

MEETING HELD JUNE 21, 2016

A regular monthly meeting of the Town Board of the Town of Rye, New York, was held on Tuesday, June 21, 2016 at 7:30 P.M. at the Rye Neck High School, Community Room, Hornidge Road, Mamaroneck, New York 10543 with Supervisor Gary J. Zuckerman presiding.

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

ALSO

PRESENT: were Town Attorney Paul Noto, Receiver of Taxes Nick Mecca, Superintendent of Highways John DeCrescenzo, Town Comptroller David J. Byrnes and Chief of Staff and Confidential Secretary to the Supervisor Deborah Reisner.

ABSENT: were Councilperson William Villanova and Town Assessor Knauer

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Daniel D. Tartaglia, Esq. led those present in the Pledge of Allegiance. A video recorder and an audio recorder were in use during the proceedings.

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Supervisor Zuckerman called the meeting to order at 8:00 P.M. and asked Town Clerk Vespia to call the roll.

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On motion of Councilperson Jackson, seconded by Councilperson Baxter, and unanimously adopted, the minutes for the meetings held May 17, 2016 and June 8, 2016 were approved as presented.

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Daniel D. Tartaglia, Esq., Chairperson for the Task Force for Assessment Practices and Procedures was present to report the purpose and observations after reviewing the assessment value changes and sales for Town of Rye properties. Mr. Tartaglia mentioned the names of the committee members, each representing a different part of the Town of Rye with years and vast amounts of residential and commercial real estate experience. The committee put together a mission statement of five points, the first point being to understand the assessment process in the Town of Rye including important dates on the assessment calendar. The next point was to understand the valuation methodology explored by the Assessor; the third to understand the homestead versus non-homestead base proportions calculations (residential versus commercial). He noted receiving statistical information from the Receiver of Taxes to assist him. The next would be to review the various software and data base products with the Assessor and make recommendations to Town Officials regarding a combination of software products best suited for the assessment process. The final point would be to educate the public on the assessment process and the process to challenge the assessments with the intention to attend village public meetings in doing so. Mr. Tartaglia prepared handouts providing charts with sales information from prior years comparing them to the following year's assessments. The charts provided sales versus assessment data for each taxing jurisdiction under the Town of Rye.

Councilperson Baxter thanked Mr. Tartaglia and the task force for their hard work. He was heartened to hear that the committee will be reaching out to the villages to educate the public on the assessment process.

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Derek Epstein, President of Global Impact Productions was present to request the use of Crawford Park as a rest stop for a cycling event to be held Saturday, October 8, 2016. This fundraiser will be held for the Autism Science Foundation that raises funds for research. The Town Board gave approval for this event.

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Supervisor Zuckerman asked for comments from the public. There were no comments.

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Supervisor Zuckerman introduced Judie Eisenberg, a grant writer with tremendous experience in writing proposals for government grants. Ms. Eisenberg was present to share projects she was involved with and grants she secured and answered questions from Board members.

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

WHEREAS, the Town of Rye has identified a need for assistance with grant writing and securing funding opportunities for Town projects.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye shall retain the services of Judie Eisenberg, President of Proposal PRO to provide program planning and proposal writing to help the Town compete effectively for funding opportunities and will provide assistance in preparing budgets, forms and attachments, registering and uploading grants into electronic portals and coordinating with stakeholders as needed to complete proposals. In addition Proposal PRO will search public and private search sites for RFP's and other funding opportunities, review and present summaries of opportunities for the Town and, when appropriate, speak to funding contacts in order to assist and shape the Town's proposed programs, and

BE IT FURTHER RESOLVED that Proposal PRO shall work for the Town from June through December, 2016 at the rate of seventy-five dollars (\$75.00) per hour not to exceed 200 hours or fifteen thousand dollars (\$15,000.00) during the term of this agreement, and

BE IT FURTHER RESOLVED that Town Supervisor Gary Zuckerman is hereby authorized to execute any agreement and/or documents necessary to effectuate this Resolution.

ROLL CALL

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

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

WHEREAS, NYS's Office of Community Renewal awarded the Town of Rye a grant of three hundred ninety eight dollars (\$398,326.00) in federal Community Development Block Grant Funds to make Crawford Park handicapped accessible, and

WHEREAS, the Town of Rye has committed to provide an additional \$398,326.00 and the Friends of Crawford Park have committed to provide an additional one thousand one hundred fifty dollars (\$1,150.00), and

WHEREAS, one of the projects to make Crawford Park handicapped accessible is the construction of a handicapped accessible playground at an estimated cost of two hundred thousand dollars (\$200,000.00), and

WHEREAS, a contractor is needed to design and build the handicapped accessible playground;

WHEREAS, the Town's procurement policies and the guidelines of the NYS CDBG Program require that the selection of a landscape architect be the result of a public Request for Proposals (RFP), and

WHEREAS, the Town has prepared a such an RFP;

NOW THEREFORE BE IT RESOLVED, that the Rye Town Council authorizes the Town to issue the RFP with a response date of August 31, 2016 and contractor selection at the September 16, 2016 meeting of the Town Council.

ROLL CALL

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

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

WHEREAS, the Town of Rye entered into a contract with Arconics Architecture, PC in September, 2015 for the Crawford Park Pavilion bathroom redesign and associated work, and

WHEREAS, the Town has requested that the contract be amended to include, but not be limited to an approximate doubling of the affected floor area for additional toilet fixtures for Men and Women, a new janitor’s closet, an electrical service closet, a gender- neutral/family toilet and a seasonal caterer’s kitchen, and

WHEREAS, plumbing, electrical, utilities and ventilation scope of work associated with the enlarged design will also be proportionately increased.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye hereby approves the changes and amendment to the Contract with Arconics Architecture, PC pursuant to the proposal attached hereto dated June 21, 2016 with amended drawings; and

BE IT FURTHER RESOLVED that Supervisor Gary Zuckerman is authorized to execute an amendment to the September 2015 contract with Arconics Architecture, PC.

ROLL CALL

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

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

CONTRACT FOR SERVICES

Agreement dated this 1st day of March 2012 by and between **THE TOWN OF RYE** (hereinafter referred to as the “**TOWN**”) with offices located at 222 Grace Church Street, Port Chester, New York 10573 and **ALEJANDRO PAYAN** (hereinafter referred to as “**PAYAN**”) residing at 434 West William Street, Port Chester, New York 10573.

WITNESSETH:

WHEREAS, the TOWN wishes to retain the services of **PAYAN** to perform community research and outreach services,

NOW, in consideration of the foregoing, the mutual covenants contained herein and other good and valuable consideration, the parties hereto agree as follows:

1. **PAYAN** shall serve in the capacity of a Project Coordinator for the **TOWN**. Payan’s project responsibilities shall include projects as agreed with the Town Supervisor.
2. **PAYAN** shall be an Independent Contractor and shall be responsible for paying his own withholding taxes and shall receive no additional compensation other than that provided for herein. **PAYAN** is not an employee of the **TOWN**.
3. **TERM**: The term of this Agreement shall commence on June 1, 2016 and continue until December 31, 2016.
4. **COMPENSATION**: The compensation is payable on a monthly basis at the rate of twenty-five dollars (\$25.00) per hour upon receipt and approval of an invoice and claim form from **PAYAN** showing **PAYAN**’s work and the number of hours worked for each day of work. Total annual compensation shall not exceed three thousand, four hundred eighty dollars) (\$3,480.00) under the terms of this agreement. **PAYAN** shall use his own personal vehicle at all times.
5. **GOVERNING LAW**: This Agreement shall be governed and construed in accordance with the laws of the State of New York.

6. **TERMINATION**: Either party may terminate this Agreement at any time upon thirty (30) days written notice.

7. **COUNTERPARTS:** This Agreement may be executed in one or more counterparts which together shall constitute one and the same instrument.

8. **SEVERABILITY OF PROVISIONS:** The invalidity or unenforceability of any term, phrase, clause, paragraph, restriction, covenant, agreement or other provision hereof shall in no way affect the validity or enforcement of any other provision or any part thereof.

9. **GOOD FAITH:** It is understood and agreed by the parties to this Agreement that they have entered into it in good faith and that both parties will communicate any and all changes and/or information which will be helpful to the other in the utilization of the contents of this Agreement.

10. **CAPTIONS:** The captions and title in this Agreement are for convenience of reference only and shall not be deemed to define or limit any of the terms, conditions or provision of this Agreement.

11. **ENTIRE AGREEMENT:** This instrument contains the entire Agreement of the parties. It may not be changed orally, but only in writing signed by both parties.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilperson Villanova

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

WHEREAS, the Town Board of the Town of Rye acquired title to 38 Grove Street, Port Chester, New York known as Parcel ID 142.30-1-12.1 by Deed dated May 17, 2016 by virtue of a Judgment entered on May 2, 2016 by the Hon Joan B. Lefkowitz in the matter of a Foreclosure of Tax Liens by proceeding In Rem pursuant to Article 11 of the Real Property Tax Law by the Town of Rye; and

WHEREAS, 38 Grove Street, Port Chester, New York has been deemed surplus property by the Town Board of the Town of Rye; and

WHEREAS, the Town desires to sell the property.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye hereby sells the property known as 38 Grove Street, Parcel ID142.30-1-12.1 to Random Property Group, LLC, having an address at 507 North Main Street, Port Chester, New York for the sum of fifty thousand dollars (\$50,000.00) which is inclusive of the outstanding taxes which are currently nineteen thousand six hundred fifty-eight and ninety cents (\$19,658.90), and

BE IT FURTHER RESOLVED that Purchasers shall pay to the Town Attorney, the sum of five hundred dollars (\$500.00) for the preparation of all transfer documents, and

BE IT FURTHER RESOLVED that the Town Supervisor, Gary Zuckerman, is hereby authorized to execute any and all transfer documents necessary to effectuate this sale.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilperson Villanova

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

WHEREAS, the Town Board of the Town of Rye acquired title to 40 Grove Street, Port Chester, New York known as Parcel ID 142.30-1-12.2 by Deed dated May 17, 2016 by virtue of a Judgment entered on May 2, 2016 by the Hon. Joan B. Lefkowitz in the matter of a Foreclosure of Tax Liens by proceeding In Rem pursuant to Article 11 of the Real Property Tax Law by the Town of Rye, and

WHEREAS, 40 Grove Street, Port Chester, New York has been deemed surplus property by the Town Board of the Town of Rye, and

WHEREAS, the Town desires to sell the property.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye hereby sells the property known as 40 Grove Street, Parcel ID142.30-1-12.2 to the former owner Random Property Group, LLC, having an address at 507 North Main Street, Port Chester, New York for the sum of fifty thousand dollars (\$50,000.00) which is inclusive of the outstanding taxes which are currently nineteen thousand, six hundred fifty-eight dollars and ninety cents (\$19,658.90), and

BE IT FURTHER RESOLVED that Purchasers shall pay to the Town Attorney, the sum of five hundred dollars (\$500.00) for the preparation of all transfer documents, and

BE IT FURTHER RESOLVED that the Town Supervisor, Gary Zuckerman, is hereby authorized to execute any and all transfer documents necessary to effectuate this sale.

ROLL CALL

AYES: Councilpersons Jackson, Nardi, Baxter & Supervisor Zuckerman

NOES: None

ABSENT: Councilperson Villanova

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The following Departmental Reports were received and ordered filed:

TOWN CLERK HOPE B. VESPIA, for the month of May, 2016	
Total submitted to the Supervisor.....	\$2,368.50
RECEIVER OF TAXES NICHOLAS C. MECCA, for the month of May, 2016	
Deposited to Supervisor, Town of Rye.....	\$5,888,826.91
Deposited to Treasurer, Village of Port Chester.....	\$152,609.34
Deposited to Treasurer, Village of Rye Brook.....	\$15,471.25
Total.....	\$6,056,907.50

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There being no further business, on motion of Councilperson Nardi, seconded by Councilperson Jackson, and unanimously approved, the meeting was adjourned at 9:20 P.M.

Respectfully submitted,

Hope B. Vespia

Hope B. Vespia
Town Clerk

