

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: July 1, 2011

Enclosed with this memorandum are the following items:

- 7-1 Memorandum from Peter A. Baynes, NYCOM Executive Director regarding the Property Tax Cap and Mandate Relief passed by the State Legislature.
- 7-2 Memorandum from Police Commissioner William R. Connors dated June 27, 2011 regarding Animal Control and Summer Camp preparations.
- 7-3 Legal Department Update from the Corporation Counsel dated July 1, 2011.
- 7-4 Notice from the New Rochelle Humane Society regarding their Annual Dog Wash to be held on Sunday, July 17, 2011 from 10 a.m. to 3:30 p.m. on shelter grounds.
- 7-5 Meeting notice for the week of July 5, 2011 is available on the City website www.ryeny.gov under Calendar.

TO: Mayors, Managers, Administrators, Fiscal Officers and Attorneys

FROM: Peter A. Baynes, Executive Director

SUBJECT: State Legislature Passes Property Tax Cap and Mandate Relief

As you may know, the property tax cap passed both houses of the State Legislature Friday evening and was immediately signed by the Governor (Chapter 97 of the Laws of 2011). As expected, the tax cap that was agreed to essentially mirrors the proposal that was introduced by the Assembly on May 24th.

Highlights of property tax cap, as it relates to municipalities, are as follows:

- The bill caps year-to-year growth in municipal property tax levies at the lesser of 2% or the annual increase in the consumer price index. It would be effective for fiscal years beginning in 2012.
- Up to 1.5% of any unused cap in one year would be able to be carried over into the following year.
- Each local government is responsible for calculating its tax levy limit.
- Exclusions from the tax cap include:
 - Large legal settlements exceeding 5% of the prior year levy;
 - Levy increases resulting from local government consolidation;
 - Tax levy necessary for pension growth in excess of two percentage points above the prior year's average actuarial contribution rates for ERS and PRFS; and
 - Development that increases a municipality's full value of taxable real property.
- A local governing body can adopt a local law to override the tax cap. The override is good for one fiscal year and must be approved by 60% of the total voting power of such governing body.
- The tax cap will remain in effect as long as rent control remains in effect.

Mandate Relief

In addition to an extension of rent control, the tax cap bill that ultimately passed the State Legislature (S.5856/A.8518) also included certain "mandate relief" initiatives. Unfortunately, the mandate relief provisions are not what NYCOM would consider significant and will likely do very little to help you control costs under the restrictions of a tax cap.

None of the priority mandate relief proposals that NYCOM has been calling for – including pension reform, mandatory health insurance contributions, binding arbitration reform, repeal of the Triborough Amendment, restrictions on police and fire disability – were included in the bill. Some of the mandate relief items that were part of the final agreement are as follows:

- repeal of the mandate that requires municipalities to provide a police chief with the same dollar increase in compensation received by his/her highest ranking subordinate;
- repeal of the mandate that requires municipalities to pay a new police chief the same compensation as his/her predecessor;

- authorization to piggyback onto federal contracts for computer hardware software and professional services, as well as federal defense supply contracts;
- authorization for the Office of General Services (OGS) to provide centralized fuel and electricity purchases for municipalities; and,
- creation of an 11-member Mandate Relief Council (7 gubernatorial appointees and 4 legislative appointees) with the power to review and recommend amendment/repeal of regulatory and statutory mandates presented by local governments and school districts.

While marginally helpful, these items will have no material impact on those rising costs that are the true cause of high property taxes in New York State. Upon passage of the bill, NYCOM Executive Director Peter Baynes issued the following statement:

"By enacting a tax cap without meaningful mandate relief, New York has missed an historic opportunity to provide real and sustainable property tax relief. The so-called mandate relief approved by the Senate and Assembly is meager and anemic. It will have no material impact on the rapidly rising local costs that are the cause of New York's property tax crisis. As a result, communities throughout our state will be forced to either override the tax cap, decimate essential municipal services, or both. Before the tax cap goes into effect in 2012, our leaders in Albany must enact mandate relief that makes a difference."

NYCOM staff is continuing to review the bill and will be providing a more detailed update on the property tax cap and the accompanying mandate relief provisions, as well as the status of other legislation of importance to cities and villages, within the next few days. In the meantime, if you have any questions, please feel free to contact NYCOM Deputy Director Barbara VanEpps at 518-463-1185 or Barbara@nycom.org



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



June 27, 2011

Memorandum for: Sally Rogol, Superintendent of Recreation
Scott Yandrasevich, Manager, Rye Golf Club
Fred Gioffre, Director, Rye Town Park
Edward Shine, Ed.D, Superintendent of Schools, Rye City School District
Peter Mustich, Ed.D, Superintendent of Schools, Rye Neck School District
Scott Nelson, Headmaster, Rye Country Day School
Christine Siller, Executive Director, Rye Nature Center
Suzanne Clary, President, Jay Heritage Center
Gregg Howells, Executive Director, Rye YMCA
Scott Umbel, Senior Program Director, Rye YMCA
Irene Lustgarten, Executive Director, Community Synagogue
Lawrence Kaiser, General Manager, American Yacht Club
Mauro R. Piccininni, General Manager, Coveleigh Club
Richard Lacoursiere, General Manager, Shenorock Shore Club
Albert Brunner, General Manager, Manursing Island Club
Dominic Zeoli, General Manager, Westchester Country Club
Robert Schlingman, General Manager, Apawamis Club
Sheri Jordan, Director, Rye Historical Society
Peggy Hill, Executive Director, Rye Arts Center

Subject: **ANIMAL CONTROL/SUMMER CAMP PREPARATIONS**

As you will recall, during the summer of 2010 the City of Rye experienced highly unusual activity by coyotes. At that time, we made certain recommendations to the organizations that manage summer camps within the community, and we appreciate the steps all of you who sponsored camps or other summer programs took to enhance the safety of our children.

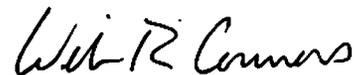
Thus far in 2011, we have not experienced aggressive or abnormal coyote behavior, and we sincerely hope that remains the case. However, interaction with wildlife is increasingly a part of living in suburbia, as evidenced by recent reports of mountain lion sightings in Connecticut, bear activity in New York and New Jersey communities, and our own experience with coyotes. Therefore, we believe it would be wise for any of you who are sponsoring camps or similar

programs to implement some of the same precautions that were employed by summer camps during 2010, such as:

- Discussing with campers what to do if they confront a wild animal
- Establishing procedures to be followed if an animal is seen in the vicinity of a camp
- Equipping counselors with whistles or other sound-producing devices
- Making air horns available to counselors, group leaders, or supervisors
- Ensuring that the police are notified of sightings or unusual activity.

I have attached copies of the City of Rye's "Coyote Fact Sheet" and a poster prepared by the New York State Department of Environmental Conservation, both of which are available on the City of Rye website. We also have a limited supply of larger, laminated posters. If you require additional posters, please feel free to contact me either at the above telephone number or by email at wconnors@ryepd.ryeny.gov .

I thank you in advance for your assistance and cooperation, and look forward to a safe and enjoyable summer camp season.



William R. Connors
Police Commissioner

WRC/wrc

cc: Scott D. Pickup, City Manager



CITY OF RYE FACT SHEET RE: COYOTES

Residents of Rye take great pride in the natural endowments of our community: one-fifth of the City's land is dedicated to recreation and conservation. It is important to remember that we share these areas with the animals that inhabit them; a variety of animals are found within our community, including deer, fox, rabbits, raccoons, and coyotes.

Coyotes are hunters, and primarily feed on rodents, insects, and small animals, including rabbits, squirrels, and small deer. They are normally timid around humans, but some coyotes in suburban areas have lost their fear of people, which can be dangerous. It is important to act aggressively to maintain that natural fear.

WHAT YOU SHOULD DO:

- If you encounter a coyote, be aggressive. Loud noises and forceful behavior will normally scare the animal away. Wave your arms and throw sticks or stones.
- Do not feed coyotes.
- Do not provide food sources that may attract them, such as outdoor pet food or bird seed. They may be attracted by the birds and rodents drawn to bird feeders.
- Make garbage inaccessible.
- Do not allow pets to run free. Coyotes can see cats or small dogs as prey (coyotes' average weight is 35 pounds; they will usually yield their territory to mid-sized or larger dogs). Conflicts are most frequent in March and April, when coyotes are establishing their dens.
- Small children should be supervised by an adult while outdoors.

Coyote attacks on humans can happen, although they are rare (for example, in an average year in New York State, 650 people are hospitalized and one killed in dog attacks, vs. a handful of coyote attacks nationwide). The mere presence of coyotes in our community is part of the ecology of the area, and not dangerous in itself; however, the animals' behavior should be monitored to ensure that they are not acting dangerously or aggressively, or exhibiting a lack of fear.

Unusual coyote behavior should be reported to the City of Rye Police Department at (914) 967-1234 so sightings can be recorded and officers dispatched if necessary. Attacks or emergency situations should be reported via 911.

Additional information on coyotes can be found on the New York State Department of Environmental Conservation's website, <http://www.dec.ny.gov/animals/6971.html>

What Should I Do When I Encounter a Coyote?

Seeing a coyote is not a bad thing. Often, hikers, hunters, bird watchers, etc, will encounter coyotes in the field simply because their activities put them in places that coyotes call home. However, to reduce the likelihood of bad interactions with coyotes, the simple answer to the question "what should I do when I see a coyote?" is to make it fear you. This is especially important when we see coyotes in areas that are commonly used by people, especially children, such as parks, playgrounds, and schoolyards. We cannot change the fact that coyotes do exist, and will continue to exist in suburban and urban areas. We can, however, condition them to not want to encounter people. Here are a couple of techniques that may help with this. Keep in mind that not all of these techniques instill fear in coyotes, but simply disturb or annoy them in hopes of discouraging them from hanging around a particular area.

- **Sound an air horn**
- **Spray the coyote with a hose**
- **Use visual and/or auditory scare devices** - A number of products exist that use a motion sensor to activate a spot light and radio or some other noise intended to chase off undesired animals.
- **Yell, wave your arms, and make yourself look big and scary** - Use body language to reinforce your aggression. Make sure that your voice and body language are as aggressive as possible. Taking a step or making a quick, sudden movement toward the coyote can make this approach more effective.
- **Throw rocks or sticks**
- **Spray with pepper spray** - This is a last resort approach and is designed more to discourage or stop an attack.

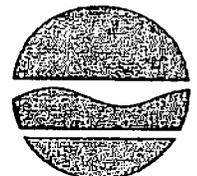
In the case of an attack, fight back! **Kick, Punch, Poke**

Make sure to target sensitive areas such as the eyes, nose, and throat. A large prey item that fights back is not a desirable target for a coyote. Make sure children have a plan that involves the aggression tactics described above in case they have an encounter with a coyote. Small children should be supervised and told to yell out "coyote" repeatedly until an adult responds.

Report an attack to your local police agency immediately. Follow up with a call to DEC so that we, in conjunction with local law enforcement can act accordingly. Contact your New York State Department of Environmental Conservation (DEC) **Region 3 Wildlife Office at (845)256-3098** to report any other undesirable interactions with coyotes.



New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources
Bureau of Wildlife



**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council

FROM: Kristen K. Wilson, Corporation Counsel

SUBJECT: Litigation Update

DATE: July 1, 2011

CLAIMS

A notice of claim has been filed by John Hanratty of 26 Halsted Place. The notice states that Mr. Hanratty's parked automobile was damaged while firefighters were fighting a fire at his residence on May 7th. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

Purchase Street Management, LLC - 31-33 Purchase St.

This is a mixed-use commercial property consisting of retail on the main floor and offices on the upper floors. The proceeding covers assessment years 2003 through 2010 and the assessment in each year was \$65,500. The negotiated settlement results in reductions in assessment of 12.5% for 2003-2005, 15% for 2006-2008 and 20% for 2009-2010. These reductions fall within a reasonable range of the reductions indicated in the appraisal prepared by the City's expert which ranged from 7% - 18%. The refunds due the petitioner under this settlement are \$10,512 (City), \$11,782 (County) and \$31,333 (School).

LoPrinzi LLC - 80 Theodore Fremd Ave.

This is the former Biltmore Jeep dealership that has been vacant since October, 2008. The proceeding covers assessment years 2009 and 2010. The assessment in both years was \$83,300. The property has been actively listed for sale at an asking price of \$2,895,000. In April, 2010, petitioner went into contract on the property at a sales price of \$2,550,000. However, that sale was abandoned by the purchaser. The negotiated settlement reduces the assessment by 39% in 2009 and 32% in 2010 which translates to a market value of \$2.6 million. Based upon this settlement, the refunds due the petitioner are \$8,338 (City), \$6,409 (County) and \$16,664 (School).

Hansa Office Condominiums - 150 Purchase St.

The Hansa building consists of 13 professional condo units. The proceeding covers assessment years 2008 through 2010. The assessment in all years was \$182,840. As you know, for assessment purposes, condominiums must be valued using an income approach (as opposed to a comparable sales approach) which typically results in a substantially lower value. The settlement negotiated in this matter reduces the assessment by 30% in 2008 and 33% in 2009 and 2010. This settlement compares favorably with the appraisal prepared by the City's expert which concluded that assessment reductions of 36%, 38% and 38% were indicated. The refunds due the petitioner under this settlement are \$24,453 (City), \$21,717 (county) and \$58,044 (School).

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

On Wednesday June 8, 2011, the City submitted a memo to the ALJ and all other parties outlining the deficiencies in the Negative Declaration rendered by DEC staff. In addition, the City received the submissions from the other parties involved in the proceeding. DEC Staff and Harrison have an opportunity to respond to the comments.

SCHUBERT v. CITY OF RYE, ET AL.

The City of Rye informed the Second Circuit Court of Appeals that the City was not interested in settlement negotiations. Plaintiff/Appellant has until July 13, 2011 to reactivate the appeal to the calendar.

PEOPLE v. SCHUBERT

The trial is calendared for July 20, 2011 in Rye City Court.

R.B. CONWAY v. CITY OF RYE

The trial has been calendared for September 2011.

DELLI PAOLI v. ZONING BOARD OF APPEALS

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

SHEW v. CITY OF RYE

Plaintiff has filed a reply memorandum of law with supporting affidavits in further support of Paul Shew's motion to file a late amended notice of claim.

MOLLOY v. PLANNING COMMISSION

Appellants have submitted a motion to enlarge their time to file their appellate brief from the Appellate Division, Second Department. No decision has been rendered. If the request is granted, the new date would be September 5, 2011.

PANETTA v. PLANNING COMMISSION

This matter is now fully submitted in Supreme Court, Westchester County.

MUNDINGER v. PLANNING COMMISSION

This matter is now fully submitted in Supreme Court, Westchester County.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

DOG WASH 2011

SUNDAY, JULY 17TH
(RAIN DATE JULY 24TH)
10AM-3:30PM



FUN FOR KIDS!
GAMES!
MAGIC!
CLOWNS!
CRAFTS!

**MOBILE
VET
SQUAD!**

CALLING ALL DIRTY DOGS!

The New Rochelle Humane Society will hold its 11th Annual Dog Wash Sunday, July 17, from 10 a.m. to 3:30 p.m., on the shelter grounds. The fun-filled day features pet pampering and children's activities including face painting, games, magic & a clown!

Attractions include the Divine K-9's "Ask the Trainer" booth, the Canine Good Citizen Test, family portraits with your best canine friend, tours of the Mobile Vet Squad's mobile veterinary hospital, and New Rochelle police dog demonstrations. The New Rochelle Fire Department, which is celebrating 150 years of service, will have a fire truck for photos for everyone!

Admission is free. Dog washes range from \$20 to \$40 (based on pet's size); nail clipping and the Canine Good Citizen Test both cost \$10. The microchip is \$40 and includes registration. A 5x7 family & pet portrait is \$15. Refreshments will be available for sale.

**NEW ROCHELLE
HUMANE SOCIETY**
70 PORTMAN ROAD,
NEW ROCHELLE



**DIVINE K-9's
ASK THE
TRAINER
BOOTH!**



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|---|
| PRICES: (DONATION) |
| DOG WASH: \$20-\$40 (FIRST COME, FIRST SERVED) |
| NAIL CLIPPING: \$10 |
| MICROCHIPPING: \$40 (INCLUDES REGISTRATION) |
| CANINE GOOD CITIZEN TEST: \$10 10:30AM TO 12:30PM |
| FAMILY PORTRAITS: \$15 |

**FOOD VENDORS · FACE PAINTING · RAFFLES ·
MERCHANDISE FOR SALE · POLICE DOG DEMONSTRATIONS · AND MORE!**

New Rochelle  Humane Society

FOR MORE INFORMATION CALL 914-632-2925
WWW.NEWROCHELLEHUMANESOCIETY.ORG

New Rochelle Humane Society
70 Portman Road
New Rochelle, NY 10801
Open seven days a week: 10am to 4pm; Thursdays, 2pm to 8pm