

**AGENDA
TOWN BOARD
TOWN OF RYE**

MEETING TO BE HELD TUESDAY, OCTOBER 18, 2016

**7:30 P.M.
COURTROOM
VILLAGE OF PORT CHESTER
350 NORTH MAIN STREET
PORT CHESTER, NEW YORK 10573**

I. PLEDGE OF ALLEGIENCE

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Meeting Held September 20, 2016**

IV. PRESENTATIONS

V. COMMENTS FROM THE PUBLIC

VI. COMMUNICATIONS/RESOLUTIONS

- A. Resolution: Appointment of Financial Advisor**
- B. Resolution: Veterans Day Donation**
- C. Resolution: Engineering Consultant - Dolph Rotfeld Engineering, PC**
- D. Resolution: Certiorari - Marianacci, 24-26 Sherman Street, Port Chester, NY**
- E. Resolution: Certiorari - 36 Martin Place, LLC**

VII. REPORTS

- A. Assessor**
- B. Finance**
- C. Receiver of Taxes - Monthly Report Submitted**
- D. Town Attorney**
- E. Town Clerk - Monthly Report Submitted**
- F. Superintendent of Highways - Monthly Report Submitted**

VIII. COMMENTS FROM THE COUNCILPERSONS

RESOLUTION, DATED OCTOBER 18, 2016, APPOINTING A FINANCIAL ADVISOR IN CONNECTION WITH THE FINANCING ACTIVITIES OF TOWN OF RYE, NEW YORK

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

WHEREAS, the Town Board of the Town of Rye (the “Town”), a municipal corporation of the State of New York, located in the County of Westchester, recognizes that the Town expects to undertake several capital projects for necessary public purposes in its 2016 and 2017 fiscal years; and

WHEREAS, Squire Patton Boggs (US) LLP, which serves as bond counsel for the Town, has advised that engagement of a registered financial advisor to prepare offering documents for the issuance and sale of the Town’s bonds and notes, advise on market timing and other matters that constitute financial advice would benefit the Town given the expected increase in the dollar volume and frequency of financings undertaken by the Town; and

WHEREAS, the Town Board conducted a search for known financial advisors regularly engaged in advising New York municipalities and school districts, and

WHEREAS, Capital Markets Advisors, LLC (CMA) currently represents dozens of public jurisdictions in Westchester County including the County, cities of Mount Vernon, White Plains and Yonkers, towns of Eastchester, Greenburgh and Mamaroneck, villages of Bronxville, Mamaroneck, Rye Brook, Port Chester and Scarsdale and over two dozen school districts; and

WHEREAS, upon review of CMA’s proposal timely submitted to the Town Board by a committee of the Town Board, the Town Board has determined to accept the recommendation of said committee to appoint as the financial advisor for the Town in its financing activities.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Rye, New York, County of Westchester, State of New York, as follows:

Section 1. Capital Markets Advisors, LLC (“CMA”), with offices at Great Neck, New York, is hereby appointed financial advisor to the Town with respect to the Town’s financing activities. The Town Supervisor is authorized to enter into a contract with the terms and conditions substantiated set forth in the contract and annexed hereto as Exhibit A.

Section 2. This resolution shall become effective immediately.

ROLL CALL

AYES:

NOES:

ABSENT:

Dated: October 18, 2016

B

RESOLUTION

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

WHEREAS, the Town of Rye recognizes the sacrifices made by veterans for the safety of the United States, and

WHEREAS, the American Legion Port Chester Post 93 has formally requested a contribution of one thousand dollars (\$1,000.00) toward the Veterans' Day ceremonies to be held at Veterans' Memorial Park, Westchester Avenue, Port Chester, New York on Sunday, November 13, 2016, and

NOW, THEREFORE, BE IT RESOLVED, that Supervisor Gary Zuckerman be and he hereby is authorized to make said monetary contribution to the aforementioned American Legion Port Chester Post 93.

ROLL CALL

AYES:

NOES:

ABSENT:

Dated: October 18, 2016

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:
TOWN OF RYE)

I, Hope B. Vespia, Town Clerk of the Town of Rye, New York, do hereby certify that I have compared the foregoing copy with a copy of the Resolution adopted by the Town Board of the Town of Rye, at a meeting held on October 18, 2016 at which time a quorum was present, and that the same is a true and correct transcript of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Rye, New York, on this 19th day of October, 2016.

Hope B. Vespia
Town Clerk

RESOLUTION

On motion of Councilperson _____, and seconded by Councilperson _____, the following Resolution was adopted:

WHEREAS, the Town of Rye is in need of engineering consulting services, and

WHEREAS, Dolph Rotfeld Engineering, PC has submitted a proposal to provide general engineering consulting services for the Town of Rye which would include, but is not limited to, reviewing plans, preparation of reports, assisting the Town in conducting inspections, undertaking requested studies and investigations and general engineering services, as needed, for all matters pertaining to the Town of Rye.

NOW, THEREFORE, BE IT RESOLVED that the Town of Rye agrees to engage Dolph Rotfeld Engineering, PC, having an address at 200 White Plains Road, Tarrytown, New York 10591 as general engineering consultants for the Town of Rye and payment shall be made according to the Schedule "A" attached hereto; and

BE IT FURTHER RESOLVED that Town Supervisor, Gary Zuckerman, is authorized to execute an agreement with Dolph Rotfeld Engineering, PC reflecting the terms and conditions approved herein.

ROLL CALL
AYES:
NOES:
ABSENT:

Dated: October 18, 2016

STATE OF NEW YORK :
COUNTY OF WESTCHESTER : ss:
TOWN OF RYE :

I, HOPE B. VESPIA, Town Clerk of the Town of Rye, New York, do hereby certify that I have compared the foregoing copy with the copy of the Resolution adopted by the Town Board of the Town of Rye, at a meeting held on October 18, 2016, at which time a quorum was present, and that the same is a true and correct transcript of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of Rye, New York on this 19th day of October, 2016.

Hope B. Vespia
Town Clerk

SCHEDULE "A"

The following hourly fee schedule applies to services for personnel assigned to the tasks:

Principal:	\$180.00
Project Manager:	\$135.00
Project Engineer:	\$120.00
Associate Engineer:	\$ 90.00
Designer/Draftsperson:	\$ 90.00
Construction Inspector:	\$ 90.00

This hourly rate schedule in effect until December 31, 2017, includes direct payroll, fringes, benefits, overhead, non-technical services and profit.

D

RESOLUTION

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

WHEREAS, Petitions and Notices of Petitions to review the assessment for taxation of the real estate owned by **Vincent James Marianacci/Mary & Bernard Marianacci (141.44-3-29, -30, and -31, at 24 & 26 Sherman Street, Port Chester)**, 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	TOTAL ASSESSMENT (3 Lots)	Totals Reductions from Consent Judgment	Assessment Reduction To (\$)	Assessment Reduction (%)
2009	\$1,284,100	\$ 184,100	\$1,100,000	14%
2010	\$1,053,500	\$ 103,500	\$950,000	10%
2011	\$940,700	\$ 9,900	\$930,800	1%
2012	\$940,700	\$ 40,700	\$900,000	4%
2013	\$940,700	\$ 40,700	\$900,000	4%
2014	\$940,700	\$ 40,700	\$900,000	4%
2015	\$976,700	\$ 56,700	\$920,000	6%
2016	\$976,700	\$ 56,700	\$920,000	6%

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.
5. This resolution shall take effect immediately.

ROLL CALL

AYES:

NOES:

ABSENT:

Dated: October 18, 2016



FISCAL IMPACT MEMO

--CONFIDENTIAL--

TO: Rye Town Board; Paul Noto, Esq.; Jeffrey Binder, Esq., Daniel Tartaglia, Esq., Anthony Cerreto, Esq.

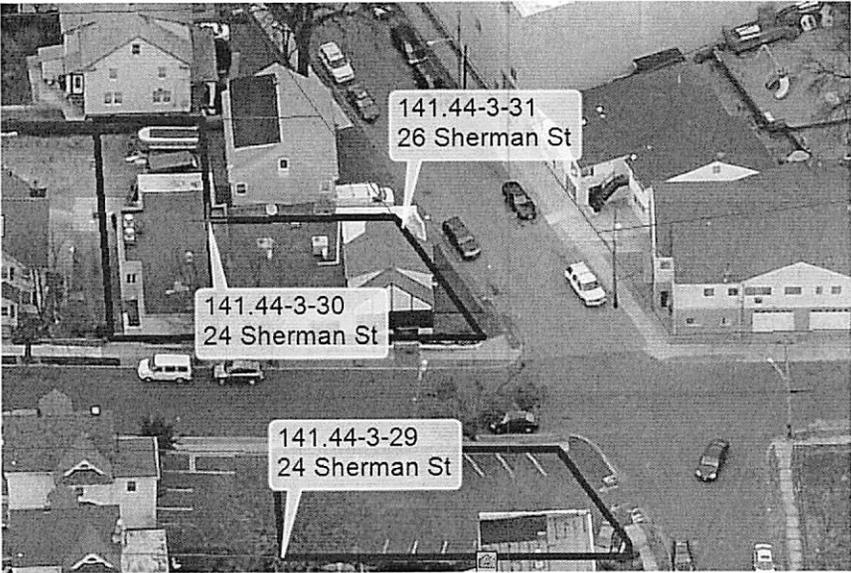
FROM: Denise S. Knauer, IAO, Town Assessor

DATE: October 13, 2016

RE: Tax Certiorari Settlement
24-26 Sherman Street, Port Chester (141.44-3-29, -30, and -31)
Owners: Vincent James Marianacci/Mary & Bernard Marianacci

The property at 24 & 26 Sherman Street (Port Chester) consists of 3 parcels, two of which are improved with the restaurant known as Marianacci's, along with its parking lot across the street:





Because the restaurant is used by the owner and does not have a lease, it is considered an “owner user property.” As such, there are no income and expense statements as related to the rental of the property (income to the restaurant is not considered income to the property). The assessment roll years at issue are 2009 through 2016. For the 2016 assessment, the roll will be adjusted and no refund will be required for that year.

I compared the assessment per square foot of the two lots with improvements on them (lots 30 and 31) to assessments of similar owner-user restaurants. Twenty-three such restaurants were analyzed and the assessment per square foot averaged ~\$140. For the 8 years at issue, Marianacci’s assessment per square foot for lot 30 averaged \$211; and \$173 for lot 31. Based on the following reduced assessments, the assessment per square foot for both lots combined averages \$179:

Roll Year	TOTAL ASSESSMENT (3 Lots)	Totals Reductions from Consent Judgment	Assessment Reduction To (\$)	Assessment Reduction (%)
2009	\$1,284,100	\$ 184,100	\$1,100,000	14%
2010	\$1,053,500	\$ 103,500	\$950,000	10%
2011	\$940,700	\$ 9,900	\$930,800	1%
2012	\$940,700	\$ 40,700	\$900,000	4%
2013	\$940,700	\$ 40,700	\$900,000	4%
2014	\$940,700	\$ 40,700	\$900,000	4%
2015	\$976,700	\$ 56,700	\$920,000	6%
2016	\$976,700	\$ 56,700	\$920,000	6%

The following page is an estimate of the resulting tax refunds.

Tax Refund ESTIMATE*

DSK 10/14/2016 12:25

Section/Block/Lot: 141.44-3-29 through 31

Address: 24-26 Sherman Street

Petitioner: MARANACCI, Vincent James, &

Bernard, Vincent J.,

Appraiser: None

Use: Restaurant and Parking Lot

LEVY YEAR	ASSMT YEAR	Assessment Reduced From	Assessment Reduced To	Difference (Refund Based On)	TOWN		COUNTY		VILLAGE		PCSD	
					RATE NON-Homestead	Tax Refund	RATE	Tax Refund	RATE NON-Homestead	Tax Refund	RATE NON-Homestead	Tax Refund
2010	2009	1,284,100	1,100,000	184,100	0.091496	\$ 16.84	3.071196	\$ 565.41	9.149640	\$ 1,684.45	17.734076	\$ 3,264.84
2011	2010	1,053,500	950,000	103,500	0.07583	\$ 7.85	3.37678	\$ 349.50	9.308938	\$ 963.48	19.571566	\$ 2,025.66
2012	2011	940,700	930,800	9,900	0.06749	\$ 0.67	3.5672	\$ 35.32	9.858233	\$ 97.60	21.57937	\$ 213.64
2013	2012	940,700	900,000	40,700	0.065856	\$ 2.68	3.591478	\$ 146.17	10.385189	\$ 422.68	23.046478	\$ 937.99
2014	2013	940,700	900,000	40,700	0.063407	\$ 2.58	3.650718	\$ 148.58	11.174217	\$ 454.79	24.38619	\$ 992.52
2015	2014	940,700	900,000	40,700	0.054768	\$ 2.23	3.535149	\$ 143.88	11.367334	\$ 462.65	24.635947	\$ 1,002.68
2016	2015	976,700	920,000	56,700	0.043033	\$ 2.44	3.358062	\$ 190.40	10.841884	\$ 614.73	23.766453	\$ 1,347.56
TOTALS*:					\$ 35.29			\$ 1,579.26		\$ 4,700.37		\$ 9,784.89

*These refunds are estimates subject to final calculation by Tax Receiver, Treasurer, and/or Comptroller.
Differences may be due to rounding.

\$ 16,099.81

RESOLUTION

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

WHEREAS, 2015 Petition and Notices of Petition to review the assessment for taxation of the real estate owned by **36 Martin Place LLC (142.39-1-50 36 Martin Place, Port Chester)** was 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	Petitioner Value (On Grievance)	Petitioner Indicated Reduction (\$)	Petitioner Indicated Reduction (%)	Consent Judgment [CJ] (Reduced/AV)	CJS Reduct.	CJ% Reduct.
2015	\$409,700	\$250,000	\$159,700	39%	300,400	109,300	27%

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.
5. This resolution shall take effect immediately.

ROLL CALL

AYES:

NOES:

ABSENT:

Dated: October 18, 2016



FISCAL IMPACT MEMO

--CONFIDENTIAL--

TO: Rye Town Board; Paul Noto, Esq.; Jeffrey Binder, Esq., Daniel Tartaglia, Esq., Anthony Cerreto, Esq.

FROM: Denise S. Knauer, IAO, Town Assessor

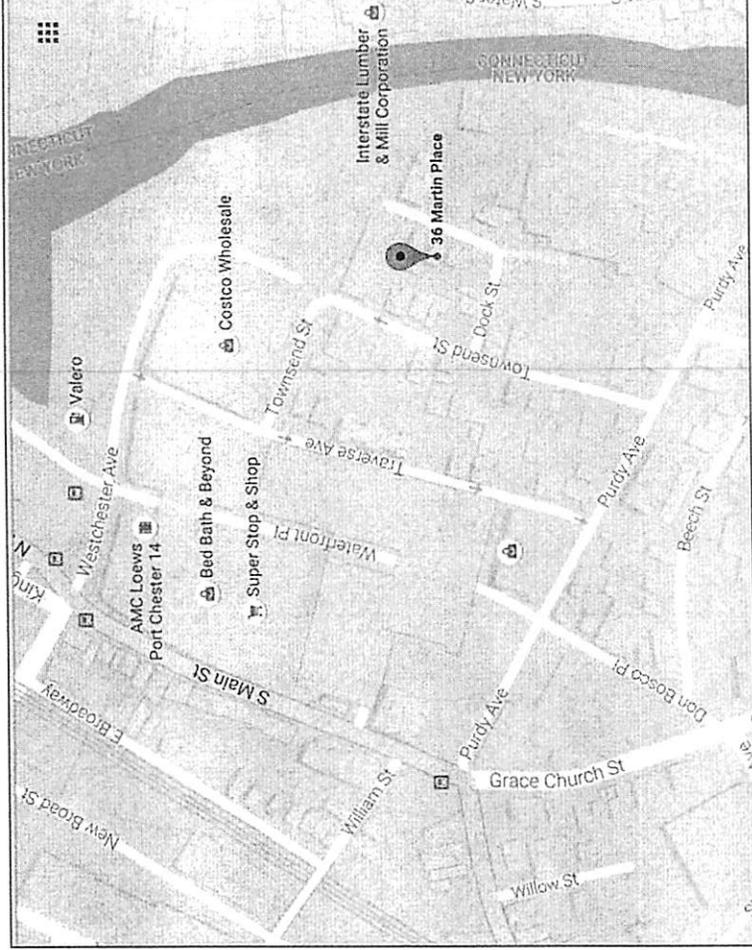
DATE: October 13, 2016

RE: Tax Certiorari Settlement
36 Martin Place, Port Chester (142.39-1-50)
Owner: 36 Martin Place LLC

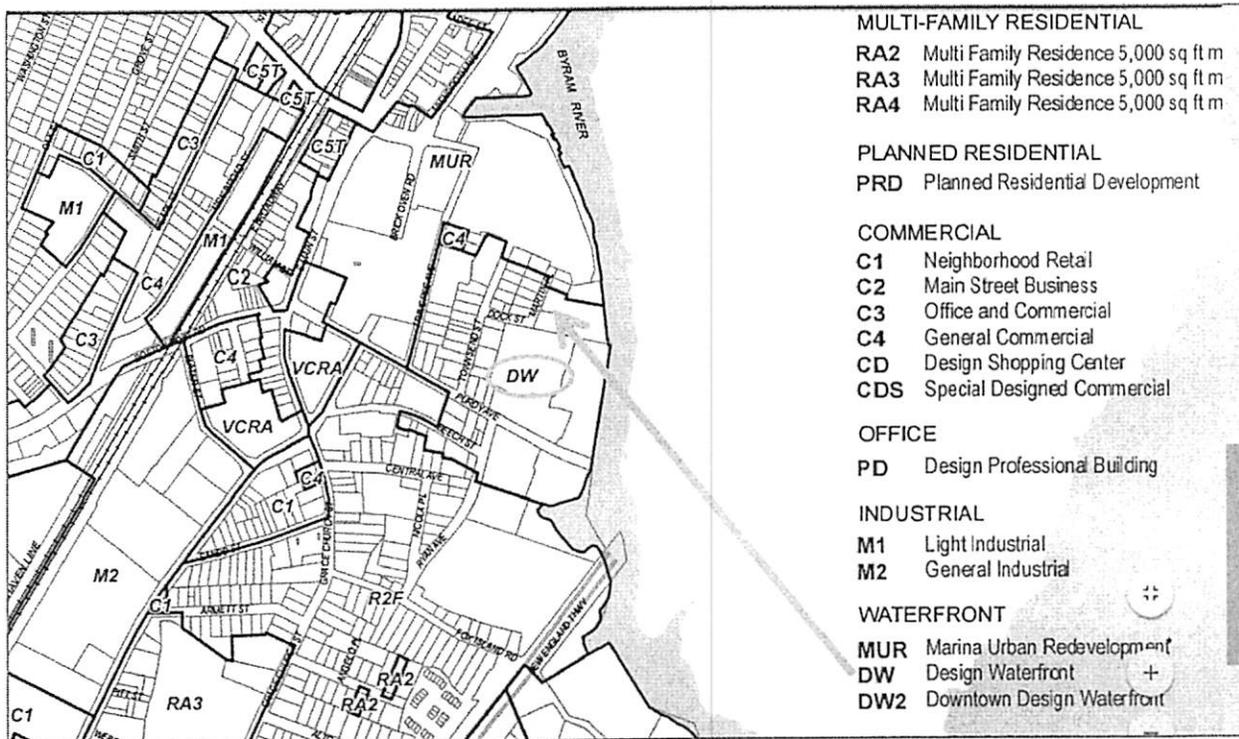
36 Martin Place (Port Chester) is a non-owner occupied 3-family residence that we incorrectly had classified as a 411/Apartment Building (4 units).



The maps on the next page show the subject's relative location in an industrial area, essentially behind the Costco/Stop & Shop complexes.



In addition, the parcel is zoned "DW" (Design Waterfront):



In 2015, a representative for the owner filed a grievance and subsequent Article 7 (tax certiorari) because of the non-owner occupied status. Upon inspection, Charlie Zaba (our Real Property Appraiser) discovered that the subject is a 3-family and that the inventory we had was not accurate.

As per the inspection, the gross living area was reduced from 2672 square feet to the correct GLA of 2098 sq ft. The bedroom count was adjusted from 9 bedrooms to 6 bedrooms. The bathroom count was also adjusted from 4 bathrooms to 3 bathrooms.

As such, we negotiated a settlement to reduce the 2015 assessment from 409,700 to 300,400. In 2016, no grievance was filed.

The following comparable assessments (2 of which are 3-family dwellings on the subject's street) and 2 comparable sales (based on a 7/1/2014 valuation date), further support the reduction:

Comparable Assessments:

	Address	Assessment	Sq Ft	Assessment Per Sq Ft
SUBJECT 3-Family	36 Martin Pl	300,400	2028	148
3-Family	40 Martin Pl	300,100	2520	119
3-Family	26 Martin Pl	360,700	2856	126
2-Family	74 Townsend St	236,100	1620	146

Comparable Sales (7/1/2014 Valuation Date)

	Address	Sale Price	Sq Ft	Assessment Per Sq Ft	Sale Date	Comments
3-Family	29 Beech St	\$ 320,000	2250	\$ 142	10/31/2014	
2-Family	8 Leonard St	\$ 300,000	1736	\$ 173	4/23/2015	Superior Location

The following are the estimated resulting tax refunds:

LEVY YEAR	ASSMT YEAR	Assessment Reduced From	Assessment Reduced To	Difference (Refund Based On)	TOWN		COUNTY		PC VILLAGE		PCSD	
					RATE Homestead	Tax Refund	RATE	Tax Refund	RATE Homestead	Tax Refund	RATE NON-Homestead	Tax Refund
2016	2015	409,700	300,400	56,700	0.033891	\$ 1.92	3.358062	\$5.67	7.737521	\$438.72	16.346148	\$ 92.68
TOTALS*:					\$ 538.99							

**These refunds are estimates subject to final calculation by Tax Receiver, Treasurer, and/or Comptroller. Differences may be due to rounding.*