

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 19, 2012

Enclosed with this memorandum are the following items:

- 10-8 Information on the City of Rye Bond Referendum on the ballot for vote on Election Day, November 6, 2012.
- 10-9 Notice regarding a Special Rye City School District Board of Education Meeting to be held on Tuesday, October 23, 2012 beginning at 7:30 p.m. in the Central Administration Building.
- 10-10 Legal Department Update from the Corporation Counsel dated October 19, 2012.
- 10-11 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated October 12, 2012 regarding the addition of the ONE World Sports Channel.
- 10-12 Meeting notice for the week of October 22, 2012 is available on the City website www.ryeny.gov under Calendar.



CITY OF RYE

1051 BOSTON POST ROAD RYE, NY 10580-2996
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City of Rye Infrastructure Bond on November 6th: Smart & Necessary Safety Improvements

On November 6th, 2012, the City of Rye will hold a bond referendum for \$1.86 million to address critical infrastructure and safety needs in and around our downtown and schools. The top projects put forth were selected from the City's capital improvement plan and were chosen because of their immediate impact on safety. Further delay would cost significantly more in the long-term due to the decaying infrastructure.

Why does this matter to every Rye resident? In preparing the bond referendum, the Rye City Council prioritized those projects that had a critical safety component first, followed by those where the rising costs of the eroding infrastructure would negatively impact future operating budgets and property values. The City of Rye strives to maximize your tax dollars. The current low interest rate environment allows us to address these needs in a financially smart way.

Below are frequently asked questions:

What is the total amount of bonding being proposed?

There will be two separate bond resolutions. The first will total \$176,000 and will fund essential sprinkler and ADA/flood improvements at the Rye Free Reading Room. The second totals \$1.68 million and will be dedicated to the construction, reconstruction and improvement of Rye City streets.

What will the new debt mean for our tax rates?

Interest rates are at an historical low so this is a good time to access the capital markets. The City is projecting an interest rate of 2.5% over 20 years on the two bonds combined. This would result in annual debt payments (principal plus interest) of \$120,000. Assuming no other changes, the City's tax rate would increase by 0.6% over the adopted 2012 tax rate. This would cost approximately \$19 more per home per year.

What is covered in Proposition 1?

All of funds in Proposition 1 (\$176,000) will go toward fire suppression sprinklers at the Rye Free Reading Room, as well as other ADA/flood improvements. Only a portion of the Library is currently covered by a sprinkler system, putting both this historic building on our Village green and its extensive holdings at risk. In return for this funding, the library will provide additional services to the community as part of its annual inter-municipal agreement with the City.

What is covered in Proposition 2?

There are five major areas of improvement targeted in the \$1.68 million portion of the bond. These include:

- 1) Major pedestrian safety improvements to the Smith/Elm/Purchase streets intersection
- 2) Reconstruction and paving of portions of Smith Street to address crumbling beneath the paved surface
- 3) Rebuilding a portion of the retaining wall along the Boston Post Road between Thistle Lane and Purdy Street
- 4) Replacement of the outdated sewer siphon on Locust Avenue
- 5) Additional sidewalk and pedestrian safety improvements city-wide (primarily around school zones)

Will this affect the City's triple A rating?

The amount of new debt is relatively small compared to the City's bonding capacity and current debt level and therefore the City expects to maintain its triple A rating.

Will this mean we need to go over the tax cap?

The cost of the bond of \$120,000 per year is expected to be covered in the City's projected operating budget without putting the City over the tax cap.

Is this really necessary?

There can be no compromises when it comes to safety. A much longer list of possible capital and infrastructure needs was pared down to the most critical elements to be covered by this bond. While the City recognizes the severe fiscal challenges faced by municipalities today, it still has a responsibility to ensure the safety of its residents and provide the necessary capital investments to maintain the integrity of our infrastructure, which is in all our residents' best interests. Deferring these key needs not only poses a safety risk but would likely result in much more expensive problems in the future.

Why aren't these capital projects covered under normal operating revenues?

The City and other municipalities generally cover capital needs through revenue surpluses or bonding. With declining or flat revenues in mortgage and sales tax, the tax levy cap, and rising labor costs, there is insufficient surplus to fund these capital priorities.

Will the City need to fund capital needs through bond referendums each year?

The City in conjunction with its Finance Committee is developing a 4-year plan that will project revenue and cost trends in order to identify the near to long-term fiscal challenges facing the City and to create a list of recommendations necessary for financial sustainability. Future capital investments and service levels will be evaluated against this plan to identify funding options.

**Capital Projects for Inclusion in
November 2012 Bond Referendum
City of Rye, New York**

BOND REFERENDUM PROPOSITION I

<i>Project Name</i>	<i>Description</i>	<i>Estimated Cost</i>
Rye Free Reading Room Improvements	Installation of sprinklers and fire alarm system, ADA and flood control improvements and security cameras.	\$176,000
<i>TOTAL</i>		<i>\$176,000</i>

BOND REFERENDUM PROPOSITION II

<i>Project Name</i>	<i>Description</i>	<i>Estimated Cost</i>
Smith Street Reconstruction	Project involves the reconstruction (including paved surface and base) and curb replacement, where necessary. Other improvements as noted in the 2009 CBD Planning and Streetscape Study would also be considered.	\$330,000
Smith/Elm/Purchase Intersection Improvements	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing existing signal with stop signs and other traffic calming measures including changes in intersection paving material, bump-outs, new crosswalks and other street amenities.	\$550,000
Locust Avenue Sewer Siphon Replacement	Abandon the "siphon" under the Locust Avenue bridge and construct a new sewer line with a more reliable, straight, gravity flow sewer line to the County trunk in Blind Brook. The existing pipes are approximately 100 years old, and one of the existing 4" pipes is partially compromised with an obstruction. The siphon conveys sewage for many businesses in the CBD.	\$250,000
Boston Post Road Retaining Wall	The rock wall/embankment on Boston Post Road opposite Purdy Avenue has been shedding rocks, compromising slope and wall stability. The wall and the rock outcropping it sits on straddles private and City right-of-way property lines. The work would include only the first phase of a three phase \$900,000 project to include wall and sidewalk replacement between Thistle Lane and Purdy Avenue.	\$300,000
Sidewalk and Pedestrian Improvements	Includes funding dedicated for pedestrian safety enhancements including projects like creating or upgrading deteriorated sidewalks, crosswalk improvements, installation of flashing beacons or speed indicators, pedestrian safety improvements around schools, ADA compliance and other projects identified by the City Council, City staff or the Shared Roadways Committee.	\$250,000
<i>TOTAL</i>		<i>\$1,680,000</i>



The Rye City School District

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*Elaine Cuglietto
District Clerk
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October 15, 2012

FOR IMMEDIATE RELEASE

October 23, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, October 23, 2012 beginning at 8:00 PM in the Rye Middle School Multipurpose Room, 3 Parsons Street, Rye, NY 10580. Prior to the meeting, the Board will meet in Executive Session for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are fiscal, special education, personnel and business items that ordinarily come before the Board.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak during the public hearing on the budget.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 19, 2012

TAX CERTIORARI
CARROLL v. CITY OF RYE

Post-trial briefs have been submitted and the Judge's site visit has occurred.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and
Board of Assessment Review of the CITY OF RYE**

The City has served and filed its reply papers in further support of its cross-motion for summary judgment.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City and its consultants met with the Town/Village of Harrison and its consultants to discuss the discrepancies in the hydrologic analyses performed in 2010. The City is waiting to hear back from Harrison as to whether Harrison will provide certain data to the City for verification of the flood storage capacity at the Project Home Run site.

BASSETT v. CITY OF RYE

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Appeal has been perfected and we are waiting for notice of oral argument.

CASPI v. CITY OF RYE

An expert has been retained on behalf of the defendants. A few remaining depositions have to be scheduled.

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.

PANETTA v. PLANNING COMMISSION (appeal)

The City's Brief in Opposition has been filed. The matter is fully submitted before the Appellate Division, Second Department. We are waiting a date for oral argument.

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

A discovery schedule has been agreed upon by both parties.

RUNES v. BOARD OF ASSESSMENT REVIEW and CITY ASSESSOR

An Article 78 Petition has been filed by Richard Runes of 3 Kirby Lane North seeking to overturn the April 12, 2011 decision of the small claims hearing officer, JHO Luke M. Charde, Jr. who determined that the assessment on Mr. Runes' property was supported by the evidence put forth by the City.

BUTLER v. PLANNING COMMISSION

A notice of appeal has been filed on behalf of the Planning Commission. The City Council has voted to perfect the appeal.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



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October 12, 2012

The Honorable Douglas French, Mayor
City of Rye
1051 Boston Post Road
Rye, New York 10580-2996

Re: ONE World Sports Channel Launch

Dear Mayor French:

Please let this letter provide notice that effective, November 13 thru November 15, 2012, the **ONE World Sports** channel, the first English language multi-screen, multi-platform network in the United States with a focus on sports from the Asian region, will launch throughout Cablevision's Hudson Valley systems.

One World Sports will be added to a new Japanese package with **TV Japan** for \$24.95. **One World Sports** will also be added at no additional charge to the current Chinese and Korean packages.

In addition, after November 15, Cablevision customers may also purchase **One World Sports** as an a la carte service for \$2.95, while **TV Japan** will no longer be available a la carte and available only as part of the Japanese package.

Customers will be notified through on air and bill messaging. In addition, customers can always find the most current channel line-up, packaging and rate information on Cablevision's consumer website www.optimum.com.

As always, if you have any questions, please feel free to call me.

Sincerely,

Robert Hoch

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