

MEETING HELD AUGUST 16, 2016

A regular monthly meeting of the Town Board of the Town of Rye, New York, was held on Tuesday, August 16, 2016 7:30 P.M. at the Village of Rye Brook Village Hall at 938 King Street, Rye Brook, New York in the Main Conference Room with Supervisor Gary Zuckerman presiding.

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

ALSO

PRESENT: were Receiver of Taxes Nicholas C. Mecca, Deputy Town Attorney Martha McCarty Sokol, Town Assessor Denise Knauer, Town Comptroller David Byrnes, and Chief of Staff and Confidential Secretary to the Supervisor Deborah Reisner

ABSENT: were Councilpersons Lindsay Ann Jackson and William Villanova, Town Attorney Paul Noto and Superintendent of Highways John DeCrescenzo

Port Chester Village Clerk Dave Thomas led those present in the Pledge of Allegiance. A video and audio recorder were in use during the proceedings.

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

On motion of Councilperson Nardi, seconded by Councilperson Baxter, and unanimously adopted, the minutes for the meetings held July 11, 2016 and July 27, 2016 were approved as presented.

Supervisor Zuckerman asked for comments from the public. There were none.

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Supervisor Zuckerman asked Town Clerk Vespia to read the following.

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

WHEREAS, Inter Municipal Agreements (“IMAs”) have been entered into reciprocally between the Town of Rye and the Town of Mamaroneck to hear and determine each other’s BAR grievances and SCARs, for the 2016 assessment roll for the following property owners in the Town of Rye:

Maria Rappoccio, 30 Haines Boulevard
Mitchell Markowitz, 26 Mohegan Lane

And for the following property owner in the Town of Mamaroneck:

Cary Sleeper, 3 Bayard Street (Board of Assessment Review Member)

WHEREAS, the IMAs for the above Town of Rye property owners are hereby attached to this resolution and made a part hereof.

WHEREAS, going forward, this resolution shall apply to any future assessment appeals involving town employees, officials, members of the Board of Assessment Review, or where it is determined by the Assessor that there is a conflict of interest.

WHEREAS, the IMAs for the Town of Rye and the Town of Mamaroneck will be executed by the Town of Rye Supervisor and a designee by the Town of Mamaroneck.

BE IT RESOLVED, that the use of IMAs between the Towns of Rye and Mamaroneck are hereby approved.

ROLL CALL

AYES: Councilpersons Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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

WHEREAS, Petitions and Notices of Petitions to review the assessment for taxation of the real estate owned by **Hillside Properties Inc. and CS Goodfriend & Company Inc. for the properties located at 13-A and 13 Riverdale Avenue (formerly known as 23 and 13 Riverdale Avenue), Port Chester (136.56-1-48 and 136.56-1-49)** were duly served upon the Board of Assessment Review and Assessor 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](#):

Assmt / Index Year	136.56-1-48			136.56-1-49			Combined AV Both Lots 48 & 48 FROM	Combined AV Both Lots 48 & 49 TO	Total \$ Reduction	Total % Reduction
	From AV	To AV	Difference / Reduction	From AV	To AV	Difference / Reduction				
2009	300,500	95,500	205,000	2,150,000	1,704,500	445,500	2,450,500	1,800,000	650,500	27%
2010	230,000	93,000	137,000	1,978,000	1,707,000	271,000	2,208,000	1,800,000	408,000	18%
2011	123,500	93,500	30,000	2,132,700	1,706,500	426,200	2,256,200	1,800,000	456,200	20%

WHEREAS, it appears to be in the best interest of the Town to settle said matters recommended by the Town Attorney and Special Counsel for the Town of Rye and the Town Assessor 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. Paul J. Noto, Town Attorney 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 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 immediately.

ROLL CALL

AYES: Councilpersons Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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

WHEREAS, Petition and Notices of Petition to review the assessment for taxation of the real estate owned by **8 Edgewood LLC, located at 8 Edgewood Drive, Rye Brook (135.28-1-28)** were duly served upon the Board of Assessment Review and Assessor 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:

Roll Year	Assessment	Settlement Assessment Reduced To	\$ Reduct.	% Reduct.
2015	\$1,040,600	535,800	504,800	49%

WHEREAS, it appears to be in the best interest of the Town to settle said matters recommended by the Town Attorney and Special Counsel for the Town of Rye and the Town Assessor 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:

- 4. 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.
- 5. Paul J. Noto, Town Attorney 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 execute Stipulations of Discontinuance of said proceedings.
- 6. 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 immediately.

ROLL CALL

AYES: Councilpersons Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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

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

WHEREAS, the Town of Rye committed to provide an additional (\$398,326.00) to make Crawford Park handicapped accessible; and

WHEREAS, part of this project is making the Pavilion at Crawford Park handicapped accessible; and

WHEREAS, the Town of Rye is interested in making complementary, non-handicapped accessible improvements to the Pavilion; and

WHEREAS, the Town retained the architectural firm “Arconics Architecture” 555.5 Westchester Avenue, Rye Brook, New York 10573 to prepare plans and specifications for making handicapped accessible and complementary improvements to the Pavilion; and

WHEREAS, a contractor is needed to make these improvements to the Pavilion; and

WHEREAS, the Town’s procurement policies and the guidelines of the NYS CDBG Program require that the selection of a contractor be the result of the public notice soliciting bids; and

WHEREAS, the Town has prepared a such bid solicitation;

NOW THEREFORE BE IT RESOLVED, that the Rye Town Council authorizes the Town to issue the bid solicitation with a response date of September 30, 2016.

ROLL CALL

AYES: Councilpersons Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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Resolution Calling on Town of Rye Residents and Business Owners to Adopt the “Think Differently” Initiative to Assist Individuals with Special Needs and Their Families.

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

WHEREAS, the “Think Differently” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, our state and communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19%, of Americans, have a type of disability or special need; and

WHEREAS, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

WHEREAS, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

WHEREAS, adopting the “Think Differently” initiative is an important statement that our Town officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs, and their families.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Rye residents and business owners to adopt the “Think Differently” initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

ROLL CALL

AYES: Councilpersons Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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

WHEREAS, the Town of Rye owns Rye Town Park together with the City of Rye; and

WHEREAS, Rye Town Park is a public park which was created in 1907 by an Act of the New York State Legislature; and

WHEREAS, from 1908 through 2010, the Park was wholly exempt from real property taxes pursuant to Real Property Tax Law Section 406(2); and

WHEREAS, in 2011 the Assessor the City of Rye determined that the portion of the Park that had been licensed to a private corporation for the operation of a restaurant was taxable and placed that property on the City’s assessment roll for the 2011 tax year; and

WHEREAS, the Rye Town Park Commission and the Town of Rye commenced a proceeding against the Assessor and the City of Rye Board of Assessment Review to strike the property from the City’s assessment roll on the grounds that the property was tax exempt; and

WHEREAS, the Appellate Division, Second Judicial Department, determined in its Decision dated July 27, 2016 that Real Property Tax Law Section 406(2) applies wherein real property owned by a municipal corporation not within its corporate limits while used for a public park shall be exempt from taxation by any municipal corporation in which it is located provided that the governing board thereof shall so agree in writing; and

WHEREAS, there is no written agreement with the City of Rye granting tax exempt status to that portion of the park for which the action was filed; and

WHEREAS, the Town of Rye would like the City of Rye to exempt that portion of the park and restore the exemption as it existed prior to 2011.

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye hereby requests and authorizes Town Supervisor Gary Zuckerman to request, in writing, from the City Council of the City of Rye, a written agreement granting a tax exemption for Rye Town Park consistent with all of the provisions of Real Property Tax Law Section 406(2).

ROLL CALL:

AYES: Councilpersons Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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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 136 Poningo Street, Port Chester, New York known as Parcel ID 136.78-3-16 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, 136 Poningo 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; and

WHEREAS, the former owner Noila M. Catala desires to purchase the property back from the Town of Rye for the sum of One Hundred Thousand Dollars (\$100,000.00).

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rye hereby sells the property known as 136 Poningo Street, Parcel ID 136.78-3-16 to Noila M. Catala having an address at 7 Maple Place, Port Chester, New York for the sum of one hundred dollars (\$100,000.00); and

BE IT FURTHER RESOLVED that 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, Gary Zuckerman, 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 Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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On motion of Councilperson Nardi, seconded by Councilperson Baxter, the Town Board of the Town of Rye authorizes Supervisor Zuckerman to approve a donation of fifteen hundred dollars (\$1,500.00) as adopted in the 2016 budget, to the Columbus Day Celebration Committee towards the festivities of the 2016 Columbus Day Parade.

ROLL CALL

AYES: Councilpersons Nardi and Baxter and Supervisor Zuckerman

NOES: None

ABSENT: Councilpersons Jackson and Villanova

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The following Departmental Reports were received and ordered filed:

TOWN CLERK HOPE B. VESPIA, for the month of July, 2016	
Total submitted to the Supervisor.....	\$1,833.00

RECEIVER OF TAXES NICHOLAS C. MECCA, for the month of July, 2016	
Deposited to Supervisor, Town of Rye.....	\$552,802.78
Deposited to Treasurer, Village of Port Chester.....	\$1,707,544.09
Deposited to Treasurer, Village of Rye Brook.....	\$2,612,434.52

Total.....	\$4,872,781.39
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There being no further business, on motion of Councilperson Nardi, seconded by Councilperson Baxter, and unanimously approved, the meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Hope B. Vespia
Town Clerk