

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 21, 2012

Enclosed with this memorandum are the following items:

- 12-7 News Release from Westchester County dated December 21, 2012 regarding the estimated effect of the 2013 County Budget on local communities.
- 12-8 Notice regarding Project Hope: free counseling available for those affected by Hurricane Sandy.
- 12-9 Legal Department Update from the Corporation Counsel dated December 21, 2012.
- 12-10 Meeting notice for the week of December 24, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



Robert P. Astorino, Westchester County Executive

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## NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

**FOR IMMEDIATE RELEASE: Dec. 21, 2012**

### **ESTIMATE OF EFFECT OF 2013 COUNTY BUDGET ON LOCAL COMMUNITIES IS RELEASED**

The Westchester County Tax Commission today released its *estimate* of the effect that Westchester's 2013 budget will have on individual municipalities.

For the third year in a row, County Executive Robert P. Astorino's budget has not increased the county property tax levy. For 2013, the tax levy – the amount to be collected in property taxes to fund county government – remains at \$548 million, identical to 2012 and 2011. This is a reduction of 2 percent from 2010, when Astorino took office.

However, because communities assess properties at different levels of full value and property values don't go up and down uniformly from community to community, the amount owed by each municipality to the county changes from year to year. A state equalization rate is applied to each municipality so that the tax can be fairly apportioned.

The result is that even though the total amount of the tax levy in the 2013 budget did not increase, 15 communities will see their portion of county taxes go down and 10 will see them go up. The decrease in the property tax bill to local governments will range from 7.67 percent in Mount Vernon to 0.45 percent in New Castle. Increases range from 7.46 percent in the City of Rye to 0.83 percent in Pound Ridge.

"The county has done its job to hold the line on our county property tax," said Astorino. "However, every year the county tax levy affects local governments differently."

County property taxes, including county special districts, account for about 15 to 20 percent of a property owner's tax bill. School taxes account for about 60 percent, and local government taxes 20 percent.

With the adoption earlier this month of a \$1.7 billion budget for 2013, the county will send tax bills to towns and cities. These bills are then used to determine what to charge local taxpayers for county services. Bills to local taxpayers typically go out from the municipality in March and are due to the local municipality at the end of April. Generally, the effect of the county tax on individual taxpayers will be a similar increase or decrease to what the local governments see. *Westchester County does not determine tax rates.*

**2013 COUNTY GENERAL TAX LEVY  
BASED ON 2012 ASSESSMENT ROLLS**

**Municipality**

**ESTIMATED!**

**Percentage Change In  
County Tax Levy Share**

City of Mount Vernon	(7.67)
City of New Rochelle	(2.53)
City of Peekskill	(2.63)
City of Rye	7.46
City of White Plains	(6.07)
City of Yonkers	(3.19)
Town of Bedford	2.51
Town of Cortlandt	1.60
Town of Eastchester	(0.98)
Town of Greenburgh	2.10
Town of Harrison	5.73
Town of Lewisboro	(5.56)
Town of Mamaroneck	5.16
Town of Mount Kisco	(1.54)
Town of Mount Pleasant	1.22
Town of New Castle	(0.45)
Town of North Castle	3.25
Town of North Salem	0.90
Town of Ossining	(5.00)
Town of Pelham	(2.52)
Town of Pound Ridge	0.83
Town of Rye	(3.74)
Town of Scarsdale	6.33
Town of Somers	(3.18)
Town of Yorktown	(2.17)

HURRICANE SANDY SUPPORT



Free Crisis Counseling available for those affected by Hurricane Sandy

**Project HOPE** provides free crisis counseling to those whose lives were impacted by Super Storm Sandy. Staff is available to assist individuals, families, community groups, businesses and service organizations at no charge. Our goal is to assist our community recover from the damages that followed Sandy.

**For more information please contact  
Project Hope at the  
Mental Health Association of Westchester:  
914-345-5900 ext. 7543  
914-345-5900 ext. 7544 (Spanish)**

Project HOPE is funded through a grant by the Federal Emergency Management Agency (FEMA) and facilitated with the Substance Abuse and Mental Health Services Administration. Project HOPE is a program of the NYS Office of Mental Health.



Consejería de Crisis gratuito disponible para los afectados por el huracán Sandy

**Proyecto HOPE** ofrece asesoramiento gratuito a aquellos cuyas vidas fueron afectadas por el huracán Sandy. Nuestros consejeros está disponible para ayudar a individuos, familias, grupos comunitarios, empresas y organizaciones de servicio sin costo alguno. Nuestro objetivo es ayudar a nuestra comunidad a recuperarse de los problemas de las inundaciones que siguieron a Sandy.

**Para obtener más información, póngase en contacto con Project Hope en el *Mental Health Association of Westchester*: 914-345-5900 ext. 7543**

Proyecto HOPE se financia con una subvención de la Agencia Federal de Manejo de Emergencias (FEMA) y equipadas con el Abuso de Sustancias y Servicios de Salud Mental. Project HOPE es un programa de la Oficina de Salud Mental del Estado de Nueva York.



**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: December 21, 2012

**CLAIMS**

A Notice of Claim has been filed by Maximiliano Hernandez of 1150 Wheeler Street in the Bronx. The notice states that it is an action for personal injuries resulting from Mr. Hernandez being shot with a Taser gun by members of the Rye City Police Force. The claim has been forwarded to our insurance carrier.

On November 21<sup>st</sup> I reported to you that a claim had been filed by Lee Flanagan of 4 Barron Place claiming that a DPW trash hauler had damaged her parked automobile. Our insurance carrier has informed us that the matter has been settled for the amount of \$7,861.36.

**HUMAN RIGHTS CLAIM**

In June I reported that an employment discrimination complaint had been filed against the Rye Golf Club with the New York State Division of Human Rights by Crystal Young, a former employee. I have been informed by Vincent Toomey, Esq. that the claim has been dismissed by Determination and Order of the New York State Division of Human Rights as having no probable cause.

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

Judge LaCava rendered a Decision and Order reducing the value of Petitioners property by approximately 45% for the years 2003 through 2011. A judgment has not been entered yet.

**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

People v. Chittenden

In a 15-page Decision and Order, City Court Judge Joseph Latwin denied defendant's motions for recusal and removal but granted the motion to dismiss one of the ten traffic violations.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn