handrails.
2. Door handles must be replaced with ones that allow opening doors with closed fist.
3. No Street Signage.

United Methodist Church-Port Chester

1. Reserved handicapped parking spaces must be designed and clearly marked adjacent to entrance.
2. Unlevel path of travel from parking lot.
3. Narrow interior doorway.

Masonic Temple-Port Chester

1. Reserved handicapped parking spaces must be designated and clearly marked adjacent to entrance.
2. Needs Improved Signage.
3. Door handles must be replaced with ones that allow opening doors with closed fist.

MAJOR ACCESSIBILITY MODIFICATIONS NEEDED

None on the report for the Town of Rye

ADMINISTRATIVE ACTION NEEDED:

Don Bosco Community Center-Port Chester

1. No directional signage to alternate entrance.
2. Door handles must be replaced with ones that allow opening doors with closed fist.

YMCA-Port Chester

1. No directional signage to alternate entrance.
2. Door handles must be replaced with ones that allow opening doors with closed fist.

The Board of Election has directed a review to see if full accessibility is obtainable or if alternate polling places must be found.

We request permission to address the polling place owners and offer that the Town will look into either what is necessary to correct the problems and possibly fund alterations or supply personnel to do the work.

The Town Board was in accord.

The following "Record Minute" was presented:

"At a Lawfull Town meeting held in Rye April the 2nd day 1703 the Town hath agreed to raise the assessment for this year insuing as followteh; all Christian meate parsons from 16 years old and upwards 12 pounds, All Lands and meadow improved 10 pee per acre, All Pasteur land cleared and fenced 6 pee per acre, All Woodland Pasteur with fencing 3 pee per acre, An ox 3 pounds, A cow 2 pounds, A 3 year old 2 pounds, A 2 year old 1 pound, 10 pee, A Horse 3 pounds, A Mare 2 pounds, Swine 6 pee, Sheep 3 pee; All sleues from 16 years old and upwards 12 pounds, All Mills 30 pounds", as enter into the Minute Book by Town Clerk Gilbert Bloomer.

* * * * *

The Supervisor reported on the meeting held with the Shenorock Club for the refurbishing of the

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Rye Town Dock through a grant and assets from the Shenorock Club to be completed by the end of the month, at no cost to the taxpayer.

He said he recently signed the Grant Agreements with the State of New York for Crawford Park to create walking trails as well as another baseball field for the residents of the Town, which landscaper Cohan will work with Mrs. Herman, President of the Friends of Crawford Park for this trail.

He reported on the Segmentation Tax litigation stating that the City of Rye is seeking to have \$600,000 passed onto the Rye Neck residents and taken away from the Rye City residents noting that at a meeting held on June 10th with ORPS where the Town's objections were registered and Mr. Tulis as well as the Assessor will attend the meeting on July 22nd and, he continued saying, "In the meantime, we will be supplying them with the appropriate information that should render the defense of the Rye Neck residents. We stand fast in our commitment." He said a resolution supporting the Town's stand from the Village of Mamaroneck is on file and noted that the Assessor and Attorney for the City of Rye stated for the record, "that the Town of Rye, once revaluation is completed, they will no longer be in a position to file a Segmentation rate challenge."

Commenting on Rye Brook Day, he said that all went well even though the weather was precarious and commended the staffs of the Town and Rye Brook for their efforts. He further noted that no trees fell, but in Rye Town Park, two trees were lost.

* * * * *

Goldie Solomon, 6 Puritan Drive, Port Chester again complained about the New York State Property Tax being out dated and should be challenged.

William Villanova, 124 No. Regent Street, Port Chester, questioned if the Town has anything in place for the condemned property or what the Town visions.

The Supervisor replied it is going to be park land and explained proposed uses.

Richard Abel, 19 Quintard Drive, Port Chester, also questioned the status of the property noting that if the house was taken down, would it be covered by the finances allotted and in that case, possibly a demolition permit might be needed from Rye Brook.

The Supervisor replied that bonding is in place, but the entire process must be completed. Attorney Tartaglia noted that if the Town was going to do something of an in a propitiatory function on that property, there would be concerns with the Village of Rye Brook.

Bernard Abel, 6 Edgewood Drive, Rye Brook, presented a cartoon to the Board and questioned legal fees; an Ethics Committee and the size of names inscribed on the Veterans Monument in Crawford Park.

The Supervisor replied that the Ethics Committee was formed during his predecessors' time and it has not been updated and as far as the monument is concerned, it was designed by the Veterans Central Committee, Dan Ahne, Commander, who, in answer to Mr. Abel, is a Town employee.

Ted Musho, 2 Wilton Road, Rye Hills, felt the real issue is the negative declaration on the SEQRA for the Soccer Field and again stating his and his neighbors' objections, noted they have recreated the Rye Hills Homeowners Association of which he is President and are hoping to Incorporate. The group is a collection of 110 people whose properties boarder Crawford Park and will fight this as they wanted to stop the development of the park as an athletic facility, believing it is wrong and

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“not in the spirit of the Will” and to all the SEQRA requirements stated. He also discussed run-offs, etc., not discussed with them as adjacent property owners, as promised and reminded the Board that these property owners will turn this into a legal action.

The Supervisor interrupted saying Mr. Musho and the Town had received from the Attorney General’s office a Declaration for which the park is intended to which he denied not having received which she said was a local issue, where upon the Supervisor then said he would forward him a copy.

Addressing the issues raised the Supervisor said “nothing has been done with Crawford other than simple fill and lining of the field so the children of Rye Brook and Port Chester can use it.”

Any future plans for Soccer will be discussed at meetings to be held every other month and notification will be sent for the July meeting. The Supervisor further stated he spoke on behalf of Mr. Musho at the Rye Brook meeting concerning his problem in Rye Hills Park, to which Mr. Musho said that he was going to take it up with the Village of Rye Brook as it was his issue.

Councilwoman Mendicino Daly asked if the people on the side of Lincoln Avenue, a part of the original Rye Hills Homeowners Association, were going to be asked to join in the re-creation and Mr. Musho replied that those property owners are most welcome.

Frank Pugliese, 6 Wilton Road, Rye Brook questioned clarification of the \$10,000 Grant for building a new baseball field, and the Supervisor noted the site of same and operating times, noting that those who use the fields must have a permit or they are asked to leave.

* * * * *

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

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD JULY 15, 2003

A Meeting of the Town Board of the Town of Rye was held on Tuesday evening, July 15, 2003, 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 Councilpersons 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 and Town Comptroller Joseph M. Granchelli.

DEPARTMENT

HEADS

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

Records Clerk Nicholas Mecca led those present in the Pledge of Allegiance and Councilman Borrelli read the opening Prayer. Due to a malfunction the tape recorder was not in use during the proceedings.

* * * * *

Approval of the Minutes of the meeting held on November 19, 2002 were again tabled, but on motion of Councilman Walter, seconded by Councilwoman Mendicino Daly and unanimously adopted, the Minutes of the Meeting held on June 17, 2003 were approved as presented.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of June, 2003:	
Total Amount submitted to Supervisor.....	\$ 1,279.71
CRAWFORD PARK for the month of June, 2003.....	\$ 4,930.00

* * * * *

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

WHEREAS, the usage of Crawford Park for recreational activities is a use for the benefit of the inhabitants of the Town, and

WHEREAS, the usage of the Park for these activities requires certain restrictions for the benefit of the residents of the Town and the users of the Park,

NOW THEREFORE, BE IT RESOLVED, that requests for recreational usage at the Park will only be allowed in the currently designated and controlled recreational areas, said areas designated by the Supervisor and Members of the Town Board, and be it further

RESOLVED, that all such usages be authorized by prior permission and Resolution of the Supervisor and Members of the Town Board.

ROLL CALL:

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

NOES: None.

July 15, 2003

The Supervisor explained the resolution noting that this was discussed previously at a meeting and in reply to questions concerning boundaries from Ted Musho, 2 Wilton Road, Rye Brook, and Jennifer Fissekis, 21 Argyle Road, Rye Brook, said that tentatively, the area would be from the new playground area to 40 feet from the end of the ball field. He further stated that the metes and bounds will be documented upon completion of the survey conducted by the J. A. Kirby Company.

* * * * *

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

RESOLVED, that Donald M. Mc Grath, MAI, CRE, ASA of Mc Grath & Co., Inc., Real Estate Appraisers & Counselors, 1069 Main Street, Fishkill, New York 12524, be and he hereby is designated as TOWN CERTIORARI AND ASSESSMENT REVIEW CONSULTANT of the Town of Rye, New York.

BE IT FURTHER RESOLVED, the expenditures of services for Mc Grath & Co. shall not exceed the amount budgeted for such professional assistance, as amended from time to time, and shall be approved by the Town Board.

ROLL CALL:

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

NOES: None.

The Supervisor again explained the resolution. He further noted that as presented, the Resolution showed the words, "approved by the Town Assessor" in the last paragraph, but was amended to read, "approved by the Town Board".

* * * * *

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

RESOLVED, that Supervisor Robert A. Morabito, be and he hereby is authorized to retain John E. Watkins, Jr., Attorney, 175 Main Street, White Plains, New York 10601, to render professional legal services concerning the condemnation of a parcel of land located on North Ridge Street (Parcel Adjoining Crawford Park) on the tax assessment map as Section 1, Block 5, Lot 17B, and

RESOLVED, that said John E. Watkins, Jr. will be compensated at \$250.00 per hour for his time and the time of his associate, in addition to out of pocket expense incurred in the performance of these services will be billed as incurred.

NOW, THEREFORE BE IT RESOLVED, payment shall be made by the Town upon submission of a statement showing the nature of the work, the number of hours spent, and the nature and amount of any disbursement for which reimbursement is sought, with the total fee not to exceed \$10,000.00.

ROLL CALL:

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

NOES: None

The Supervisor explained the resolution, citing his qualification and experience.

* * * * *

July 15, 2003

On motion of Councilperson Mendicino Daly, seconded by Councilman Walter, the Port Chester Recreation Department 's request of June 23, 2003 from Recreation Leader Heather Krakowski, addressed to Mr. Sculky, for "the use of the Park Pavilion, bathrooms, baseball field and playground from June 20th through August 8th from 4:00 p.m. – to 5:30 p.m. Monday through Friday (except July 4th) to run our extended day camp program for approximately 15 children and 3 – 4 adult staff members", was approved.

* * * * *

The Town Attorney asked the Board for an Executive Session, following this meeting, for the purpose of discussing litigation, which was approved.

* * * * *

The Superintendent of Highways reported on the repairs being made to the Otter Creek Bridge in Mamaroneck, noting that guard rails are being repaired and that a sidewalk has been placed thereon, with no interruption in service to the residents on the island.

* * * * *

On behalf of the Town Clerk, Election coordinator Mecca updated the polling places cited by the Westchester Disabled On The Move, Inc., and the Westchester Independent Living Center as not accessible for the handicapped and reporting the plans the Town Clerk's will be taking to correct same.

The Board requested that the total cost for the five Polling places cited in the November 5, 2002 survey, be obtained and presented at the next Board meeting.

The following "Record Minute" was read:

January 12th 1905 (letter received)

To the Hon. Town Board,
Town of Rye,
Gentlemen,

I respectfully request your Honorable Board to increase my pay from \$2.00 to \$3.00 per day to date from Jan. 1st, 1905.

Very truly yours
s/s Matthew B. Weir
Highway Commissioner

Reply follows not long after.

CERTIFICATION ABOLISHING THE OFFICE OF HIGHWAY COMMISSIONER.

STATE OF NEW YORK ()
COUNTY OF WESTCHESTER) SS:
TOWN OF RYE, ()

THIS IS TO CERTIFY, that the following resolution, abolishing the office of Highway Commissioner or Commissioners of the Town of Rye, was duly adopted by the Town Board of the Town of Rye, at a regular meeting thereof, held on the 13 day of July 1905; at which meeting the full Town Board, consisting of the Supervisor, Town Clerk and four Justices of the Peace was present, and all voted in favor of the resolution and none against the resolution.

" WHEREAS, Chapter 209 of the Laws of 1905, amending Section 15 of the Town Law, relating to Highway Commissioners, provides, in part, as follows:-

'In towns of less than two square miles in area, where five-sixths of the territory shall consist of an incorporated village or villages, the office of highway commissioner is hereby abolished, and in towns of more than two square miles in area and less than fourteen square miles in area, where two-thirds of the territory shall consist of an incorporated village or villages, the town boards shall have the power and authority, by a majority vote, at any regular meeting of such town boards, to abolish the office of highway commissioner or commissioners, and when so abolished shall file a certificate of such

abolition signed by the supervisor and town clerk of such towns in the offices of the town clerk and the clerk of the county in which such town is located'; and

WHEREAS, the Town of Rye is within the terms and provisions of said law, by reason that its area is more than two square miles and less than fourteen square miles; and that more than two-thirds of the Town of Rye consists of incorporated villages” IT IS THEREFORE

RESOLVED, that pursuant to the power and authority vested in the Town Board of the Town of Rye, by virtue of said Chapter 209 of the Laws of 1905, the office of Highway Commissioner or Commissioners of the Town of Rye, be, and the same is hereby, abolished, subject, however, to the provisions of said act.”

Edwin F. Studwell
Supervisor

A.W.W. Marshall
Town Clerk

* * * * *

The Supervisor reported on the following:

That the Rye Town Dock should be completed by the end of July, noting that this restoration is at no expense to the Town taxpayer due to being funded by the Shenorock Club and through Grants obtained;

That the first pavilion at Rye Town Park has been restored to its 1909 grandeur, through the courtesy of “Seaside Johnny’s” and work on the second pavilion will begin in October;

Asked the Clerk and Town Comptroller to make sure that additional funds are budgeted for Veterans Central Committee for expenses and grave sites;

That the City of Rye has been granted a 45 day postponement on the Segmentation Tax Hearing on the Town’s appeal to spare residents of the Rye Neck section of the Village of Mamaroneck an additional \$600,000 school tax levy;

That \$50,000 Grant had been received for the Trail Ways and \$50,000 Grant for Baseball fields in Crawford Park;

The Supervisor then introduced Chris Cohan, Landscape Architect, who updated the following:

That the Rye Historical Society has been asked to research its records between 1860-1960 for possible identification of those interred in the African American Cemetery and the Supervisor noted the improvements needed;

Presented Flag and mementos naming the Town of Rye “Tree City USA” for the year 2002, awarded by the National Arbor Day Foundation;

The Town is in receipt of funds from the NYS Power Authority for planting of trees along the pathways, which he described.

* * * * *

Councilman Borrelli asked if further information had been received from the Association of Towns concerning verification of voters and was answered in the negative.

Councilman Borrelli announced that a meeting of the committee to discuss Soccer in Crawford Park will be held on August 5th or 12th, to discuss this sport, but, to date, there are no future plans for soccer in Crawford Park.

* * * * *

July 15, 2003

Mr. Musho presented a Petition signed by 170 persons, 140 of which are members of the Rye Hills Home Owners Association, which read as follows:

“We the Undersigned believe Crawford Park is a passive and natural park and is beautiful in its present state. We believe any Town action to develop the park into an athletic facility will diminish the beauty of the park, invite additional traffic and parking onto our all ready congested streets, will introduce new safety and security concerns to the Park and our neighborhoods and will increase watershed and environmental issues that place our properties at risk. Some of these consequences are already evident as a result of the Temporary Field. As residents, voters and taxpayers of the Town of Rye, we call upon the Supervisor to stop his plans to develop Crawford Park as an Athletic Facility.”

Those speaking in favor of the Petition were: Jennifer Fissekis; Alessandra and Craig Moskowitz, 10 Bell Place; Michael Zelein, 7 Lee Lane; Kim Keeshan, 15 Maple Ct.; Louis Viscome, 14 Maple Ct.; Kay Schafer, 5 Bell Pl.; Eleanor Herman, 25 Lincoln Ave.; Steve Weimar, 3 Jennifer Lane; and one unknown, all of Rye Brook.

In reply to Richard Abel, 19 Quintard Drive, Port Chester, the Supervisor stated the difference between a Model and a Master Plan.

Bernard Abel, 6 Edgewood Drive, Rye Brook, thanked the Board for the grave sites and expenses on behalf of the Veterans and questioned the Shakespeare Festival, the modular home stored in Crawford Park and the Ethics Board and its procedures.

* * * * *

The meeting adjourned to Executive at 9:35 P. M.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD AUGUST 19, 2003

A Meeting of the Town Board of the Town of Rye, New York, was held on Tuesday evening, 8:00 PM, August 19, 2003 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 Councilpersons Dominick Lagana, John P. Walter and Town Clerk Frances C. Nugent.

ABSENT: Councilpersons Michele Mendicino Daly and Michael J. Borrelli.

ALSO

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

DEPARTMENT HEADS

ABSENT: Receiver of Taxes Hope B. Vespia and Town Assessor Mitchell Markowitz.

Deputy Town Clerk Linda A. Lyons led those present in the Pledge of Allegiance and Supervisor Morabito read the opening prayer. The tape recorder was in use during the proceedings.

* * * * *

On motion of Councilman Lagana, seconded by Councilman Walter and unanimously adopted, action on the minutes of the meeting held on November 19, 2002 was tabled and on motion Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the verbatim transcripts as an addendum to the minutes of the meeting held on May 6, 2003 and the Minutes of the meeting held on July 15, 2003 were approved as presented.

The following Departmental Report were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of June, 2003:	
Total amount submitted the Supervisor.....	\$ 1,666.88
RECEIVER OF TAXES HOPE B. VESPIA, for the month of February, 2003:	
Deposited to Supervisor, Town of Rye.....	\$4,567,699.35
Deposited to Treasurer, Village of Port Chester.....	55,810.57
Deposited to Treasurer, Village of Rye Brook.....	<u>2,046,534.28</u>
TOTAL.....	\$6,670,044.20
For the Month of March, 2003:	
Deposited to Supervisor, Town of Rye.....	\$1,261,265.40
Deposited to Treasurer, Village of Port Chester.....	17,312.72
Deposited to Treasurer, Village of Rye Brook.....	<u>568,182.27</u>
TOTAL.....	\$1,846,760.39
For the month of April, 2003:	
Deposited to Supervisor, Town of Rye.....	\$19,967,388.42
Deposited to Treasurer, Village of Port Chester.....	16,369.49
Deposited to Treasurer, Village of Rye Brook.....	<u>12,642.92</u>
TOTAL.....	\$19,996,400.83
For the month of May, 2003:	
Deposited to Supervisor, Town of Rye.....	\$ 6,411,271.31
Deposited to Treasurer, Village of Port Chester.....	10,935.88
Deposited to Treasurer, Village of Rye Brook.....	<u>10,785.29</u>
TOTAL.....	\$ 6,432,992.48
CRAWFORD PARK, for the month of July, 2003.....	\$ 7,300.00

* * * * *

August 19, 2003

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

WHEREAS, the designations of Councilman 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 Sandra Dunigan residing at 6 High Point Circle, Rye Brook, New York 10573, 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 Lagana, Walter and Supervisor Morabito

NOES: None

ABSENT: Councilpersons Mendicino Daly and Borrelli

* * * * *

Brian Niles, 70 Rockridge Drive, Rye Brook, New York updated the “Shakespeare Theatre in the Park” stating that it did not transpire this year due to the fact that certain actors and directors were set to do productions, but at the “eleventh hour” those promises were pulled, etc., and we decided to back out this year, but it will transpire in 2004, noting that the Globe Theatre, London, England, the theatre that actually produced his plays, has agreed to set a precedent and for the first time, to set up a summer theatre in the U. S. and chose for their first temporary home to be in Crawford Park. Citing a brief history of the Globe Theater, he said that this is very exciting news, noting that they could have gone anywhere receiving thousands of offers. He said that “our combined motive is to stimulate a healthy, theatrical exchange between Great Britain and the U. S.” further noting that the cordiality shown to the Globe representative by the Rye Town Government and Raymond Sculky went a long way to “cement a solid relationship with the Globe representative, who flew here for four days to explore the possibility of this theatrical adventure.” Basically, what they would like to see happen, he said, is a Globe Theatre Director and Actors to join hands with an American Directors and Actors to “form an international company to perform two Shakespearian productions, to be decided upon. Naming notable actors, Mr. Niles felt that along with these, Patrick Steward and Kevin Kline will perform their one man Shakespearian shows. He described the Globe Education Outreach Program which seminars will be conducted by students who have completed a year’s study with the Globe and open to the public. He further noted that these students, prior to arriving in the U. S. will be performing in Germany, and hopefully, will be doing that production in Crawford Park as an addition to the two scheduled performances. A large tent will house the theatre in Crawford, where seating arrangements and lighting will recreate the atmosphere of the Globe Theatre. In addition to himself, he name Israel Hicks and Barbara Marchand, well qualified in the Arts and Drama, who will be the people working together on this side of the Atlantic to make this dream come true. Concluding, he stated, “We are hoping that we will be establishing a tradition in an International Home for the Arts in our Town that will not just be for a limited time, over the summer, but year round--that’s our ultimate goal.”

The Supervisor, in reply to a question from the audience concerning costs, stated the costs of expenditure from the Town was not anticipated as it should sustain itself. He also felt that some sort of a committee of Town Board members should be set up for the ongoing process. He thanked Mr. Niles for his report.

* * * * *

The Clerk presented a request dated August 20, 2003 addressed to the Supervisor from Robert Bertalocci, Superintendent of Parks and Recreation, Village of Rye Brook, requesting the use of the Crawford Mansion on the occasion of its Mile Race and 1 Mile fun run/walk to be held on Sunday, October 12, 2003 between the hours of 7:30A.M until 12 Noon.

On motion of Councilman Lagana, seconded by Councilman Walter, the request was granted

ROLL CALL:

AYES: Councilpersons Lagana, Walter and Supervisor Morabito.

NOES: None.

ABSENT: Councilpersons Mendino Daly and Borrelli

August 19, 2003

In response to a letter received from Historian Goldie Solomon dated July 15, 2003, concerning funding for the restoration of the vandalized Civil War Monument located on Pearl Street in Port Chester, the Supervisor stated that since no funds have been allotted for this purpose in the 2003 Budget, the request will be considered for possible inclusion in the 2004 at budget time. If, he continued, she has made formal requests which she uses for Port Chester and Rye Brook on a specific dollar amount, this will be discussed at that time.

* * * * *

The Supervisor noted that in a FAX transmittal dated August 4, 2003 to the Mayors and Supervisors from County Executive Spano, as follows:

“Governor Pataki has signed the attached legislation into law as Chapter 142 of the laws of 2003. The legislation allows municipal governments in Westchester County to provide a property tax exemption to volunteer firefighters and ambulance workers at local option. It is designed to give local governments a means to attract and retain quality emergency personnel.

Passage of a Local Law, ordinance or resolution is required before exemption can be offered. I plan to submit legislation to the Board of Legislators shortly to allow the County to offer this property tax exemption. If your Board or council chooses to offer this exemption, it must also pass a local law.

Please contact Karen Pasquale in my Government Relations Office at 995-2924 if you have any questions regarding to this legislation.”

The Supervisor noted that he would like the next meeting scheduled for September 16, be rescheduled for September 23, 2003, at which time this proposed Local Law could be considered.

On motion of Councilman Walter, seconded by Councilman Lagana, the meeting dated was rescheduled from September 16, 2003 to September 23, 2003.

ROLL CALL:

AYES: Councilpersons Lagana, Walter and Supervisor Morabito.
 NOES: None.
 ABSENT: Councilpersons Mendicino Daly and Borrelli.

On motion of Councilman Walter, seconded by Councilman Lagana, the date for Public Hearing on proposed LOCAL LAW NO. 2 FOR THE YEAR 2003 was set, starting at 7:30 P. M.

ROLL CALL:

AYES: Councilpersons Lagana, Walter and Supervisor Morabito.
 NOES: None.
 ABSENT: Councilpersons Mendicino Daly and Borrelli.

The Supervisor asked the Clerk to contact the Village Mayors to see what their thoughts are on this proposal.

* * * * *

In the absence of the Assessor, the Supervisor gave a brief synopsis of the meeting with ORPS, held in Albany, at which he felt a significant victory with regards to the equalization rate on the Segmentation challenge was realized. The City of Rye again requested the State of New York segment an issue regarding a tax levy on Rye Neck residents as compared to Rye City residents. At the Hearing, over 600 letters and/or petition signatures were presented to the Board to rule against the final outcome of shifting over \$620,000 tax burden, presenting the Town's case legally and morally. With the backing of the Village of Mamaroneck Board's formal resolution, resulted in significantly less taxes that Rye Neck school taxpayers had to pay, a savings of over \$472,000. Regarding litigation pending from last year, he said, the City of Rye has again requested a postponement for the fourth time and we would like

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to try this case in order to get some money back for the taxpayers.

* * * * *

The Town Attorney noted that with regard to the FOIL requests presented, dated 7/22/03 from Mr. Abel, submitted the following:

“Responding to the above FOIL request, ‘The price list for renting at Crawford Park and Oakland Beach’ may be disclosed. However, ‘The names & amts. paid by those renting for the past year’ may not be disclosed for the following reasons: Under 87 (b) Freedom of Information Law, it provides in part that the Town ‘may deny access to records or portions thereof that’.. (b) if disclosed would constitute an unwarranted invasion of personal privacy...’

In the case of Matter of Dobranski vs. Houper, 154A.D.2d 736, 546 N. Y. S.2d180, the Court said: ‘what construes an unwarranted invasion of personal privacy is measured by what would be offensive and objectionable to a reasonable [person] of ordinary sensibilities* * *, This determination requiring balancing the competing interests of public access and individual privacy.’(cited in Empire Realty Corp. v. NY Div. of Lottery, 230 A.D.2d 270, 657N.Y.S.2d 504). Further, as the Court of Appeals stated in Federation of N.Y. State Rifle & Pistol Club v. New York City Police Dept., 73 N.Y.2d 92, 97,538 N.Y.S.2d 226, ‘no governmental purpose is served by public disclosure of certain personal information about private citizens* *.’ Here, disclosing the personal information would constitute and unwarranted invasion of personal privacy.

However, the amounts paid by those are submitted monthly to the Town Board, and these amounts are subject to disclosure.”

The Town Attorney stated, “that is the position of the Town Attorney.” He further noted that there was an appeal letter apparently filed, which requires a ruling from the Town Board.

The Supervisor called for a motion to deny the Appeal and Mr. Abel who was present asked, since he requested the FOIL and wrote the Appeals letter, could he comment before a vote was taken on it. The Supervisor replied that the Appeal is only subject to the Board’s review and vote and if he wished to comment, asked him to refrain until comments from the public are observed.

The Supervisor again called for a vote and on motion of Councilperson Lagana, seconded by Councilperson Walter, the decision of the Town Attorney was upheld and access was denied.

ROLL CALL:

AYES: Councilpersons Lagana, Walter and Supervisor Morabito.

NOES: NONE.

ABSENT: Councilpersons Mendicino Daly and Borrelli.

* * * * *

Superintendent of Highways Vincent Sapione reported that he had visited the job site at Otter Creek and the Bridge is proceeding as scheduled and new amenities are in place, citing the sidewalk and a two lane highway and in reply to the Supervisor, noted that all utilities are in operation. Guard rails have not yet been installed he said, and final surface has to be completed.

* * * * *

The Supervisor stated he had a resolution which was not on the Agenda.

ROLL CALL on no objections: None.

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REQUEST FOR DESIGNATION OF THE TOWN OF RYE AS A GREENWAY COMMUNITY.

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

WHEREAS, the Hudson River Valley Greenway Act, (hereinafter, the “Greenway Act”) Chapter 748 of the Laws of 1991, has as a legislative goal the establishment of the Greenway Compact, a process for voluntary regional cooperation and decision-making among the communities of the Hudson River Valley, and

WHEREAS, the process and programs that will comprise the Compact are under development, and

WHEREAS, communities may participate in the initiation and implementation of the compact process, and

WHEREAS, the Town of Rye is situated in the Greenway area as it was officially designated in the Greenway Act, and

WHEREAS, the Greenway Act permits the Hudson River Valley Greenway Communities Council (hereinafter the “Council”), and the Greenway Conservancy for the Hudson River Valley, Inc. (hereinafter the “Conservancy”) to assist communities in developing local planning and projects related to the five criteria contained in the Greenway Act; natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

WHEREAS, communities can become eligible to receive technical and financial assistance from the Greenway, and

WHEREAS, community participation in the Greenway planning process is voluntary, and

WHEREAS, the Greenway Act does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts,

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Rye supports the criteria contained in the Greenway Act and the process by which the Compact will be achieved, and the Town Board of the Town of Rye endorses the designation of the Town of Rye by the Greenway Council and Conservancy as a *Greenway Community*.

ROLL CALL:

AYES: Councilmen Walter, Lagana and Supervisor Morabito

NOES: None

ABSENT: Councilpersons Mendicino Daly and Borrelli

The Supervisor asked the Clerk to forward copies of the Resolution to Mayor Logan, Mayor Filipowski and Landscape Architect Chris Cohan.

* * * * *

Nicholas Mecca, Election Coordinator, updated the Board on a previous report stating that as per Tom O’Neill of the Port Chester Girl Scouts, necessary repairs will be made to the ramp, railings and door unlocked to make the building disabled accessible by Election Day; that Sy Gitlin, President of the Masonic Guild of Port Chester has written that they are in the process of changing the door handles and outlining parking spaces on the blacktop to designate disabled parking spaces and have addressed the Mayor and Trustees of the Village of Port Chester that permanent disabled parking spaces be designated on the streets at Parkway Drive, Lyons Park at Girl Scout House area and on King Street, adjacent to the disabled alternate entrance dedicated for said disabled, in order to permit disabled voters to enter Summerfield Methodist Church. He further said that the Public Works Dept. has been alerted to the fact

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that the pathway to the Girl Scout House will have to be repaired/replaced to enable Disabled voters, particularly those in wheelchairs, to be voter accessible.

On motion of Councilman Lagana, seconded by Councilman Walter, expenses incurred for the necessary disabled signs will be paid for out of the Election Budget to be installed by Town Staff, after request is granted to so install.

ROLL CALL:

AYES: Councilpersons Lagana, Walter and Supervisor Morabito.

NOES: None.

ABSENT: Councilpersons Mendicino Daly and Borrelli.

Mr. Mecca also briefed the Board on Consolidation of Polling Places, wherein those located in multiple Election District would become single.

He presented the following "Record Minute":

"At a meeting held by the inhabitation of Peningo Neck in Rye February the 21st 1703, Issac Donham and Jonathan Fowls and George Lane sen is Chosen Sheep masters for this year insuing that is to say to agree with a sheppard and take care of the flock to let them out if any presents hier them and to taak care of the rams and to teak care for yards for the flock when they are not let out." (The best we can determine is the area call Poningo by the Indians is now the area around Midland Avenue, which runs through the City of Rye and the Village of Port Chester.)

* * * * *

The Supervisor reported on the following:

1. Citing the Grant the Town received for Trailways, he said the Town did a temporary, 5' x 30' path behind the stockade fence for everyone to view to see if the composite made up of specific topping that Pepsi-Co and others as to whether or not this is the way to go.
2. A formal presentation was made by Lisa Easton, Historic Architect the structure at Rye Town Park Administration Building which culminated a 9 month "full blown study". representing one of the larger firms in New York, covering architectural, historic and engineering standpoints. He noted that this building has been officially land marked and in the National Archives and a grant request has been applied for further study on the building, etc. He also noted that renderings will be available for Commission members, but was not aware of the accessible to the public, which he will discuss with the Town Attorney. He further discussed the pavilions, noting that work on the second restoration will begin soon, noting that they are being financed by Seaside Johnny's, at no cost to the taxpayer.
3. Citing that the African American cemetery is officially land marked and plans will be forthcoming to see the requirements to bring this area back to "its original grandeur", and that grant money can be applied for.
4. Regarding the FAX letter from the Westchester Municipal Officials Association, regarding the funds received by Governor Pataki and the distribution of same, asked that the following resolution be adopted and he would send an accompanying letter, as requested by said Association.

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

RESOLVED, that the Honorable George E. Pataki, Governor of the State of New York, release the assets to local governments to obviously help them with property taxes.

ROLL CALL:

AYES: Councilmen Lagana, Walter and Supervisor Morabito.

NOES: None.

ABSENT: Councilpersons Mendicino Daly and Borrelli.

Councilman Lagana noted that he had paid a visit to the Rye Town Dock and could not believe the number of people using this improved facility, for which he thanked the Shenorock Club for their efforts, commenting that when the lights and fountain are installed, "it was going to look great." In reply to his statement made, the Supervisor noted that enlargement would have had to go through the EPA.

The Supervisor concurred noting the people using same further noting that in addition to the fountain installed by the NY-American Water Company, low lighting will be installed, making this "jetty" a place for people to be able to fish off of.

Councilman Lagana stated that he was very happy with the decision from ORPS in the Segmentation Tax Case and that the Supervisor went to Albany to fight for the citizens of Rye Neck noting that it was over a 50% reduction that the City of Rye tried to impose, and although "things did not smell right", he congratulated the Supervisor.

The Supervisor noted that it was "kind of a done deal, but we presented a strong enough fight and signatures and threatening further legal action, they acquiesced and it was like a settlement among the Board members who were arguing with themselves". Noting that the rules were changed and "an additional review encompassing value of property in the Town of Rye and value of property in the City of Rye and to use an equalized formula like the State of New York does which the Town of Rye, hopefully within a year, be off of all equalized systems", citing the proposed reval.

^* * * * *

Bernard Abel, 6 Edgewood Drive, Rye Brook, thanked the Village of Port Chester and Police Department for needed police protection; stated his reasons for the names of public officials on the Korean Veterans Monument in Crawford Park reading his letter in its entirety; returned an award given him by the Supervisor; unanswered Ethics Committee appointment letter; cited his letter re: the Opening Prayer; Renting of Crawford Park.

The Town Attorney stated that with regard to the Opening Prayer, cited U. S. coins, bearing "In God we trust" and noted that the US Supreme Court has not yet passed on this issue, and the Supervisor, noting that it was a formal request from the Town of Rye to have police protection for which he thanked Chief Krzeminski for those two present this evening.

With regard to the Monument in Crawford Park, the Supervisor gave a brief history of this monument, getting all approvals, grants, etc. names of which the Veterans wanted and until such time as the Veterans want this taken down, "I will not desecrate the monument that they put up."

Richard Abel, 19 Puritan Drive, Port Chester, noted that Mr. Ahne, as the head of the Veterans, was also employed by the Town as well as his grandson, citing salaries, to which the Supervisor denied knowledge of the salaried amount.

Patricia Rinello, 46 Woodland Drive, Rye Brook, questioned the Board as to televising Board meetings, noting that the responsibilities of Rye Town Government leaves a lot of the public uninformed and to look into the possibility citing types of governmental functions to which the Supervisor replied that her comments were well taken, noting that the number of times the action of Rye Town Government has been televised.

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William Villanova, 124 North Regent Street, Port Chester, questioned the status of the Otter Creek repair and what percentage has been completed; the current law suit; how many bridges has Lazz Company worked on; did the Rye Town Board and Supt. of Highways consider alternatives, such as PCI construction of the bridge; will the new bridge have a guarantee and for how long; was the Army Corps of Engineers, etc., contacted? Does the Supervisor and members of the Town Board agree that Article 18 of the General Municipal law applies to producing the no bid contract not being ethical and the Segmentation Tax will be the obligation of Rye Neck taxpayers.

The Supervisor replied noting that the Town is still in litigation with the Village of Mamaroneck, etal and that the project is about 90% completed which should be reached between September 1st and September 15th. He further noted that it was under contract with an Engineering firm out of Manhattan for emergency repair and sent the plans to the State for which the Town received approval of; the contract will show the guarantee period; all agencies were notified; the contract was awarded under the emergency status and concurred with Town Attorney Mann that the contractor can hire whatever insurance firm they wished and it was their call, not the Town's. He also stated that this issue came up after the contract was awarded; and noted the fact that the levy in the Segmentation Tax was reduced by \$472,000 leaving about \$130,000 which the people of Rye Neck supported as well as the support of the Village of Mamaroneck as evidence by its formal resolution.

In reply to Mrs. Rinello concerning the effort put in the first Segmentation Tax, the Supervisor said that ORPS changed the rules after the tax bills were sent out as required by law, necessitating another tax bill. He further noted that this is being appealed after ORPS again changed the rules and this is being appealed. He felt that this stands a good chance of being successful.

Mr. Bernard Abel attempted to again address the Board, but he was told that his three minutes were up.

* * * * *

There being no further business, the meeting adjourned at 9:45 P. M. on motion of Councilperson Walter, seconded by Councilperson Lagana and adopted.

ROLL CALL:

AYES: Councilpersons Lagana, Walter and Supervisor Morabito.

NOES: None

ABSENT: Councilpersons Mendicino Daly and Borrelli.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD SEPTEMBER 23, 2003

A meeting of the Town Board of the Town of Rye, New York, was held on Tuesday evening, September 23, 2003 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 Councilpersons Michele Mendicino Daly, Domenick Lagana, John P. Walter, Michael J. Borrelli and Town Clerk Frances C. Nugent.

ABSENT: None

ALSO

PRESENT: Superintendent of Highways Vincent A. Sapione, Town 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 and Representatives of the Town Court.

Goldie Solomon led those present in the Pledge of Allegiance and Councilperson Borrelli read the Opening Prayer.

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On motion of Councilperson Lagana, seconded by Councilperson Walter and unanimously adopted, action on the Minutes of the Meeting held on November 19, 2002 were again tabled and on motion of Councilperson Borrelli, seconded by Councilperson Mendicino Daly and unanimously adopted, the Minutes of the Meeting held on August 19, 2003, were approved as presented.

* * * * *

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT for the month of August, 2003:	
Total submitted to Supervisor.....	\$ 2,055.06
 CRAWFORD PARK, for the month of August, 2003:	
Total submitted.....	\$ 5,125.00

* * * * *

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

RESOLVED, that BETH HOFSTETTER, 921 Shore Acres Drive, Mamaroneck, New York, be and she hereby is re-appointed a member of the Town of Rye Board of Assessment Review for a five (5) year term, effective October 1, 2003 and expiring September 30, 2008, subject to approval of the State Board of Equalization and Assessment and the satisfactory completion of any training requirements, at an annual compensation of \$1,250.00 and be it further

RESOLVED, that the Town Clerk shall cause the said BETH HOFSTETTER to take and file the necessary Oath of Office forthwith.

ROLL CALL:

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

NOES: None.

* * * * *

September 23, 2003

The Clerk presented a letter from Snyder & Snyder, LLP, addressed to the Supervisor and Members of the Town Board, dated September 2, 2003 re: Omnipoint Communications, Inc., Wireless Telecommunications, Crawford Park.

The Supervisor dispensed with the reading of the letter, which is on file in the Town Clerk's office, and outlined the request for a facility, noting that previous requests have not been considered, as according to the Town Attorney, they are in violation of the Deed for Crawford Park.

The Town Attorney advised that the use of the park is solely for public recreation and this has nothing to do with recreation.

The Supervisor, noting that he would contact the Chair of the Port Chester Schools Study Committee for background, etc; and directed the Clerk to advise that, "At this point, based on the constraints of the Will, the Board has no desire in pursuing this issue."

* * * * *

The Clerk presented a letter from Toni Ganim, Chairman of the Columbus Day Celebration Committee dated September 2, 2003, appealing for funding and announcing the forthcoming 97th consecutive Parade on October 12, 2003, rain date of October 19, 2003.

The Supervisor asked that the budgeted amount be forwarded as requested and noted that this year, Nick Mecca, a member of the Town's Staff, will have the honor of serving as Grand Marshal of the Parade.

* * * * *

The Clerk presented a letter from the County of Westchester, dated August 27, 2003 and addressed to the Supervisor, which the Town Attorney summarized saying that the County is going to proceed with a water improvement project and want the cooperation of the Town, having submitted a Draft Letter of Intent, which, he felt, the Town should favorably consider.

On motion of Councilperson Lagana, seconded by Councilperson Walter and unanimously adopted, the Supervisor was authorized to sign the affirmation included in the Cooperating MS4 Letter of Intent.

* * * * *

The Clerk stated she had a letter which was not on the Agenda.

ROLL CALL: On no objections. There were none.

The Clerk presented a letter from James Spano, Athletic Director, Blind Brook/Middle School, dated September 17, 2003 and addressed to the supervisor requesting permission for the use of the Soccer Field at Crawford Park for Middle School games.

On motion of Councilperson Borrelli, seconded by Councilperson Lagana and unanimously adopted, approval was granted for the use of the Soccer Field for Middle School play on September 25th, October 10th, October 14th and October 16th, 2003.

According to Mr. Sculky, there was a conflict for the date of October 1st, 2003, also requested.

* * * * *

Assessor Markowitz reported on the RPS system in his office, noting that the Assessment Roll generated on September 15th for schools is available for public review, and will eventually generate the County and Town tax roll, showing approximately 3,000 exemptions and individual files were created. He stated that the Board of Assessment Review has completed all its work and noted that the RPS system is "more accurate and better suited to the activities of the Assessment Office", citing "it handles exemptions

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and renewals of exemptions much better than the prior system ever did.” In reply to the Supervisor, he further stated that any changes in valuation will be automatically calculated in the system.

* * * * *

The Town Attorney stated that the State Legislature passed legislation giving volunteer firefighters and volunteer ambulance service persons partial real estate tax exemptions in which there is conflicting language in portions of said legislation concerning the number of paid personnel in each company and after contacting Village of Port Chester authorities, it was determined that there are “seven, independent, separately organized fire corporations, that being so, none of them have five or more professional firefighters”, he suggested that this be set down for Public Hearing on the required proposed Local Law. He did note that in speaking with Village Attorney Cerretta, if the Town adopts, he would recommend passage to the Village of Port Chester, and he would look into the make up of professional personnel in the ambulance services.

The Supervisor read the accompanying letter from the County of Westchester, dated August 4, 2003, which is on file in the Clerk’s office.

On motion of Councilperson Walter, seconded by Councilperson Mendicino Daly and unanimously adopted, Public Hearing on proposed LOCAL LAW No. 2 for the year 2003, entitled AN ACT to provide a real property tax exemption to volunteer firefighters and volunteer ambulance service members, was set for Tuesday, October 21, 2003 at 7:30 P. M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York.

The Supervisor asked the Clerk to request from the Mayors of the Villages within the Town for their interpretation and input.

* * * * *

Noting that voting machines are still impounded and all entrances to the Town Garage have been sealed with taped by the Rye Brook Police Department, the request of Carmen Macchia, principal of the Middle School, for the use of three voting machines for student voting, cannot yet be honored, but asked that necessary permission be granted for said use, when the machines are available.

On motion of Councilperson Walter, seconded by Councilperson Mendicino Daly and unanimously adopted, the request was granted.

* * * * *

Nick Mecca, Election Coordinator, reported that all election procedures are proceeding in good order, citing changes made as per Disabled Instructions authorized by the Board of Elections, noting that they are awaiting approvals from the Village of Port Chester, after which the Board of Elections will be advised that all is in compliance in the Town of Rye.

● * * * * *

Councilperson Mendicino Daly commented that the Public should be made aware of the African Cemetery, to which the supervisor replied that it was part of his report.

Councilperson Borrelli again asked if any officials had responded in connection with his thoughts on verification of voters to which he was responded negatively, but Mr. Mecca felt that as per the terms of the Help Americans Vote Act requires that there be in place by January 1st an identifying number for every voter in this country, will start investigation into this.

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The Supervisor noted that the NYS Recreation and Historic Preservation has officially landmarked the African Cemetery, enabling the Town to apply for grant funding for necessary improvements; that the Town is in receipt of the first payment towards the Duck Pond Restoration Project, which, working together with the Friends of Rye Town Park, the Town has obtained a \$480,000 Grant from the Clean Water Act and thanking the Friends for funds solicited; that he had the opportunity to visit the Blind Brook High School's Football team, playing at the Port Chester Senior High School Field, and congratulating Blind Brook; the possibility of starting a championship between Blind Brook and Rye Neck High Schools with the Town Board purchasing a trophy for this event; and the meeting to be held to discuss this.

In reply to Councilperson Borrelli, the Supervisor further noted that the drinking fountain which has been installed at Rye Town Dock as well as the lighting being utilized, making it a "nice amenity for Rye Town, all at no cost to the taxpayers"; and attended the Firemen's Parade this past weekend, stating that Port Chester should be commended and offered congratulations to the Port Chester Fire Department.

* * * * *

Silvio Buccieri, 350 King Street, Port Chester, New York, questioned the reval, to which the Supervisor noted that the computerization is complete, not the walk-around.

Goldie Solomon, Puritan Drive, Port Chester, New York, cited her disappointment with not only the fact that many calendars did not recognize Constitution and Citizenship Day, but also the small attendance at the celebration held; the need for funds for American Legion, undergarments for residents in Montrose Veteran's Hospital; the need for funds for participation in parades and that more consideration should be given to Port Chester.

William J. Villanova, 124 North Regent Street, Port Chester thanked the Board for considering firefighter exemptions, and questioned whether the Supervisor's and Town Attorney's positions were part time or full time and hours worked; the ethics that the legal counsel for Rye Town is from one family; the number of hours reported to retirement; where is the Ethics Committee; the ethics of some campaign contributions; how did the Otter Creek bridge fall in disrepair; how can the City of Rye win its case against Rye Town; why don't the aerators in the Duck Pond work ; why does the stagnant water drain directly into the Oakland Beach area; why are there still lawsuits outstanding; and why is there a delay in answering residents under the Freedom of Information Act. He concluded by saying that like issues come up when there is an election, and should not make them less important.

Feeling that this was a very good political statement, the Supervisor stated that his job, to his knowledge, is Full Time and with regard to the Duck Pond, the aerators are on when the Park is open and not raining; the level of the Pond to prevent nitrogen from the duck waste from flowing into the Sound, which has been verified and the beaches are inspected three times weekly by the County of Westchester Health Dept., for water quality, noting the Town's beach is the only beach not closed in the past 10 years that has never been closed with the exception of the day after the black out as per the County's request, proving there has been no exiting into the Sound. He also noted the awards received and the amount of money raised by the "Friends" and funds received from the Clean Water Act and after years of improvement, it has become "The Gem of Rye Town,"

September 23, 2003

Bernard Abel, Edgewood Drive, Rye Brook, questioned whether the Board or Town Attorney had received a letter from the Veterans concerning the Monument and the Supervisor replied in the affirmative, stating it was ready to be published, and the Town Attorney replied in the negative.

Pat Rinello, 46 Woodland Drive, Rye Brook, questioned why it took so long for the Town of Rye to recognize the Segmentation Tax from 2001 to 2003 when a Hearing was held, where was the long term planning, manpower and passion, to which the Supervisor related the history of this Tax matter which started 22 years ago, noting that until 2001, through political appointments, etc., the Town was caught off-guard and due to the political implications, a lesson was learned and he assured her that whether she is here or he is here, "it's never going to happen again", and said he was happy to be able to provide a benefit to the Rye Neck residents by winning back of \$480,000.

The Assessor concurred, stating "that they were making up the rules as they went", and explained thoroughly. The Supervisor noted future long term planning has been done which the ORPS Board, and the City of Rye Attorney and Assessor have stated that upon completion of revaluation, the City of Rye "will not get a bite of this apple again."

Richard Abel, Quintard Drive, Port Chester, asked if reval cures this and if the committee's work is completed, to which the Supervisor replied that the Attorneys feel that it does and that the final review of the reval committee at the end of October or beginning of November with a full committee meeting in November to consider the data mailers for verification for final impact statement starting in January, 2004, for April 1st billing, for the Town and County and June 1st for the Villages.

Councilperson Mendicino Daly noted that if the Board so votes to accept.

Mrs. Solomon asked concerning the Westchester County Sales Tax distribution, to which the Supervisor stated there was a full discussion at the last meeting.

* * * * *

There being no further business, the meeting adjourned at 9:00 P. M. on motion of Councilperson Walter, seconded by Councilperson Lagana and unanimously adopted.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD OCTOBER 21, 2003

A Meeting of the Town Board of the Town of Rye was held on Tuesday evening, October 21, 2003 at 7:30 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 Councilpersons Michele Mendicino Daly, Dominick Lagana, John P. Walter, Michael J. Borrelli and Town Clerk Frances C. Nugent.

ABSENT: None.

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

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

* * * * *

The Clerk stated she had an Affidavit of Publication stating that a Notice of Publication calling for a Public Hearing on Tuesday, October 21, 2003 at 7:30 PM in the Court Room of the Town Office Building, 10 Pearl Street to consider the advisability of adopting Proposed Local Law No. 2 for the year 2003, entitled, "A LOCAL LAW to provide a Real Property Tax Exemption to Volunteer Firefighters and Volunteer Ambulance Service Members", which affidavit was duly signed by Chantel Richards, Principal Clerk, in the Central Area of the Journal News and also published in the Westmore News under date of October 10, 2003, as directed.

The Supervisor declared the Public Hearing open and asked if there was anyone present who would like to speak in favor of or in opposition to the proposal.

The Supervisor asked the Assessor to explain, to which Mr. Markowitz stated, "briefly, this exemption was enacted by the State of New York, I believe over the summer, passed by the State, the purpose of this Local Law is to enact that exemption through, by the State it requires local approval by granting benefits, in this case is the Town of Rye, before they can grant an exemption to all qualified persons equal to 10% of their assessment the purpose of everybody's understanding the fact that it is exclusive of special assessment. Special assessments in this community are essentially sewer taxes, at least on the Town Roll so that everybody understands that. One of the requirements of the law is you can't exempt special assessments. I believe and I guess Mr. Mann can talk about this if he wishes, that the qualifications and the limitations are essentially those that are specified in the State Law. What this law requires is that all volunteer firemen make application to the Assessor's office and the Assessor review and approval of the application for an exemption is something that is done annually now for a variety of exemptions, a variety of programs including the STAR, including the Veterans, fit into the same kind of timetable, it's one more exemption for us to deal with, which never thrilled me because it just means that many more people coming in and out of the office wanting something, but it is up to this Board to make the decision whether or not to enact this law."

Goldie Solomon, 6 Puritan Drive, Port Chester, New York, was present stating "I am a great supporter of those who put their lives on the line for me twenty four hours a day, do not get paid, and also exposed to disease and death. I think we all have to support those that do that and that is extremely important. They don't get paid, they deserve the support because they put their lives on the line, twenty four hours a day as volunteers and that is extremely important. There are too many people that are working for pay and can't join the fire department or can't join the EMT's or those people who do not get paid, volunteer their time as firemen or any other organization for the health, welfare and safety of the citizens of the United States, they deserve our support", and the Supervisor stated, "That's why we proposed it."

October 21, 2003

Bernard Abel, 6 Edgewood Drive, Rye Brook, questioned, "If the member dies, does his wife continue with the exemption or does it die with him", to which the Supervisor said, "I believe it dies with him", although noting that the exemption is for lifetime and Mr. Abel stating, "the lifetime of the person, but how about, is it extended to the wife or husband after the member dies, or is it terminated upon the death of the member." Mr. Mann reiterated, "I think the text of the law is clear and that it says it's a lifetime exemption" to which the Supervisor asked, "what does it say for the spouse." Mr. Abel continued by saying, "if the fireman dies, the exemption is then lost", to which the Supervisor said, "Mr. Abel, honestly, we're going to have to research that, I'm not sure....." with Mr. Abel saying, "I don't think you can pass it, I think you must have the answer", and the Supervisor said, "Well, no, you can pass it, contingent to", noting "put it this way, whether it is or it isn't, it still is a good law".

Mr. Abel then asked, "Can you tell me how much each fireman or volunteer ambulance worker will save per year; what percent; how much in dollars on average?" In reply, Assessor Markowitz said as per normal calculations, "that it would be a \$3,000 exemption times the Town tax rate," and Mr. Abel asked, "which is what?". After inaudible discussion, the Assessor said, "I'm not a hundred percent sure as of this moment", and Mr. Abel asked, "Is it over \$5.00 a year?" In reply, the Supervisor stated, "Well, it will be up to \$3,000 exemption, so it will probably be a little more than that." Mr. Abel then asked, "\$8.00 a year" and the Supervisor replied, "\$10.00 a year" with Mr. Abel stating, "\$10.00 per fireman". The Supervisor continued, "More importantly, Mr. Abel, this sets the stage, if it is passed in the Town, then to be filed by the Villages and that's where the exemption....." and Mr. Abel asked, "Can the Villages do it without you?" The Supervisor replied, "I don't believe so, no, Sir, we are the Assessing Unit and you have to work with the Assessing Unit which we are."

Richard Abel, Quintard Drive, Port Chester, asked, "How do you get around the Volunteer Firefighter bit, about having five or more....." and the Supervisor replied, "Per, it's per company", noting that he believed that there is only five per company. Mr. Abel then read from subsection 5 of Section 3 which read, in part, "the area served by the volunteer fire company does not encompass any area served by a fire company having five or more professional firefighters" and the Supervisor said that the seven companies to which the Town Attorney stated, "each one has less than five" After an inaudible discussion, the Supervisor stated, "The full time firefighters you are talking about that are paid, amount to 12 or 13" and after another inaudible discussion, Mr. Abel felt that in Rye Brook, it would not work to which the Supervisor felt Rye Brook has 8 paid men, but did not know the makeup of the volunteer staff. Questioning the Ambulance Corps, he did not know whether there were five or more paid professionals in the one Ambulance Company, asked, "I just wondered how big the circle of people it affects." The Supervisor commented, "It's basically pertaining to the volunteers, to give them a little bit of benefit" and although not a big deal, it was a start. Referring to the law Port Chester now has gives four or five hundred dollars off their assessment, "is that gone?" The Assessor stated that "the law specifically says there is no diminution of benefits", to which the Supervisor concurred stating "it is over and above that." Noting that this applied only to the Town tax, Mr. Abel stated that the Villages have to pass it to which the Supervisor noted they only, can exempt up to \$3,000, noting that "\$3,000 on a tax that's \$2,000 a year is big money."

William Villanova, 124 North Regent Street, Port Chester, explained that the "seven volunteer fire companies in Port Chester, are 100% volunteer and makes up about 98% of all the firefighters in Port Chester, so there is no paid staff that comes out of any of the volunteer houses in Port Chester, so that there is no conflict there." In reply to a question from the Supervisor, Mr. Villanova stated, "No, no, there isn't a paid company. Out of the same fire house, which is Westchester, which you have the Ladder Company, you have Reliance, Patrol and Rescue and you happen to have one paid truck there, but the paid truck has no bearing and the volunteer companies that are there, have no bearing on each other. They are all individuals."

Mr. R. Abel, who stated, "what we're talking about, it's not so much the Town taxes we're going to save which is not very big, if the Village of Port Chester passes it, it definitely, that's a much bigger tax. I think it's a good idea and hoped Port Chester passes it," to which the Supervisor noted, "If you have some way to keep volunteers residing in your community, it's wonderful." Mr. Abel again reiterated that it was a good idea, but questioned the language of the law. It was brought to his attention by the Supervisor that the language pertained to volunteer companies only, "so we don't have that problem", and called for comments from the Board.

All concurred, but Councilperson Mendicino Daly questioned active member exemption and the Supervisor stated, "They have to be certified by that company and have to come in annually with the certification that they are full time volunteers, active service by that year.....I think it's a wonderful law, I think it's a good start, I hope that the Villages will now carry this whole thing and give them a more

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meaningful of a deduction anyway they can keep volunteers within the community, specifically volunteer ambulance and firefighters is very paramount to this community's well being, as Mrs. Solomon said and since this was published, I have received calls from Police Association wanting to know if they could do it for the volunteers for the PBA for the peace officers. This is the Governor's Bill that came from the Senate and Assembly and they would have to take it up with the legislature in the Senate to carry another bill."

The Supervisor then closed the Public Hearing.

On motion of Councilman Lagana, seconded by Councilman Walter and unanimously adopted, LOCAL LAW NO. 2 FOR THE YEAR 2003 was approved as follows

TOWN OF RYE
LOCAL LAW #2 FOR THE YEAR 2003

A LOCAL LOAW TO PROVIDE A REAL PROPERTTY TAX EXEMPTION TO
VOLUNTEER FIREFIGHTERS AMBULANCE SERVICE WORKS.

Be it resolved by the Town Board of the Town of Rye as follows:

**TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND
VOLUNTEER AMBULANCE SERVICE MEMBERS**

Sec. 1 Purpose.

Sec. 2 Exemption.

Sec. 3 Qualifications and limitations upon exemption.

Sec. 4 Lifetime exemption.

Sec. 5 Permanent disability.

Sec. 6 Application for exemption.

Sec. 7 No diminution of benefits.

Sec. 8 Maximum amount of exemption.

Sec. 9 Effective date upon filing with the Secretary of State

Sec. 1 Purpose.

The purpose of this Local Law is to provide volunteer firefighters and volunteer ambulance service members who are qualified real property owners with the tax exemption authorized by Section 466-d of the Real Property Tax Law. The exemption authorized by this Local Law is subject to all of the qualifications and limitations set forth in Section 466-d of the Real Property Tax Law.

Sec. 2 Exemption.

Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, or real property owned by such enrolled member and his or her spouse, residing in the Town of Rye shall be exempt from taxation on Town of Rye taxes to the extent of ten percent of the assessed value of such property for town purposes, exclusive of special assessments.

Sec. 3 Qualifications and limitations upon exemption.

The exemption authorized by Section 2 of this Local Law shall be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in the Town of Rye only if:

1. The applicant resides in the town or village that is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service:
2. The property is the primary residence of the applicant:
3. The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this Local Law:
4. The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or

the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years. It shall be the duty of each incorporated volunteer fire company, each incorporated volunteer fire department and each incorporated voluntary ambulance service to file an affidavit of a responsible officer annually, prior to the applicable taxable status date, with the assessor or other appropriate agency, department or office of each assessing unit served by such incorporated volunteer fire company, incorporated volunteer fire department or incorporated voluntary ambulance service listing its enrolled members with five or more years of service.

- 5. In the case of volunteer firefighters, the area served by the volunteer fire company does not encompass any area served by a fire company having five or more professional firefighters: and
- 6. In the case of volunteer ambulance workers, the area served by the volunteer ambulance company does not encompass any area served by an ambulance company having five or more professional ambulance workers.

Sec. 4 Lifetime exemption.

Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption authorized by this Local Law for the remainder of his or her life as long as his or her primary residence is located within the Town of Rye.

Sec. 5 Permanent disability.

Any volunteer firefighter or volunteer ambulance worker who is or becomes permanently disabled due to the exercise of his or her duties as a firefighter or ambulance worker and who is prevented from being certified as an active service member shall be entitled to the annual certification during the period of his or her disability.

Sec. 6 Application for exemption.

Application for the exemption described in this Local Law shall be filed on a form prescribed by the New York State Board of Real Property Services with the assessor or other appropriate agency, department or office of the assessing unit in which the real property is located.

Sec. 7 No diminution of benefits.

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of any other law on the effective date of this Local Law shall suffer any diminution of such benefit because of the provisions of the Local Law.

Sec. 8 Maximum amount of exemption.

Notwithstanding any other provision of this Local Law to the contrary, the amount of the exemption described in this chapter shall not exceed three thousand dollars per year multiplied by the latest state equalization rate for the assessing unit in which such property is located.

Sec. 9 Effective date upon filing with the Secretary of State.

This Local Law shall take effect immediately upon filing with the Secretary of State.

ROBERT A. MORABITO, SUPERVISOR
FRANCES C. NUGENT, TOWN CLERK

Filed:

* * * * *

The Supervisor called for a five minute recess at 8:00 P. M. The recess being over, the meeting continued at 8:05 P. M.

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On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted, the minutes of the meeting held on November 19, 2002 were again tables and the Minutes of the meeting held on September 23, 2003 were adopted as presented.

* * * * *

October 21, 2003

The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT: for the month of September, 2003:

Fees submitted to the Supervisor.....\$ 2,450.84

RECEIVER OF TAXES HOPE B. VESPIA: for the month of June, 2003

Deposited to Supervisor, Town of Rye..... \$ 405,725.00

Deposited to Treasurer, Village of Port Chester..... 4,687,037.98

Deposited to Treasurer, Village of Rye Brook..... 5,231,558.09

Total..... \$10,324,321.07

For the month of August, 2003:

Deposited to Supervisor, Town of Rye..... \$ 106,945.56

Deposited to Treasurer, Village of Port Chester..... 80,960.38

Deposited to Treasurer, Village of Rye Brook..... 54,833.56

Total..... \$ 242,739.50

CRAWFORD PARK: for the month of September, 2003:

Total remitted..... \$ 5,640.00

* * * * *

The Clerk presented a memorandum dated October 3, 2003, addressed to Raymond Sculky from the Port Chester Council for the Arts requesting the use of Crawford Park Mansion for use as a rehearsal hall and performance for its production, "Jacques Brel Is Alive And Living In Paris".

On motion of Councilman Borrelli, seconded by Councilman Lagana and unanimously adopted, the requests were granted, as per memorandum, duly filed.

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The Clerk presented a letter from the Sound Shore Youth Association addressed to the Supervisor, requesting the use of Crawford Park for Flag Football, October 19th through November 30th, 2003 and for Pee Wee football practice, September 26th through November 29th, 2003.

On motion of Councilman Walter, seconded by Councilman Lagana and unanimously adopted the requests were granted.

* * * * *

The Town Attorney requested that an Executive Session be held after this meeting for the purpose of discussing litigation, to which all concurred.

A report was submitted concerning the purchase made, after receiving four proposals, which were as follows:

Company Name & Address

Village Office Supply	Chairs (Steel)	\$15.50each
258 Dr. Martin Luther King Drive	Tables (Walnut)	63.99each
Norwalk, CT 06854 (203) 299-0600		

Sam's Club (6674)	Chairs (White Plastic)	\$19.83each
333 Saw Mill River Road	Tables (White Plastic Tops)	44.84each
Elmsford, NY 10523 (914) 592-0028		

Staples C&C	Chairs (Steel)	\$19.20each
500 Staples Drive	Tables(Walnut)	76.80each
Framingham, MA 01702 (877-285-8852)		

W.B. Mason Company, Inc.	Chairs(Steel)	\$ 9.95each
59 Centre Street	Tables(Walnut)	58.95each
Brockton, Mass.(888-926-2766)		

October 21, 2003

As this is a budgeted item in the Election Budget, the low proposal of \$9.95 each for steel chairs, and \$58.95 for 6 ft. tables was awarded the qualified low bidder , W. B. Mason Company in the total amount of \$790.00. Mr. Mecca explained that the proposal received from Sam's Club; the tables had white plastic tops that were not conducive for use by the Inspectors of Election.

Either verbal or written permission has been received from all buildings managers as to the location of the handicapped accessible entrance signs which have been ordered and upon receipts of signage, Town personnel shall install same, total amount to be paid as authorized by resolution of the Town Board at a meeting held on August 19, 2003. Once completed, he said, the Board of Elections will be informed "that the Town of Rye has undertaken and reversed all adverse conditions highlighted in the survey conducted November 5, 2002."

The following RECORD MINUTE was presented:

"A meeting of the Town Board of the Town of Rye was held in the Town Rooms on Monday Sept. 17th, 1900 at 4:00 PM. Present, Supervisor Eldredge, Justice Marshall, Hains, and Town Clerk Grandison. Also, Justice Baruch and Wakefield. The minutes of the previous meeting were approved as read. An invitation was received from the President of the Village of Port Chester, inviting the Board to take part in the Dedication of the Soldiers Monument on Wednesday Sept. 26. On motion of Justice Marshall the invitation was accepted and ordered to be placed on file. Justice Marshall presented the following resolution which was unanimously adopted:

Resolved: That the Town Clerk be authorized to have the Town Rooms suitably decorated for Wednesday, Sept. 26th, 1900. On motion the Board adjourned.

S/s George Grandison,
Town Clerk"

Mr. Mecca felt that this proves that the statute is owned by the Village of Port Chester.

* * * * *

The Supervisor announced that the Town had received the Official notification from the New York State Office of Parks, Recreation and Historic Preservation, dated October 15, 2003, land marking the African Cemetery on North Street, Rye, New York, thereby listing it on the National Register of Historic Places. He said his office will contact Congresswoman Lowey to see what is needed for restoring of facilities and if there is grant money available.

* * * * *

Councilman Borrelli asked if there was anything new on the verification of voter registration. Mr. Mecca replied that there was nothing new, but according to a recent news article, the Help American Voters Act, which was previously mentioned, by January, 2004 all states were to have a unified voter's identification, the State of New York has applied for a deferment of that to 2006, due to the excessive costs, therefore, all things remain on hold.

* * * * *

Mrs. Solomon thanked the Board for allowing them to use the Court Room for the Constitution Day ceremony on September 17th; that she was very disappointed that no official was at the Port Chester High School Marching Band Fund Raising on October 16th; the Port Chester American Legion is in need of fund raising; to oppose any down sizing or closing of Montrose Veterans Hospital who are in desperate need of undergarments and they are still collecting money for the Civil War Monument.

October 21, 2003

The Supervisor noted that the Town is on record opposing down sizing or losing of Montrose and he needed a formal request from the President of the Auxiliary.

Dr. Janusz Richards, 10 Kings Park Drive, Port Chester, requested information concerning the \$495,000 discussed at the recent meeting held at BOCES and to date he has not received the calculations by the Assessor to arrive at that figure.

The Supervisor advised that he could have a copy now.

William Villanova asked where the savings was on the Bridge work; the ethics of the \$5,000 contribution from the Reval company selected without the bidding process and attendance at the Westchester Municipal Officials Association meetings.

Bernard Abel asked if a new recording system be budgeted so that records will always be there; and if the Supervisor would return the election donation by someone who made slurring remarks about his heritage by one who has admitted the slander and the Supervisor replies he and the election committee will consider same, assuring him that he will be "the first to know".

* * * * *

Mr. Abel suggested that a moment of silence be called for or a prayer be said in one's own way. in memory of Daniel M. Colangelo, who attended school together, was a gentleman and a lifelong friend. The Supervisor said that he would do so upon adjourning this meeting.

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In reply to a letter he had obtained, Dr. Richards asked how did the Assessor arrive at the figures he quoted and the Supervisor answered that he would have to make an appointment and discuss the numbers with the Assessor, for review.

* * * * *

Before adjourning the meeting, the Supervisor said that Mr. Abel had reminded him that it would be appropriate, if there was no further business, called for a moment of silence in memory of Daniel M. Colangelo, who passed away recently, noting that he was, as stated by Mr. Abel, a local person and a friend of his late father, working on many projects together, having said to Mrs. Colangelo, "My Father now has a good plumber in heaven with him".

* * * * *

The meeting adjourned into Executive Session for the purpose of discussing litigation at 8:30 PM The Supervisor noted that there would be no action taken and that Mr. Sculky would take the minutes.

Respectfully yours,

Frances C. Nugent
Town Clerk

MEETING HELD NOVEMBER 25, 2003

A meeting of the Town Board of the Town of Rye was held on Friday afternoon, November 25, 2003 at 6:30 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 Councilpersons Michele Mendicino Daly, Dominick Lagana and Michael J. Borrelli.

ABSENT: Councilperson John P. Walter and Town Clerk Frances C. Nugent.

ALSO

PRESENT: 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, Town Assessor Mitchell Markowitz, and Representatives of the Court.

The Supervisor led those present in the Pledge of Allegiance and the tape recorder was in use during the proceedings. Due to the absence of the Town Clerk, the taped record of this meeting will be given to her for recording.

* * * * *

The Supervisor stated that this meeting is for the purpose of holding a work session on the 2004 Budget, to review the Tentative Budget presented, at which time there would be no public input. However, he continued, before said review, a final Settlement of the Bridge litigation needed Board approval. He asked the Town Attorney to update the Board on the litigation.

The Town Attorney noted that in 2001, the Village of Mamaroneck commenced an action against the Town of Rye to compel the Town to maintain the 23 bridges within the Rye Neck section of the Village of Mamaroneck, and after two years, a tentative Stipulation of Settlement has been agreed to by the Village of Mamaroneck, as plaintiff; the Town of Rye, Village of Port Chester, Village of Rye Brook, Defendants; and the Town of Mamaroneck, Third Party Defendant, wherein in addition to the Otter Creek and Guion Creek Bridges, part maintenance of three and possibly four added bridges, "all the others were knocked out". He urged the Board to approve the Stipulation.

The Supervisor also recommended that the Board approve said Stipulation of Settlement as has been done by all parties concerned. He felt that it would be more economical to accept the terms of the Stipulation.

On motion of Councilperson Borrelli, seconded by Councilperson Mendicino Daly, the Stipulation entitled, "Stipulation Of Settlement And Severing Of Claims Against Third-Party Defendants DOT And Thruway Authority" was accepted as presented.

ROLL CALL:

AYES: Councilpersons Mendicino Daly, Lagana, Borrelli and Supervisor Morabito.

NOES: None.

ABSENT: Councilperson Walter.

* * * * *

Outside Accountant Sam Terenzi reviewed the Tentative Budget figures for Preliminary Budget preparation, saying that final assessment figures are needed to determine the tax rate, and new item, "Transfer to Debt Service". He reviewed the Department Budgets, noting increases, etc.

November 25, 2003

The Supervisor also discussed Line Items, noting why certain increases and amendments were made to the proposed budget, answered questions pertaining to the proposed budget.

The Supervisor updated the tax mapping situation.

There being no further business, the meeting adjourned on motion of Councilperson Mendicino Daly, seconded by Councilperson Lagana and unanimously adopted at 6:55 P. M.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD DECEMBER 15, 2003

A Meeting of the Town Board of the Town of Rye was held on Monday evening, December 15, 2003 at 7:38 P. M. in the Conference 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 Councilpersons 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 Comptroller Joseph M. Granchelli, and Director of Purchasing Raymond L. Sculky

DEPART. HEADS

ABSENT: Receiver of Taxes Hope B. Vespia and Town Assessor Mitchell Markowitz.

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

* * * * *

The Public Hearing on the proposed 2004 Budget was continued.

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

RESOLVED, that the Town Board of the Town of Rye, New York, does hereby approve the budgeted allotment of a \$50,000 Reserve Fund for Bridges in the 2004 Budget, to be reviewed annually.

ROLL CALL:

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

NOES: None

Town Clerk Nugent asked, "What was the basis for your Honorable Board to propose the difference in salaries of your only two Full Time Elected Officials."

The Supervisor explained the reasons, stating that the Board considered many things in determining the salary increases and the Clerk's rebuttal, both as more specifically recorded on the tape of this meeting. After the Clerk questioned each member of the Town Board, the Clerk's salary will remain as budgeted.

After further discussion on the proposed Budget, Councilperson Walter, seconded by Councilperson Mendicino Daly, the Hearing was adjourned.

* * * * *

On motion of Councilperson Lagana, seconded by Councilperson Walter and unanimously adopted, the Minutes of the Meetings held on November 10, 2003, November 18, 2003, November 21, 2003, November 25, 2003 and November 28, 2003 were approved as presented. No action was taken on the Minutes of the meeting held of November 19, 2002.

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The following Departmental Reports were received and ordered filed:

TOWN CLERK FRANCES C. NUGENT, for the month of November, 2003:	
Total Amount to Supervisor	\$ 1,161,40

RECEIVER OF TAXES, HOPE B. VESPIA, for the month of November, 2003:

Deposited to Supervisor, Town of Rye	\$408,296.80
Deposited to Treasurer, Village of Port Chester	95,794.64
Deposited to Treasurer, Village of Rye Brook	<u>82,871.01</u>
	\$586,962.45

CRAWFORD PARK for the month of November, 2003.....\$ 1,150.00

* * * * *

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

RESOLVED that the Town Offices located at 10 Pearl Street, Port Chester, New York, and the Park Department in the Town of Rye, New York, will be closed on Friday, December 26, 2003 and Friday, January 2, 2004 due to the Holiday Season and be it further

RESOLVED that said closing notice be sent to the daily Newspapers and notice be posted in the lobby of the Town Office Building.

ROLL CALL:

AYES: Councilpersons Mendicino Daly, Lagana Walter, Borrelli and Supervisor Morabito.
NOIS: None.

* * * * *

The Clerk presented the following Resolution, which on motion of Councilperson Walter, seconded by Councilperson Lagana was adopted:

RESOLVED, that effective immediately, Vincent O'Brien, residing at 23 Linden Street, Port Chester, New York, be and he hereby is appointed a Civil Officer in the Town of Rye to serve at the pleasure of the Town Board in the place and stead of Robert Rodriguez, and be it further

RESOLVED, that he shall serve in this capacity at no compensation, but shall be entitled to collect statutory fees allowed by law in civil actions and proceedings.

ROLL CALL:

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

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The following Memorandum was received by Raymond Sculky from Daniel McBride re: African American Cemetery dated December 2, 2003:

"I am doing a bit of background work to assist the County's African American Advisory Committee as they follow up on the concept of creating a publication (African American Heritage Trail) to highlight African American influence in Westchester's History. One of the significant sites identified in the study commissioned by the committee is the African American Cemetery adjacent to the Greenwood Union Cemetery. It is my understanding that this land is owned and maintained by the Town of Rye. I am contacting you at this time to request permission from the Town to list this site in a future publication.

This site will be listed among a number of others in Westchester to recognize the influence of Westchester's early African American residents. It would be great to be able to include the Town's site.

Thank you for considering this request. If you have any questions, please do not hesitate to contact."

The Clerk will write Mr. McBride to inform him that the African American Cemetery at Greenwood Union Cemetery is owned and maintained by the Town of Rye and it will be a pleasure to have this listed in a future publication.

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The Supervisor reported for the Assessor, noting meetings with ORPS and commented on the Reval program.

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The Superintendent of Highways stated that he hoped the Board would look into the insurance liability at the Rye Town Dock and a small area of land alongside Continental Manor in Mamaroneck, owned by the Town of Rye, known as the Rye Town Dock at Rye Neck, which is missing the No Trespassing signs, the gates are unlocked, and where a run down condition exists.

Mr. Sculky to so notify the Park Department to include these areas in their duties.

* * * * *

The Supervisor, relating to the recent article in the New York Times, stated he was very disturbed concerning said article and proceeded to discuss the topics of Overspending the Budget, Voucher payments, contract bidding, etc., noting that he had spoken to the reporter and tried to answer her charges, which she will present a follow-up to. He compared the 1999-1998 Audit with the present Audit and felt that some sort of guidelines should be prepared for letting out bids, etc.

* * * * *

Councilperson Borrelli questioned the Election Coordinator with regards to the voting machines and voter verification and Mr. Mecca replied that by January 1, 2004, a voter identification number was to be utilized, but to date, no confirmation of such has come from the State and the use of electronic voting machines is mandated by Federal Law to be in place by January 1, 2006. He further noted that the present machines used, although considered old, are fool proof.

* * * * *

Carolyn DiLeo, 6 Bolton Place, Port Chester, questioned the Board on when and if the Board of Ethics was to be appointed and the Supervisor replied that appointments would be forthcoming.

Richard Abel, 19 Quintard Drive, Port Chester, questioned salaries and stipends, to which the Supervisor replied that stipend was not the word, but salary increase.

Frank Pugliese, 6 Wilton Road, Rye Brook, asked for a copy of the Preliminary Budget.

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There being no further business, the meeting adjourned at 8:40 P. M. on motion of Councilperson Walter, seconded by Councilperson Mendicino Daly and unanimously adopted.

Respectfully submitted

Frances C. Nugent
Town Clerk

MEETING HELD DECEMBER 19, 2003

A meeting of the Town Board of the Town of Rye was held on Friday evening, December 19, 2003, at 6:00 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 Councilpersons Michele Mendicino Daly, Dominick Lagana, Michael J. Borrelli, and Town Clerk Frances C. Nugent.

ABSENT: Councilperson John P. Walter.

ALSO

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

DEPARTMENT

HEADS

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

Deputy Clerk Linda A. Lyons led those present in the Pledge of Allegiance and the tape recorder was in use during the proceedings. Councilperson Borrelli read the Opening Prayer.

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The Clerk stated that although no Affidavit of Publication had been received from the Journal News, the said Notice of Publication was published on Sunday, December 14, 2003, stating that a Public Hearing will be held in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York, to review the Preliminary Budget for the year 2004, noting the proposed salaries of the Elected Supervisor, Town Board, Town Clerk and Superintendent of Highways, as required by Section 108 of the Town Law and further noting that the said Preliminary Budget was duly filed in the Office of the Town Clerk under date of November 28, 2003.

The Supervisor opened the Public Hearing and asked if there was anyone present who would like to speak for or against the said Preliminary Budget.

There were none.

On motion of Councilperson Lagana, seconded by Councilperson Borrelli, the Hearing was closed.

ROLL CALL:

AYES: Councilpersons Mendicino Daly, Lagana, Borrelli and Supervisor Morabito.

NOES: None.

ABSENT: Councilperson Walter.

December 19, 2003

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

WHEREAS, the Tentative Budget of the Town of Rye for the year 2004 was prepared by the Budget Officer of the Town of Rye and filed in the office of the Town Clerk on October 31, 2003; and

WHEREAS, the Town Clerk of the Town of Rye presented the said Tentative Budget to the Town Board at a meeting held on November 10, 2003; and

WHEREAS, the Town Board, after review of the said Tentative Budget, prepared an itemized statement of the estimated revenues and expenditures of the Town of Rye for the fiscal year 2004, and

WHEREAS, a Public Hearing was called for on November 28, 2003 at 2:00 P.M. in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York, for the purpose of reviewing the said Annual Estimates or Preliminary Budget; and

WHEREAS, the Town Clerk submitted proof of posting of Notice of Public Hearing held on Friday, November 28, 2003 and

WHEREAS, said Public Hearing was held in the Court Room of the Town Office Building, 10 Pearl Street, Port Chester, New York on the 28th day of November, 2003, continued on December 15, 2003 in the conference room, and

WHEREAS, proof of publication and posting of Notice of Public Hearing held on Friday, December 19, 2003 to review the same as required by Section 108 of the Town Law and those present, who wished to ask questions or offer objections to the proposed annual estimates for the year 2004 having been heard;

NOW, THEREFORE, BE IT RESOLVED, that the Preliminary Budget, as completed and amended by the Town Board of the Town of Rye, be and it hereby is adopted as the Budget of the Town of Rye for the fiscal year 2004, as follows:

December 19, 2003

and be it further

RESOLVED, that there be levied, assessed and collected upon the taxable property in the Town of Rye at Large and the several parcels of property and persons within such Town at Large, the several amounts set forth, and be it further

RESOLVED, that there be levied, assessed and collected upon the taxable property in the district of the Town of Rye, known as the Village of Port Chester, and the several parcels of property and persons within such portion of the Town of Rye, the several amounts set forth; and be it further

RESOLVED, that there be levied, assessed and collected upon the taxable property in the district of the Town of Rye known as the Village of Rye Brook and the several parcels of property and persons within such portion of the Town of Rye, the several amounts set forth; and be it further

RESOLVED, that there be levied, assessed and collected upon the taxable property in the district of the Town of Rye, exclusive of the part of the Incorporated Village of Mamaroneck known as Rye Neck, and the several parcels of property and persons within such portion of the Town of Rye, the several amounts set forth.

ROLL CALL:

AYES: Councilperson Mendicino Daly, Lagana, Borrelli and Supervisor Morabito.

NOES: None.

ABSENT: Councilperson Walter.

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There being no further business, on motion of Councilperson Lagana, seconded by Councilperson Borrelli, the meeting adjourned at 6:33 P. M.

ROLL CALL:

AYES: Councilperson Mendicino Daly, Lagana, Borrelli and Supervisor Morabito.

NOES: None.

ABSENT: Councilperson Walter.

Respectfully submitted

Frances C. Nugent

