

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 11, 2013

Enclosed with this memorandum are the following items:

- 1-3 2013 State of the City address by Mayor Douglas French delivered at the City Council Meeting of January 9, 2013.
- 1-4 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, January 15, 2013 beginning at 6:00 p.m. at Rye Town Hall.
- 1-5 Notice regarding a Rye City School District Board of Education Special Meeting to be held on Tuesday, January 15, 2013 beginning at 8:00 p.m. at the Osborn School.
- 1-6 Legal Department Update from the Corporation Counsel dated January 11, 2013.
- 1-7 Notice regarding upcoming events at the New Rochelle Humane Society.
- 1-8 Meeting notice for the week of January 14, 2013 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



## CITY OF RYE

CITY HALL • RYE, NEW YORK 10580  
TELEPHONE (914) 967-5400

### **2013 STATE OF THE CITY ADDRESS**

Douglas French -- Mayor, City of Rye

January 9, 2013

Good evening to those of you who are here tonight or watching at home. It is an honor to once again, for the fourth year now, to stand before you as Mayor of the City of Rye and present the *State of the City* address. As I represent Rye across Westchester County and New York State, our way of government – volunteers working simply for the benefit of their community continues to be the envy of all others.

In a book about Rye's history, former Rye Librarian Marcia Dalphin wrote: "First as a Village and then as a City, Rye has had an efficient government; its Presidents, Mayors, Trustees, Councilmen, (and Committees) have been sincerely devoted to its welfare – men and women with no financial gain, have labored faithfully and long – often at personal sacrifice – to direct their Village into ways of progress, to keep it financially sound, and to make Rye a pleasant place in which to live and bring up children."

That is Rye. That is who we are and what we continue to strive to be. And it works. In that spirit, 2012 was the year of accomplishment. The City accomplished a great deal this past year that makes ours a better community, and I want to thank those that serve the City from the paid professionals to the volunteers for their extraordinary efforts, hard work and long hours. And as we look to 2013, we continue to face challenges from the Great Recession and Mother Nature and threats of the unknown, but the hard work and foundation we have put forth in 2012 and the resilience we have shown has positioned the City for great things in 2013 and beyond. The State of the City of Rye is strong.

The key to our success and our future rests on 5 fundamental principles:

1. A Continued Focus on a Strong Financial Position

2. Capital Investment in the Basics
3. A Renewed Commitment to Public Safety and Emergency Preparedness
4. Collaborative Relationships with our Institutions and Gov't Partners
5. Increased Management Oversight and Governance

## **1. A Continued Focus on a Strong Financial Position**

According to a report from the New York State Comptroller, he states --“For the past 5 years the financial trends in our municipalities and school districts have become of heightened concern.” At a time when grants have dried up, elastic revenues are flat, and assessments have declined, in Rye, we have been the financial stewards by providing property tax relief for our residents, holding the line on expenses and restoring our fund balance.

For the 4<sup>th</sup> year in a row, the City has delivered a solid budget that keeps taxes low and continues to deliver the same level of services. The tax rate increase is 2.7%, well under the New York State property tax levy cap. The property tax increase for the last 4 years has totaled only 8.1% -- or an average of just 2% per year. During the period of 1999 to 2009, property taxes rose 6.3% on average per year for 10 years.

The City's undesignated fund balance (our savings account) is at \$4.3M or back to a healthy 14% of the annual operating budget, which is good for the City's financial position and AAA rating.

The results speak for themselves. But it does not end there. We need cost certainty, and in 2013 we hope to have that with our union contracts that have been expired for years. Fair and affordable labor deals that not only look at salaries, but healthcare is a necessity. The City was pleased to come to agreement with the clerical unit at 0%, 0% and 2% salary increases over the period along with an increase in the cap for healthcare contribution. The City was also pleased to assist the Rye Free Reading Room in their agreement with their union. As we plan ahead, the City has engaged its Citizen's Finance Committee to look at financial and operational issues for long-term financial sustainability. In our 4-year plan, all things being equal, by 2016 the City could be running at an annual operating deficit of \$2.4M. We will be diligent in exploring all options and will share those with you.

## **2. Capital Investment in the Basics**

The second key to our success is that we need to continue to focus on capital investment in the basics not only to prevent higher costs in the future, but also to reflect the active nature of our community.

Last year at the SOC, I stood before you and said the City was crumbling. The City had gone through a period of expansion, building new buildings, but the basic infrastructure, roads, sidewalks and sewers are worn. After nearly 6,000 votes cast, a record for any bond in recent memory, Rye residents overwhelmingly passed by 3 to 1 the two bond referenda for \$1.86M to address critical infrastructure and safety needs in and around our downtown and schools.

**The Central Avenue bridge** -- Despite years of regulatory and compliance delays with the New York State Department of Transportation who is funding the project, the perseverance of City leadership paid off and we received final approvals, awarded the project and will complete construction this year.

**1037 Boston Post Road site** – The Council reversed the decision to develop a Police Station/Court House facility at the site for \$25M, reviewed zoning options, lease options, and has put the building up for sale. The City will review bids later this month.

2012 marked the first significant progress toward flood mitigation since the 1940s. The first phase of the city's flood mitigation plan, the Bowman Avenue Spillway Sluice gate, got final funding, project approvals, and was installed. The sluice gate will regulate upstream water flow to help flood mitigation efforts. The second phase is to retain more water upstream, starting behind Bowman Dam. Fundamental hydrology analysis has been done to identify retention options for future projects and we will continue this year to test and gauge water flows. Through code enforcement and a resolution from the Council to Boards and Commissions, a heightened awareness was implemented to ensure that individuals and businesses make smarter/safer decisions for preparedness downstream. A Rye Flood committee was established to advise the Council and assist the City in the implementation of the City's flood mitigation plan and to monitor upstream development.

There were also many pedestrian safety improvements. Forest Avenue is a regular thoroughfare for walkers, bikers and runners. This past summer the City re-striped the road to include lane sharrows to improve pedestrian and bicycle safety. The project was funded by the YMCA's generous grant of \$20,000. In addition, a grant of over \$200,000, thanks to the YMCA for Safe Routes to Schools Initiatives to include sidewalks and crossings in and around our schools. The City worked through Federal and County regulatory issues and installed stop signs to allow for safer crossing at Midland Avenue. The bridge at Old Post Road was widened for safer passage and was funded by Westchester County.

In 2013, we need to look at adding parking to our downtown for shoppers, merchants, residents and commuters. A decades old problem, and not a simple answer by any means, but it's time to revisit our options.

### **3. A Renewed Commitment to Public Safety and Emergency Preparedness**

Irene, Lee, Sandy and Sandy Hook are just a few events that have tested our City. Our emergency personnel have performed exceedingly well, and it's imperative that we ensure the best coordination, preparation and communication with our personnel and residents.

We were pleased to work with the Board of Fire Wardens in making changes to the City Charter that aligned both paid and volunteer resources in conjunction with the City Manager and will allow for better coordination in fire services. In addition, our public notification e-mail and text system – nixle.com that complements the reverse 911 phone calls continues to prove effective and we will look to incorporate social media in our communication efforts. Every Rye resident should sign up for our nixle notification service to stay informed of emergency, public safety, and weather issues. Further, the City has begun coordinating and implementing a citizen preparedness plan that supplements the City's emergency preparedness plan so that all residents are better informed well prior to an emergency and can take appropriate action as needed.

### **4. Collaborative Relationships with our Institutions and Gov't Partners**

The fourth principle is to foster the partnerships that make Rye what it is. Part of why people come here is for the Arts Center, Nature Center, Historical Society, Rye Free Reading Room, YMCA, Rye Town Park, and more. These relationships have been critical to Rye throughout our history. Some of note tonight include:

**A New Direction for Playland** – In 1929 the director of Playland announced that he “shall conduct it solely out of consideration for the thousands who come there for wholesome recreation whether or not that runs counter to the complaints of Rye residents.” Two years ago when the County Executive first announced they were looking at reinventing Rye Playland, the City sought to make sure Rye’s voice was heard. We established the Rye Playland Strategic Committee to make recommendations on activities that met not only the needs of Rye, but also those of today’s Westchester families. The result is a proposal with great promise from Sustainable Playland Inc. in which a letter of intent was signed to develop playing fields, restaurants, a field house, ice-skating rink, as well as the preservation of historic amusement rides, Kiddyland and more.

We support this initiative. I also think the Council needs to drop its tax assessment lawsuit against the County and Rye Town – in essence suing ourselves -- and work with these entities on these exciting improvements rather than pay lawyers and have the courts decide. A PILOT or impact fee can easily meet the City’s needs.

**Rye Town Park** – Most of the financial and operational controls from the Rye Town Park Commission have been fully implemented and the park had a terrific year in terms of user experience and expected financial results. We have established a capital planning committee to look at opportunities for the park. I have also called for the Commission and our state representatives to increase Rye’s representation on the RTP Commission equal to our contribution.

**Historic preservation** – Thanks to our support, the Friends Meeting House and Bird Homestead continued this year to develop and generate a lot of program activity and excitement after years of being dormant. The sound of the meeting house bell being rung this past fall was a wonderful sound that connects generations. Further, the historic walking tour from the Rye Historical Society was launched.

**The Rye Free Reading Room** – Contrary to some parting comments by the Director, the relationship between the City and the Library is very good and reflects the community. We have invested in capital, increased the annual financial contribution, and assisted in their labor negotiations. They have been a terrific community partner – and most recently with post Sandy.

**Sustainability Committee** – This committee has been active in developing the City’s environmental sustainability plan to look at our community carbon footprint, recycling

improvements and community education. Their efforts reflect the growing interests of a broad cross-section of Rye residents. In addition, the City was the first in Westchester to implement a plastic bag ban ordinance.

## **5. Increased Management Oversight and Governance**

Governments need to focus on core competencies such as picking up trash and public safety – not running restaurants. The actions at Rye Golf will prove to be the City's Madoff moment going back years and has caused real doubt in the Enterprise Fund model because although somewhat autonomous entities, ultimately, it is Rye residents that are accountable for Rye Golf and the Boat Basin. We need to change these structures for increased independent management oversight and governance outside of just the membership by incorporating a separate Board of Directors to oversee operations. More to come on this as we conduct our management review of these entities. In addition, the City will be instituting new financial disclosure policies.

So in 2012, a lot was accomplished with more work to be done, but if we stay on the path of these five key principles, Rye's future will continue to be bright. Again thank you to our City Manager Scott Pickup, his management team and the City employees. In particular, Eleanor Militana who serves both Scott and I, and does a fabulous job. Thanks to our Corporation Counsel Kristen Wilson who is away tonight and our City Clerk, Dawn Nodarse. Thank you to our many committees, groups, and organizations -- the volunteers who spend hours advocating for their organizations, serving government committees and planning for our future.

A special thanks to my colleagues for your public service to Rye. So, on behalf of the Council, we look forward to 2013, ready to represent you and ready to serve. Thank you.



*Rye Town Park  
95 Dearborn Ave.  
Rye, NY 10580  
914 967-0965*

## **RYE TOWN PARK COMMISSION** **MEETING NOTICE**

### **Commission Members**

*Joseph Carvin-President*

Douglas French, Mayor-City of Rye

Dennis Pilla, Mayor-Village of Port Chester

Joan Feinstein, Mayor-Village of Rye Brook

Benedict Salanitro, Commissioner

Joseph Sack, Commissioner

**DATE & TIME:**            **Tuesday, January 15, 2013 @ 6:00PM**

**PLACE:**                    **Town of Rye, 3<sup>rd</sup> flr Courtroom  
10 Pearl Street,  
Port Chester, New York 10573**

### **Tentative Agenda:**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: December 18th**
- 4. Comments from the Public**
- 5. Financial Report**
- 6. Correspondence/Requests**

**Adjourn**

**The Rye City School District**  
411 Theodore Fremd Avenue, Suite 100S  
Rye, New York 10580

Tel: (914) 967-6100 Ext. 6278 Fax: (914) 967-6957

 Elaine Cuglietto  
District Clerk  
cugliete@ryeschools.org



January 7, 2013

FOR IMMEDIATE RELEASE -- REVISED NOTICE

**January 15, 2013 Board of Education Meeting**

The Rye City School District Board of Education will hold a Special Meeting on Tuesday, January 15, 2013, at 8:00 p.m. at Osborn School, 10 Osborn Road, Faculty Lounge, Rye New York.

It is expected that the Board will adjourn immediately into executive session for the discussion of employment history of current employees and negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

The next regular meeting of the Board is scheduled for Tuesday, January 22, 2013, beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.

Regular Board of Education Meeting Tuesday January 8, 2013

Special Board of Education Meeting Tuesday January 15, 2013

Regular Board of Education Meeting Tuesday January 22, 2013

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: January 11, 2013

**CLAIMS**

A Notice of Claim has been filed by Daniel Gallelo of 6 Fullerton Place. The notice states that Mr. Gallelo's parked automobile was damaged when it was hit by a City vehicle. The claim has been forwarded to our insurance carrier.

**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

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn

## Events at the



### SHOPPING FOR A CAUSE...



Help The New Rochelle Humane Society

**Charley's Antiques & Used  
Furniture: Shop for a Cause!**  
**January 2013 through  
February 28, 2013**  
Mondays to Saturdays:  
11:00 a.m. to 5:00 p.m.

For the months of January and February, Charley's Antiques and Used Furniture is holding a fundraiser benefiting the New Rochelle Humane Society. Stop by the store at 5 South West Street in Mount Vernon, NY to see the antiques and various items available for sale! A portion of the proceeds goes to the New Rochelle Humane Society animals. Charley's Antiques and Used Furniture is open Monday to Saturday, 11am to 5pm. For more information, contact the store at (914) 424-8888.



### "Living with Coyotes in Westchester" Sunday, January 20, 2013 1:00 p.m. to 2:00 p.m.

The New Rochelle Humane Society is pleased to host an upcoming presentation by Frank Vincenti from the Wild Dog Foundation: "Living with Coyotes in Westchester." Learn how you, your family and your pets can live safely with our coyote neighbors.

New Rochelle Humane Society - 70 Portman Road, New Rochelle, NY 10801 -  
(914) 632-2925

WEB: [www.newrochellehumanesociety.org](http://www.newrochellehumanesociety.org)

Open seven days a week, 10 a.m. to 4 p.m.,  
except Thursdays: 2 p.m. to 8 p.m.