

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members
FROM: Scott D. Pickup, Acting City Manager
SUBJECT: Enclosures - Council Packet
DATE: December 23, 2009

Enclosed with this memorandum are the following items:

- 12-13 Memorandum from City Assessor Noreen Whitty regarding the 2010 County tax rate.
- 12-14 Letter from Donald E. Canestrari, New York State Department of Environmental Conservation, dated December 15, 2009 regarding the Bowman Avenue Dam Site.
- 12-15 Litigation Update from the Corporation Counsel dated December 23, 2009.
- 12-16 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated December 21, 2009 regarding 2010 Enhanced Channel Mapping.
- 12-17 Meeting notice for the week of December 28, 2009.

FJC/emm
Encs.

To: Frank J. Culross, City Manager

From: Noreen Whitty, City Assessor

Date: December 23, 2009

Re: 2010 County Tax Rate

I have just received the attached 2010 County tax apportionment spreadsheet prepared by the Westchester County Tax Commission and it includes bad news for City taxpayers. While the 2010 County tax levy increased by 2.9%, the increase in the county tax rate for City taxpayers is significantly greater or 7.68%. The estimated 2010 tax rate is \$157.52 compared to \$146.283 in 2009. This increase translates to approximately \$247 in additional County tax for the typical Rye homeowner with an assessed value of \$22,000.

The reason for the sizable tax increase is twofold. First, most municipalities saw their taxable assessed value drop significantly more than the City in 2009. The City's taxable assessed value fell by \$133,775 or 1/10 of 1%, while both New Rochelle and Yonkers, for example, fell by approximately 3%. Secondly, while equalization rates increased or held steady in most municipalities reflecting a declining or flat real estate market, the City experienced a 2% drop in its equalization rate. These two factors combined caused a substantial redistribution of the County tax levy. The Town of Mount Pleasant was hardest hit in the apportionment and its tax rate is expected to increase by 12.42%. Harrison ranks second at 8.87% and Rye, unfortunately, has the dubious distinction of ranking third with an increase of 7.68%. Mamaroneck and Bedford follow with increases of 7.01% and 6.55%, respectively.

If you have any questions regarding this matter or need additional information, please let me know.

Noreen Whitty
City of Rye Assessor

ESTIMATE

APPORTIONMENT OF 2010 COUNTY GENERAL TAX LEVY BASED ON 2009 ASSESSMENT ROLLS

18-Dec-09												FMV	FMV	FMV CHG
												2.89	3.05	5.58%
	2009	2009	2009		2009			% SHARE			EST.	ACTUAL	EST.	TAX
	TAXABLE	EXEMPT	SPREAD		NYS		2009 EST	OF COUNTY	ACTUAL	ESTIMATED	PERCENT	2009	2010	RATE
MUNICIPALITY	A.V.	ADD-BACKS	A.V.	Status	RATE	Status*	FULL VALUE	TAX LEVY	2009 LEVY	2010 LEVY	CHANGE	RATE	RATE	% CHG
City of Mount Vernon	156,839,873	773,993	157,613,866	2009	2.72	F	5,794,627,426	3.151441	17,419,864	17,871,817	1.45	116.08	112.87	-2.92%
City of New Rochelle	284,973,537	1,271,119	286,244,656	2009	2.44	F	11,731,338,361	6.380156	34,873,443	35,776,845	2.59	120.05	125.54	4.58%
City of Peekskill	63,860,064	230,095	64,090,159	2009	3.00	F	2,136,338,633	1.161860	6,208,823	6,515,171	4.93	97.51	102.02	4.63%
City of Rye	139,181,492	280,550	139,462,042	2009	1.94	F	7,188,765,052	3.909651	20,367,433	21,923,505	7.64	146.28	157.52	7.68%
City of White Plains	284,347,649	819,388	285,167,037	2009	2.84	F	10,041,092,852	5.460906	30,479,672	30,622,220	0.47	110.88	107.69	-2.87%
City of Yonkers	487,374,537	3,676,691	491,051,228	2009	2.55	F	19,256,910,902	10.472981	62,517,771	58,727,609	(6.06)	126.24	120.50	-4.55%
Town of Bedford	583,096,558	89,100	583,185,658	2009	8.80	F	6,627,109,750	3.604192	19,145,625	20,210,630	5.56	32.53	34.66	6.55%
Town of Cortlandt	108,790,559	1,165,486	109,956,045	2009	1.62	F	6,787,410,185	3.691372	19,753,949	20,699,497	4.79	181.26	190.27	4.97%
Town of Eastchester	111,769,441	885,439	112,654,880	2009	1.43	F	7,877,963,636	4.284476	24,242,948	24,025,347	(0.90)	211.30	214.95	1.73%
Town of Greenburgh	575,636,212	2,695,774	578,331,986	2009	2.95	F	19,604,474,102	10.662006	57,258,201	59,787,569	4.42	98.28	103.86	5.68%
Town of Harrison	142,812,620	478,150	143,290,770	2009	1.51	F	9,489,454,967	5.160894	27,127,655	28,939,896	6.68	186.14	202.64	8.87%
Town of Lewisboro	325,934,876	53,400	325,988,276	2009	8.90	F	3,662,789,618	1.992029	11,390,029	11,170,373	(1.93)	34.15	34.27	0.36%
Town of Mamaroneck	152,709,280	651,762	153,361,042	2009	1.59	F	9,645,348,553	5.245678	27,699,773	29,415,323	6.19	180.00	192.62	7.01%
Town of Mount Kisco	304,965,611	34,650	305,000,261	2009	17.68	F	1,725,114,598	0.938213	5,058,294	5,261,065	4.01	16.62	17.25	3.80%
Town of Mount Pleasant	140,806,505	845,771	141,652,276	2009	1.31	F	10,813,150,840	5.880794	28,557,811	32,976,758	15.47	208.32	234.20	12.42%
Town of New Castle	1,091,019,064	45,350	1,091,064,414	2009	17.45	F	6,252,518,132	3.400468	18,661,794	19,068,242	2.18	17.02	17.48	2.70%
Town of North Castle	119,052,080	187,333	119,239,393	2009	1.94	F	6,146,360,464	3.342733	18,013,559	18,744,484	4.08	151.68	157.45	3.82%
Town of North Salem	152,122,510	41,850	152,164,360	2009	8.88	F	1,713,562,613	0.931931	5,476,373	5,225,835	(4.57)	35.67	34.35	-3.70%
Town of Ossining	264,241,896	825,606	265,067,502	2009	5.12	F	5,177,099,648	2.815595	15,326,125	15,788,549	3.02	57.59	59.75	3.74%
Town of Pelham	3,125,419,347	9,675,860	3,135,095,227	2009	100.00	F	3,135,095,227	1.705040	8,962,707	9,561,069	6.68	2.90	3.06	5.58%
Town of Pound Ridge	371,888,257	9,100	371,897,357	2009	14.56	F	2,554,240,089	1.389138	7,807,611	7,789,640	(0.23)	21.01	20.95	-0.32%
Town of Rye	7,428,706,435	49,738,339	7,478,444,774	2009	100.00	F	7,478,444,774	4.067195	22,049,088	22,806,938	3.44	2.92	3.07	5.26%
Town of Scarsdale	142,664,002	517,400	143,181,402	2009	1.66	F	8,625,385,663	4.690865	25,367,315	26,304,752	3.70	181.58	184.38	1.54%
Town of Somers	534,550,862	208,421	534,759,283	2009	11.70	F	4,570,592,162	2.485743	13,688,952	13,938,889	1.83	25.68	26.08	1.54%
Town of Yorktown	127,312,421	1,103,869	128,416,290	2009	2.20	F	5,837,104,091	3.174543	17,486,586	17,801,358	1.80	138.85	139.82	0.70%
	17,220,075,668		17,296,380,184				183,872,292,338	100.000000	544,941,481	560,753,491				
							2008		LEVY INCREASE:	2.90%				
							FULL VALUE							
							188,664,709,508							
									PROPOSED TAX LEVY	560,753,491				

Westchester County does not set the tax rates. Actual tax rates can differ from estimated tax rates.

New York State Department of Environmental Conservation

Division of Water

Bureau of Flood Protection and Dam Safety, 4th Floor

625 Broadway, Albany, New York 12233-3504

Phone: (518) 402-8185 • FAX: (518) 402-9029

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

December 15, 2009

Scott Pickup
Assistant City Manager
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Bowman Avenue Dam
DEC Dam ID#: 232-1182
City of Rye, Westchester County

Dear Mr. Pickup:

As part of your permit application (application ID: 3-5514-00120/00001) for the installation of the automated sluice gate and concrete patching at the Bowman Avenue Dam, a hazard class evaluation was performed. The hazard class evaluation was a component of the "Sluice Gate Design Report – Bowman Avenue Dam Site" report, dated October 6, 2009, prepared by WSP Sells.

I reviewed the above report and the dam break (HEC-RAS) model included. WSP Sells provided tables (Table 8.1, 8.2, 9.1 and 9.2) documenting the elevations of structures in the downstream area for dry weather, flood and flood with dam break scenarios to attempt to justify a lowering of the hazard class from a Class B - Intermediate Hazard dam to a Class A - Low Hazard dam. WSP Sells interpreted the data in the tables using guidance provided in the document "Downstream Hazard Classification Guidelines – ACER Technical Memorandum No. 11 (ACER 11)," by the U.S. Bureau of Reclamation, dated 1988.

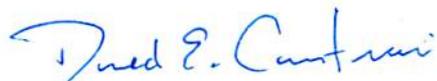
Based on the data provided, there is generally a moderate increase in the flood wave elevation (0 to 2 feet) and velocities downstream during a dam break during the 100-year storm. The tables indicate that the moderate flood rise and velocity would cause several roads and houses to have an increase in hazard classification from low to intermediate when compared to the ACER 11 guidance. If the hazard class rise was at an isolated or only a few structures or roads, a lower hazard classification may be justified, however the size of the impact area for the Bowman Avenue dam is considered larger than generally accepted for a low hazard dam.

Also, in review of the dam break model, it was observed that the time step used for the dam break was 6 hours, which is generally considered too large of a time step, due to the potential to miss the peak flood flow. In a re-run of the model I conducted, with a 10 minute time step, it was observed that there was a slight increase in the incremental dam break flood elevations submitted, adding to the information which furthers the case to maintain the current

hazard classification. Therefore, the Bowman Avenue dam will remain a Class B - Intermediate Hazard dam.

Please do not hesitate to contact me if you want to discuss my review further.

Sincerely,

A handwritten signature in blue ink that reads "Donald E. Canestrari". The signature is written in a cursive style with a large initial 'D'.

Donald E. Canestrari, P.E.
Dam Safety Section
Environmental Engineer 2

cc: Tom Rudolph, NYSDEC, Region 3, Regional Water Engineer
Berhanu Gonfa, NYSDEC, Region 3, Water
Alon Dominitz, NYSDEC, Dam Safety Section

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kevin J. Plunkett, Corporation Counsel
SUBJECT: Litigation Update
DATE: December 23, 2009

BEAVER SWAMP BROOK – DEC ADMINISTRATIVE HEARING PROCESS

By letter dated December 22, 2009, ALJ O’Connell set forth a new deadline (January 15, 2010) by which Harrison must file an amended freshwater wetlands permit application. If the amended application is filed, DEC staff will conduct a coordinated review under the State Environmental Quality Review Act and all parties (which includes the City of Rye) will have an opportunity to comment on same.

LITIGATION

There was no activity this week in litigation affecting the City.

CITY COURT

There was no City Court calendar this week.

Respectfully submitted,

Kevin J. Plunkett

Kevin J. Plunkett
Corporation Counsel

KJP/dfn

ROBERT HOCH, DIRECTOR
GOVERNMENT AFFAIRS
(914) 378-4515 PHONE
(914) 909 0207 FAX
RHOCH@CABLEVISION.COM



December 21, 2009

The Honorable Steven Otis, Mayor
City of Rye
1051 Boston Post Road
Rye, NY 10580

Re: 2010 Enhanced Channel Mapping

Dear Mayor Otis:

Cablevision is excited to announce the last phase of a customer friendly feature whereby Cablevision automatically maps a Standard Definition (SD) channel to its corresponding High Definition (HD) feed. This is a rather complex technical initiative that is seamless for most of our customers. In order to avoid any loss of channels for a small group of customers, beginning on March 2, 2010, the HD Broadcast Basic customers will experience changes to the channel lineups for select premium services.

The Standard Definition (SD) premium multiplex channel positions for the below listed services will change from the 300s to the 1000 century on their HD cable boxes depending upon system. Additional televisions connected to an SD cable box will not be affected.

Services Affected
HBO West
HBO 2 West
HBO Signature
HBO Family West
Starz West
Showtime Extreme
Showtime West
Showtime West Too
Showtime Showcase West
Thriller MAX
WMAX
5 Star MAX
Cinemax West
TMC Xtra
TMC West
TMC Xtra West

Customers will receive a 30-day notification via first class mail postcards. As always, customers can find details of this new line-up on Cablevision's consumer website www.optimum.com. If you have any questions, please feel free to call me at 914-378-4515.

Sincerely

Robert Hoch

**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: December 18, 2009

There are no meetings scheduled to be held during the week of December 28, 2009.

cc: News Media
Kerry Donahue