

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 24, 2013

Enclosed with this memorandum are the following items:

- 5-18 Notice regarding the Memorial Day Observance by the American Legion Rye Post #128 to be held on Monday, May 27, 2013 beginning at 10:00 a.m. at Rye Town Hall on the Village Green.
- 5-19 Press Release from FEMA concerning an increase in the Federal cost share for Hurricane Sandy recovery.
- 5-20 Press Release from the Rye Police Department regarding *Seasonal Coyote Activity*.
- 5-21 Press Release from the Rye Police Department regarding the *City of Rye Seasonal Leafblower Ban*.
- 5-22 Legal Department Update from the Corporation Counsel dated May 24, 2013.
- 5-23 Notice regarding a Rye City School District Board of Education meeting to be held on Thursday, May 30, 2013 beginning at 8:30 a.m. in the Rye City School District Central Administration Building.
- 5-24 Notice regarding a Rye City School District Board of Education meeting to be held on Saturday, June 1, 2013 beginning at 8:30 a.m. in the Rye City School District Central Administration Building.
- 5-25 Notice from the American Littoral Society requesting volunteers for the *New York State Beach Cleanup* to be held on September 21, 2013.
- 5-26 Notice regarding a Public Meeting of the Westchester County Rent Guidelines Board to be held on Wednesday, June 5, 2013 at 7:00 p.m. in White Plains.
- 5-27 Meeting notice for the week of May 28, 2013 is available on the City website www.ryeny.gov under Calendar.



Memorial Day Observance

ALL ARE INVITED

AND

WELCOME TO ATTEND

SPONSOR: RYE POST #128

DATE: Monday, May 27, 2013

TIME: 10:00 A.M.

PLACE: The Village Green



FEMA

May 24, 2013
DR-4085-NY-TP-223
FEMA Helpline: 800-621-FEMA (3362)
FEMA News Desk 571-449-1621

News Release

Federal cost-share for Sandy cleanup, rebuilding projects in New York increased to 90 percent

NEW YORK – At the request of New York Governor Andrew Cuomo, President Obama has approved a federal cost-share increase for projects funded by the Federal Emergency Management Agency’s Public Assistance grant program from 75 percent to 90 percent.

This increase allows FEMA to reimburse local, state and tribal governments and certain private nonprofit organizations 90 percent of eligible costs of emergency expenses, debris removal and infrastructure repair. The remaining 10 percent is provided by non-federal funds.

After Hurricane Sandy struck, the President authorized 100 percent federal funding for 15 days for emergency power restoration and emergency public transportation. The increase to 90 percent applies to Public Assistance projects not eligible for the 100 percent funding.

To date, FEMA has approved nearly \$1.3 billion in Public Assistance grants to help New York communities recover and rebuild.

To learn more about FEMA Public Assistance in New York, visit: [**fema.gov/public-assistance-local-state-tribal-and-non-profit**](http://fema.gov/public-assistance-local-state-tribal-and-non-profit) and [**dhses.ny.gov/oem/recovery/**](http://dhses.ny.gov/oem/recovery/).

For more information on New York’s disaster recovery, visit [**fema.gov/sandyny**](http://fema.gov/sandyny), [**twitter.com/FEMASandy**](https://twitter.com/FEMASandy), [**facebook.com/FEMASandy**](https://facebook.com/FEMASandy) and [**fema.gov/blog**](http://fema.gov/blog).

FEMA’s mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

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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



PRESS RELEASE

May 21, 2013

FOR IMMEDIATE RELEASE

CITY OF RYE PREPARES FOR SEASONAL COYOTE ACTIVITY

Contact: Police Commissioner William R. Connors (914) 967-1234

The City of Rye did not experience any unusual incidents involving coyotes during 2011, 2012, or thus far during 2013. However, in light of the abnormal coyote behavior we experienced during 2010, we continue to maintain a proactive approach, and will monitor the situation closely for any signs of activity that warrants additional attention.

There has been a slight uptick in reports of coyote sightings in recent weeks. That is normal; we typically expect to see an increase in sightings of coyotes when their young are born in April/May. The pups begin to wander out of the den in June/July, and during fall they are sent off to find their own territories. Coyotes eat anything: deer, mice, rats, frogs, squirrels, rabbits, birds, birdseed, pet food, fruits and vegetables, and garbage.

As a rule, coyotes are timid animals; they can live close by humans, on the fringe of wooded areas or along streams, but are typically afraid of human contact. They are easily frightened by aggressive behavior. The danger arises when they lose their fear through a combination of factors:

- “Suburban coyote food” – garbage, pet food, pets – is saturated with human odor.
- Human behavior becomes non-threatening – i.e., running away into a home is behaving like prey.
- Food smells like people, people sometimes act like prey, and occasionally, people feed them – therefore, they lose their fear and can potentially become dangerous.

The primary danger posed by coyotes is to pets – cats and small dogs. For dogs, the critical period is March and April when coyotes are setting up their dens and establishing territory. Attacks on humans are rare: for example, 650 people are hospitalized and one killed annually by dogs in New York State, on average, and only a handful of coyote attacks occur nationwide. Unfortunately, the City of Rye and the Sound Shore area experienced highly

abnormal behavior during the summer of 2010. Our experience since then indicates that those incidents were truly unusual.

Residents are advised to take the following steps for personal safety:

- 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. Boat horns and pepper spray are considered very effective.
- 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).
- Small children should be supervised by an adult while outdoors.
- Unusual coyote behavior should be reported to the Police Department so sightings can be recorded and officers dispatched if necessary. Attacks or emergency situations should be reported via 911.

There are no plans for hunting and trapping at this time; however, the Department has been authorized to engage in hazing outside of the normal hunting season. Wildlife experts indicate that activities such as hunting, trapping, and hazing are necessary to restore the natural fear of human contact that has been lost by certain animals. Hazing involves making noise, throwing objects, or taking similar action to decrease the animals' comfort level around humans. We will be tracking reported coyote sightings and monitoring developments closely; if there is any indication of abnormal behavior that would warrant a more aggressive approach, we will seek authorization to begin trapping or hunting.

The Department has posted a "Coyote Fact Sheet" with general information on the City's website, and distributed a poster prepared by the New York State Department of Environmental Conservation to appropriate institutions around the City. Copies of both are attached. We will confer with summer camps prior to the beginning of their season regarding recommended precautions.

Coyote sightings should be reported immediately by calling 911 or the Police Department's main number, (914) 967-1234. General information about coyotes is available on the City of Rye's website, www.ryeny.gov, as well as on the New York State Department of Environmental Conservation's website, <http://www.dec.ny.gov>. We have found the Nixle service to be an effective and expedient way of informing the community of developments regarding coyotes and other public safety issues; we urge residents to take advantage of the opportunity to register for email and text message notifications www.nixle.com



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.





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



PRESS RELEASE

May 22, 2013

FOR IMMEDIATE RELEASE

REMINDER: CITY OF RYE SEASONAL LEAF BLOWER BAN IS IN EFFECT

Residents are reminded that the seasonal prohibition on the use of leaf blowers is in effect.

The following is a summary of City of Rye regulations regarding the use of leaf blowers and other powered lawn equipment:

- Leaf blowers (both gas and electric) shall not be used in the City between May 1 and September 30.
- Between October 1 and April 30 use of leaf blowers is permitted; however, a leaf blower cannot be operated simultaneously on the same lot with another leaf blower or any other type of machine-powered lawn equipment. This provision does not apply to any property in the R-1 Residence District.
- Lawn mowers, outdoor vacuum cleaners and leaf blowers (during permitted season) shall not be operated between 8:00 p.m. and 8:00 a.m. on weekdays and between 6:00 p.m. and 10:00 a.m. on weekends and holidays.
- Municipal entities, schools, religious institutions, membership clubs, golf courses, hospital, retirement communities, cemeteries and driveway/road paving and sealing activities are exempt.
- Construction work is only permitted on weekdays (excluding holidays) between 7:30 a.m. and 6:30 p.m. and Saturdays between 10:00 a.m. and 5:00 p.m. Rock removal activities are only permitted on weekdays (excluding holidays) between 9:00 a.m. and 5:00 p.m.

We ask for your assistance in complying with these laws and advising any lawn service or other contractor you may use. For more information please visit our website at www.ryeny.gov . To report a violation, telephone the Rye City Police at 967-1234.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: May 24, 2013

CLAIMS

A notice of claim was submitted by Anne Therese Bello of 227 Central Avenue. The notice states that sanitation workers mistakenly took non-garbage items from her property. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

A Notice of Appeal in this matter was filed in the Appellate Division, Second Department.

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

A settlement conference was held with Judge Tolbert's clerk and legal secretary.

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 Appellate Division, Second Department issued a decision reversing the lower court decision of Judge Berliner that set aside the jury verdict and remitted the matter back to him to consider whether a new trial should be granted.

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)

In a unanimous decision, the Appellate Division, Second Department, upheld the Planning Commission's decision and found that its determination that Howard Place did not provide reasonable access to a street which was suitably improved had a rational basis and was not arbitrary and capricious.

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

Discovery is complete and the Note of Issue has been filed.

BUTLER v. PLANNING COMMISSION

The Planning Commission and co-respondents Mathissons filed the appellate briefs in the Appellate Division, Second Department.

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

The City has served its Answer with Affirmative Defenses.

SILVESTER v. CITY OF RYE, et al

Additional depositions were held in connection with this matter. Depositions of all parties have been scheduled and IMEs of the Plaintiff will take place in June and July.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn



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

W Elaine Cuglietto
District Clerk
cugliete@ryeschools.org

May 22, 2013

FOR IMMEDIATE RELEASE

May 30, 2013 Special Board of Education Meeting

The Rye City School District Board of Education will meet Thursday, May 30, 2013 beginning at 8:30 AM in the Rye City School District Central Administration Building, 411 Theodore Fremd Avenue, Suite 100S, Rye New York 10580.

It is expected that the Board will adjourn immediately into 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.



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*

*W Elaine Cuglietto
District Clerk
cugliete@ryeschools.org*

May 22, 2013

FOR IMMEDIATE RELEASE

June 1, 2013 Special Board of Education Meeting

The Rye City School District Board of Education will meet Saturday, June 1, 2013 beginning at 8:30 AM in the Rye City School District Central Administration Building, 411 Theodore Fremd Avenue, Suite 100S, Rye New York 10580.

It is expected that the Board will adjourn immediately into 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.



Clean up with the



AMERICAN LITTORAL SOCIETY

VOLUNTEER

for the
NEW YORK STATE BEACH CLEANUP
at a beach near you

September 21, 2013

Collect and record the litter around your lake, river, beach, sound or ocean.

For information, contact:

Natalie Grant

Beach Cleanup Coordinator

American Littoral Society

(718) 869-3488

e-mail: NYSbeachcleanup@gmail.com

Visit us on the web at

www.NYSBeachCleanup.org or www.littoralsociety.org

Northeast Chapter
American Littoral Society
28 West 9th Road
Broad Channel, New York 11693
donriepe@gmail.com

Anderson-Rogers Foundation / Frank J. Antun Foundation
Bloomberg / Richmond City Savings Foundation
Peter & Carmen Lucia Buck Foundation
Lucius N. Littauer Foundation / Pepsico Foundation
Quebec Labrador Foundation
Josh & Judy Weston

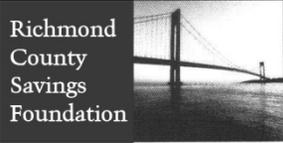


Hudson River Fdn.



Don't Litter

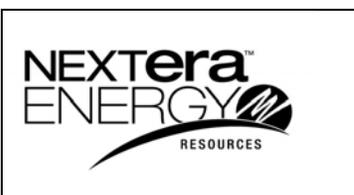
nationalgrid
Foundation



Long Island Sound Futures Fund



The Ocean Conservancy





AMERICAN LITTORAL SOCIETY

Northeast Chapter: 28 West 9th Road, Broad Channel, NY 11693
donriep@gmail.com

www.nysbeachcleanup.org * www.littoralsociety.org

NYS BEACH CLEANUP BACKGROUND INFORMATION

Since 1986, the Northeast Chapter of the American Littoral Society has coordinated New York's participation in the annual September International Coastal Cleanup (ICC). This effort has the overarching sponsorship of the Ocean Conservancy in Washington, DC. The Cleanup is a worldwide event in which over 100 countries and almost all of our states participate.

A well-organized beach cleanup is a prime activity for learning about the marine environment – its value to people and wildlife, threats to its productivity, and the actions people can take to improve it. Coastal property and waterways are valuable, not only for human recreation but also as essential habitat for wildlife. Marine debris pollutes our waters and shore, destroys wildlife, and insults our aesthetic eye. Participating in a cleanup helps people see that the choices they make directly impact the environment – recycling, advocating less use of plastic, lobbying for less packaging, reusing items instead of discarding them – all have a positive effect on the environment.

The American Littoral Society is a national, non-profit organization dedicated to the study and conservation of the marine and coastal environment. Each year, as a major project, we enlist the aid of beach captains from local businesses, civic associations, scout troops, schools, SCUBA diving clubs, environmental organizations and individuals to organize volunteer groups to document and clean up shoreline debris. For this effort, we supply each volunteer group with materials for a safe and efficient cleanup: educational information, flyers and posters, data recording cards, trash bags, gloves when possible, an Adopt-A-Beach Certificate, and a Certificate of Appreciation. We are available to answer question regarding the cleanup, maintain a web site, contact media and elected officials, and publish a beach cleanup issue of our newsletter *Littorally Speaking* which lists all the cleanup sites with a contact person and telephone number.

The debris information is noted on data cards by the volunteers and a summary card is to be returned to the American Littoral Society as well as to Ocean Conservancy where it is analyzed and used to evaluate existing pollution abatement programs and to develop new national and international policies to control debris in order to protect the health and safety of humans and marine life. The event raises the public's consciousness of the state of our shorelines and generates important data that show trends in pollution.

Litter travels from hundreds of miles inland. A plastic sandwich bag blowing off a picnic table far inland washes down a storm drain, river, lake or stream, and winds up being eaten by a sea turtle. The problem is increasing with significant implications for wildlife, fishing, human health, tourism, water quality and marine ecosystems.

Join us this September for our annual cleanup and help keep our ocean and waterways clean! Everyone can take steps each day to protect our ocean. Reduce, reuse, recycle and rethink your connection to the ocean.

In 2012, 5,645 volunteers, coordinated by the American Littoral Society, cleaned and documented 62,633 pounds of debris along 244.13 miles of New York State's shoreline.

WESTCHESTER COUNTY RENT GUIDELINES BOARD
75 South Broadway
White Plains, New York 10601
Telephone 914-948-4434

Jane Morgenstern, *Chair*
Public Member

Members

Eddie Mae Barnes, R.N.	Public
Kenneth J. Finger, Esq.	Owner
Ian Joseph	Public
Carol Ann Kope	Owner
Genevieve H. Roche, Esq.	Tenant
Elsa Rubin	Public
Joseph G. Whelan, Jr., CPA	Public
Rev. Emma Jean Loftin-Woods	Tenant

FOR INFORMATION:
MICHAEL BERRIOS
(718) 262-4816

NOTICE OF PUBLIC MEETING

DATE: Wednesday, June 5, 2013

TIME: 7:00 P.M.

PLACE: New York State Division of Housing & Community Renewal
75 South Broadway, White Plains, New York 10601

AGENDA

1. Call to order.
2. Review of the minutes.
3. Review and discussion of DHCR schedules and data.
4. New business.
5. Adjournment.

Dated: May 24, 2013

Jane Morgenstern, Chair

WESTCHESTER COUNTY RENT GUIDELINES BOARD