

MEETING HELD JULY 27, 2016

A special meeting of the Town Board of the Town of Rye, New York was held on July 27, 2016 at 7:45 A.M. in the Supervisor's Office, third floor at the Village of Port Chester Village Hall, 222 Grace Church Street, Port Chester, New York, with Supervisor Gary J. Zuckerman presiding.

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

ALSO

PRESENT: Town Attorney Paul Noto

Town Clerk Vespia led those present in the Pledge of Allegiance. Councilperson Villanova read the opening prayer.

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

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The following Resolutions were presented and approved:

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

WHEREAS, the Town Board of the Town of Rye acquired title to 6 Quintard Drive, Port Chester New York known as Parcel ID 136.46-1-47 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, 6 Quintard Drive, 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, and

WHEREAS, a public auction was held for the sale of this property on July 21, 2016, and

WHEREAS, said public auction was noticed by publication in local newspapers;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye hereby sells the property known as 6 Quintard Drive, Port Chester, New York, Parcel ID 136.46-1-47 to ACQUA CAPITAL, having an address at 333 Mamaroneck Avenue, Suite 384, White Plains, New York 10605 for the sum of one hundred thousand dollars (\$100,000.00), and

BE IT FURTHER RESOLVED that Purchasers shall pay to the Town Attorney, the sum of five hundred (\$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, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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

WHEREAS, the Town Board of the Town of Rye acquired title to 626 Halstead Avenue, Port Chester New York known as Parcel ID 154.34-2-24 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, 626 Halstead Avenue, Mamaroneck, 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, and

WHEREAS, a public auction was held for the sale of this property on July 21, 2016; and

WHEREAS, said public auction was noticed by publication in local newspapers.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye hereby sells the property known as 626 Halstead Avenue, Mamaroneck, New York, Parcel ID 154.34-2-24 to ACQUA CAPITAL, having an address at 333 Mamaroneck Avenue, Suite 384, White Plains, New York 10605 for the sum of four hundred seventy-five thousand dollars (\$475,000.00), 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 pursuant to the Resolution dated March 15, 2016, the Town Board of the Town of Rye hereby authorizes Paul J. Noto to pay to Bonita West LLC, from the down payment paid by Acqua Capital, the 2013 and 2014 Mamaroneck Village tax liens owned by Bonita West LLC on the property known as 626 Halstead Avenue, Mamaroneck, New York, 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, Villanova and Supervisor Zuckerman

NOES: None

ABSENT: None

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

WHEREAS, the Town Board of the Town of Rye acquired title to 70 Grace Church Street, Port Chester New York known as Parcel ID 142.46-2-9 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, 70 Grace Church Street has been deemed surplus property by the Town Board of the Town of Rye, and

WHEREAS, the Town of Rye desires to sell the property, and

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WHEREAS, the former owner 70 Grace Church Street, LLC desires to purchase the property back from the Town of Rye for the sum of two hundred thirty thousand dollars (\$230,000.00);

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Rye hereby sells the property known as 70 Grace Church Street, Port Chester, New York, parcel ID No. 142.46-2-9 to 70 Grace Church LLC having an address at 484 Long Ridge Road, Stamford, CT 06902 for the sum of (\$230,000.00), and

BE IT FURTHER RESOLVED that the purchaser 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 purchaser shall be responsible for the filing of the Deed and the payment of any real estate transfer tax, if any, and

BE IT FURTHER RESOLVED that the Town Supervisor of the Town of Rye is hereby authorized to execute and sign any Deed and/or transfer documents necessary to transfer said property to purchaser consistent with the terms of this Resolution.

ROLL CALL

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

NOES: None

ABSENT: None

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

CONSIDERING AN INTER-MUNICIPAL AGREEMENT BETWEEN THE VILLAGE OF RYE BROOK, THE TOWN OF RYE AND THE PORT CHESTER SCHOOL DISTRICT TO PARTICIPATE AND REQUEST FUNDING FOR A FLOOD MITIGATION STUDY

WHEREAS, the area along the eastern Branch of the Blind Brook in the Village of Rye Brook between the Rye Ridge Condominiums known as Avon Circle and the lower pond on Bowman Avenue has historically experienced significant flooding and negatively impacted and caused damage to both residential properties and Port Chester Middle School properties; and

WHEREAS, the Village of Rye Brook, the Town of Rye, and the Port Chester Union Free School District have received a Flood Mitigation Study proposal from Dolph Rotfeld Engineering, P.C. dated July 14, 2016 (the "DRE Study") to seek ways to improve these flooding conditions; and

WHEREAS, the DRE Study would evaluate flooding conditions in the vicinity of Avon Circle as well as downstream areas including Bowman Avenue and the vicinity of the athletic fields immediately west of the Port Chester Middle School building; and

WHEREAS, the DRE Study proposal fees for Phase 1 and Phase 2 are estimated to be \$95,000.00 for investigation survey, hydraulic modeling and preliminary engineering, which includes \$7,500.00 for non-flood mitigation improvements at the Port Chester Middle School; and

WHEREAS, in 2011 Westchester County adopted a Stormwater Management Law and developed a program whereby funding is available to eligible municipalities for flood mitigation or flood damage reduction projects if such projects are included in the reconnaissance plans prepared for each major drainage basin; and

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WHEREAS, flooding and the need for a flood improvement project in this area has been identified in the Westchester County Reconnaissance Plan for the Coastal Long Island Sound Watershed (August 2013) making the vast majority of the DRE Study eligible for municipal funding assistance through the Westchester County with the exception of the \$7,500.00 for non-flood mitigation improvements at the Port Chester Middle School which is also included within the study; and

WHEREAS, the Village of Rye Brook, with the support of the Town of Rye and Port Chester Union Free School District, has submitted a *Stormwater Management Law Flood Mitigation Project Application Form* to the County of Westchester seeking 50% of the costs of Phase 1 and 2 of the DRE Study in an amount not to exceed \$50,000; and

WHEREAS, the remaining 50% of the costs would be shared as follows: Rye Brook 25% (up to \$25,000), the Town of Rye 12.5% (up to \$12,500), and the Port Chester Union Free School District 12.5% (up to \$12,500); and

WHEREAS, the Village of Rye Brook has prepared an inter-municipal agreement for the consideration of the Village of Rye Brook, the Town of Rye, and the Port Chester Union Free School District outlining the obligations of the Village of Rye Brook, the Town of Rye, and the Port Chester Union Free School District for this cost sharing commitment and coordination of municipal and school district efforts (the "IMA"), as more particularly described in the IMA; and

WHEREAS, the Village of Rye Brook, on behalf of the Town of Rye and the Port Chester Union Free School District, would further agree to coordinate and take the lead municipal role on the Westchester County stormwater application and project coordination with Westchester County, including the approval of a separate inter-municipal agreement between the Village of Rye Brook and Westchester County for Westchester County Phase I stormwater funding of this project; and

WHEREAS, Phase 1 and 2 of the DRE Study consisting of design and feasibility studies is a Type II action pursuant to Section 617.5(c)(18) of the State Environmental Quality Review Act ("SEQRA") and therefore no further environmental review is required for Phase 1 and 2.

NOW THEREFORE BE IT RESOLVED, that the Town of Rye is in full support of this flood mitigation project, the DRE Study, the funding commitments, and the submission of an application to Westchester County for flood mitigation funding; and be

FURTHER RESOLVED, that the Supervisor is authorized to sign the IMA between the Village of Rye Brook, Town of Rye, and Port Chester Union Free School District, and is further authorized to execute all additional documents as may be necessary to satisfy the terms of the resolution and the purpose of the IMA.

ROLL CALL

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

NOES: None

ABSENT: None

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

WHEREAS, the Town of Rye has an ownership interest in Rye Town Park, and

WHEREAS, numerous studies since 2003 have identified severe structural and system deterioration, code violations and a lack of ADA compliance at Rye Town Park - with a 2011 estimated “cost to cure” of over fourteen million dollars (\$14,000,000.00), and

WHEREAS, the only capital investment in the Park in the past 10 years involved one million, two hundred thousand dollars (\$1,200,000.00) in roof repairs in 2006 (partially financed with funds from New York State’s Office of Parks, Recreation and Historic Preservation), and

WHEREAS, New York State’s Office of Parks, Recreation and Historic Preservation is now offering matching grants of up to five hundred thousand dollars (\$500,000.00) under its Environmental Protection Fund Grants Program for the restoration of parks and historic structures with a deadline of July 29, 2016, and

WHEREAS, the management of Rye Town Park is the responsibility of the Rye Town Park Commission and the Commission would be the applicant for this matching grant, and

WHEREAS, the Rye Town Park Commission is developing a grant application in the amount of approximately two hundred thousand dollars (\$200,000.00) to 1) engage in a community planning process to identify the needs of the Park, possible uses, and the impact of any capital improvements on the Park and the community and 2) study the conditions, costs and approaches to the preservation of structures in Rye Town Park resulting in a priority list of shovel-ready projects that are consistent with the outcomes of the community planning process;

NOW THEREFORE BE IT RESOLVED, that the Rye Town Council hereby supports this application of the Rye Town Park Commission to the NYS Office of Parks, Recreation and Historic Preservation to provide a Master Plan for the future of Rye Town Park.

ROLL CALL

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

NOES: None

ABSENT: None

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There being no further business on motion of Councilperson Villanova, seconded by Councilperson Baxter and unanimously approved, the meeting adjourned at 8:45AM.

Respectfully submitted,

Hope B. Vespia

Hope B. Vespia

Town Clerk