



LEGISLATORS

Westchester Legislators Approve EOH Grant Funds For Drinking Water Protection

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Kisco to meet U. S. Environmental Protection Agency Phase II Stormwater regulations, which requires each small municipal separate storm sewer system ("MS4") to obtain a New York State Department of Environmental Conservation State Pollutant Discharge Elimination System permit for stormwater discharges because of high phosphorous levels.

The municipalities, all having land in the Croton watershed, first proposed the regional stormwater retrofit plan and also the use of the EOH funds, which are part of a County Trust Account created for the specific purpose of funding stormwater projects as such. The proposed IMAs used to deliver the funds locally

will have a term of five years, and municipalities will oversee the projects and undertake the work.

The WCBoL also authorized the use of \$1.08 million in EOH funds to partially finance the County portion of a drinking water protection project in the drainage basin of the Kensico Reservoir serving the Quarry Heights region of the Mamaroneck Valley Sanitary Sewage District (MVSD).

For decades, Westchester County officials recognized the existence of failing and substandard septic systems was contaminating the water quality in the Kensico watershed, from which thousands of Westchester residents get their drinking water.

Accordingly, the WCBoL authorized the

County in 1999 to build a sewer system in the Quarry Heights of North Castle, an area within the Mamaroneck Valley Sanitary Sewer District, to eliminate the neighborhood as a source of contamination. Funds were placed in the capital budget for a substantial amount of the sewer construction, and in 2008 the County entered into IMAs with the Town of North Castle and Town / Village of Harrison to construct 53 separate sanitary sewer connections in the Quarry Heights area and to allow for the transmission of residential sanitary sewage to the Mamaroneck Wastewater Treatment Plant.

"The Quarry Heights project is all about protecting our drinking water in the Kensico reservoir and watershed," said Legislator William

Ryan (D-White Plains), who serves as Chairman of the WCBoL's Public Works, Parks, Labor and Transportation (PWPLT) Committee. "This action by the Board, long after the construction was completed, reduces the cost of the project to the sewer district taxpayers."

The overall cost of the project exceeded \$3 million, with \$2 million paid by the MVSD. The WCBoL's vote now authorizes a \$1 million reimbursement to the MVSD from the EOH funds.

"Fundamental fairness required us to take this action," said Legislator Martin Rogowsky (D-Harrison), who worked on the Quarry Heights issue for four years. "It is satisfying to see that my efforts, despite the length of time involved, brought the Board to the point where we could provide this \$1 million in property tax relief to our local taxpayers."

GOVERNMENT

The Real Tax Increase for New Rochelle Homeowners is 15 Percent



By PEGGY GODFREY

An increase of the street repair fee from \$245 to \$295 by the New Rochelle City Council added \$50,000 to the proposed 2012 budget. The City Council then considered a possible solution to a question posed by Councilman Richard St. Paul at the last meeting about what could be done to attract retail development to the City. Commissioner of Development Michael Freimuth, presented a plan costing \$100,000 to hire an independent consultant and emphasized this position would call for special skills. He suggested a "serious deficiency" evidently was not connecting projects to funding sources. There are several good places in New Rochelle for retail and development such as Garden Street, Echo Bay and Hartley House. What is missing is how to bring money to the private sector. A sophisticated consultant could be a bridge to the capital markets; Freimuth believes such an individual cannot be found to be hired with the required qualifications and skills, emphasizing it was not a marketing job.

St. Paul spoke to Freimuth's emphasis on his background. Freimuth stressed he had "a lot of experience" garnered in past positions; such as his improving the downtown of Stamford, CT. Freimuth then mentioned his work in developing an industrial park in Bridgeport, CT, but cautioned, "times are different now." Now the process will involve working with developers and obtaining financing. A marketing program will only take the city so far because the market is tougher and subsidies may be demanded by developers. St. Paul suggested spending this \$100,000 this year because a success would bring in more than \$100,000 to New Rochelle, although he realized it may take more time to coax profits out of a project.

After the motion to add the expenditure to the budget was made, Councilmember Marianne Sussman had serious reservations about it and wanted to know if a real estate broker could work on the City's behalf. Freimuth suggested incentives often get blurred when a commission is involved but a consultant would make consistently greater effort in order prove worthy

of receiving payment on a monthly basis with the possibility of "out" by the City each month. Sussman wanted to know if it was "project based" to generate activity. Freimuth's response was that it was project based upon bringing land use projects to close. A public-private partnership such as was conducted with regard to the Hartley House development for which the City needed funding is an example worthy emulating. St. Paul added the consultant could and should decide if a developer was unfairly inflating what he promised a project was to accomplish.

Councilman Barry Fertel asked if someone could be hired "in house," but this was not considered practical. Freimuth added that Echo Bay was presently proposing changes and a consultant could suggest what the developer needs in order to consummate a deal.

Councilman Jared Rice said that an issue with Hartley House is how it could affect the neighborhood. He was told that the consultant would take direction from the City and would not get involved in any project unless the City directed him to do so.

Councilman Lou Trangucci asked about the cost-benefit analysis, especially with regard to proposed retail. He was told the staff is building skill, referring to the IDA (Industrial Development Corporation) whose recent state audit mandated the city to address this issue of cost and benefits. PILOTS (payments in lieu of taxes) could be considered if the cost analysis indicates a need.

Bramson then suggested the Council was reaching a consensus and asked for a motion to approve the expenditure and it was unanimously accepted.

The Council then proceeded to the budget vote. The motion to amend the \$223 refuse fee per unit was voted down, 4-3 along party lines with Democrats having the upper hand and bringing defeat to the motion. The next motion was to approve the budget with a tax rate of 5.96%. It was adopted in a 5-2 vote, with Councilmen Trangucci and St. Paul voting against it. After the meeting, Councilman Lou Trangucci said this budget is going to cost the taxpayers 15% because of the garbage fee which amounts to a 9.1% increase.

Peggy Godfrey is a freelance writer and a former educator.

Abad Quits Amid Turmoil at Peekskill Housing Authority



By ABBY LUBY

Peekskill Housing Authority Chairman Ron Abad has resigned his position from the PHA board. The former chair's announcement was confirmed by PHA Executive Director Harold Phipps who said Abad didn't give a reason for stepping down.

The resignation came on the heels of a successful \$1 million lawsuit against the housing board by former PHA Executive Director

Gheevarghese "Thomas" Thankachan who sued and won for wrongful termination of his \$90,000 post held in 2007. The decision, which was a victory for Thankachan, who claimed he was fired because he was discriminated against (he is of Indian ancestry) and his political connections, was handed down in a White Plains Federal court. Thankachan, an attorney, worked for the housing authority for 24 years during which time he got his law degree and was subsequently appointed

PHA attorney in 1998. He became executive director in 2003.

The PHA Board of Commissioners includes five members who are appointed by the mayor, plus two who are tenant representatives for Peekskill's public housing at Bohlmann Towers and Dunbar Heights. The embattled PHA has been harshly criticized for years because of alleged wrongdoings against tenants; including sexual harassment, numerous evictions and banning tenants, their friends and family from public PHA board meetings which frequently pit commissioners against frustrated

tenants in ongoing shouting matches. Last January, PHA Commissioner Richard Mayer quit in the middle of one such meeting claiming the PHA had become a contentious political farce and not a forum to better the standard of living at the public housing.

Abad was appointed a year ago by Peekskill Mayor Mary Foster. Neither Foster nor Abad returned phone calls or emails by press time. Abad is a Peekskill resident who works for the Department of Homeless Services in New York City.

Peekskill Councilwoman Drew Claxton said Abad's resignation was "unfortunate" because of his housing experience.

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"I was disappointed to hear about his resignation and, as I understand it, he has a lot of housing experience, and a passion for, and interest in housing. It's hard to find people that are willing to take up this kind of volunteer position. His shoes will be hard to fill."

But some see the Abad resignation and the Thankachan lawsuit as part of the unraveling of the PHA, which is run by the federally funded HUD (Housing Urban Development

Corporation). Committee for Justice head Darrell Davis has been outspoken about the alleged corruption and inequities suffered by PHA residents under Abad's watch, particularly what Davis claims are "massive tenant evictions."

"Chairman of the Housing Authority Board, Ron Abad was overseeing a massive eviction process of mostly minority tenants," said Davis, adding that it was ironic that Abad works for New York City Homeless services under Mayor Michael Bloomberg.

Phipps denied Davis' claim that over 100 tenants had been evicted in the last two years.

"About 10 tenants have been evicted over the last couple of years for non-payment of rent. It's not a large percentage."

Davis is particularly riled that Phipps still holds his position after his contract was terminated last June and shortly after the PHA board said they hired a professional firm to seek a replacement for Phipps.

"It doesn't take six months to find a replacement for Phipps," said Davis. "He's still there and he's retaliating against anyone who spoke against

him."

Phipps said he has no idea when the board will find his replacement. "I don't know what the board has done or is doing about that but it [my leaving] is without foundation. The search is absolutely no place."

Abby Luby is a Westchester based, freelance journalist who writes local news, about environmental issues, art, entertainment and food. Her debut novel, "Nuclear Romance" was published last month. Visit the book's website, <http://nuclearromance.wordpress.com/>

FRENCH ON RYE

Rye City Council Updates of December 9, 2011



Frequently Asked Questions on the 2012 City Budget

By DOUGLAS FRENCH

As the City moves to approve the 2012 operating budget on December 21st, there are many questions that have come about during the 6 weeks of deliberations and workshops that are summarized below:

Doesn't the New York State Property Tax Cap Legislation Limit the Tax Rate Increase at 2%?

No, the legislation is a cap on the tax levy, not the tax rate. Based on the formula supplied by the New York State (NYS) Comptroller's office, the increase on the City's \$19.5M 2011 property tax levy is about \$650,000 or a 3.3% in the tax rate. The State's formula includes exemptions and growth rate adjustments to the levy. The proposed Rye City 2012 budget is under the NYS State Tax Cap and the Council is committed to identifying additional ways to further provide property tax relief while maintaining service levels and quality of life. From 2001 to 2009, the property tax levy grew from \$10.3M to 19.1M or an average increase of \$1.1M per year. The last two years, the increase in the property tax levy averaged only \$157k per year.

Why is the Council Considering Tax Cap Override Legislation?

As part of the NY State Tax Cap legislation, each year prior to adopting its budget, each municipality must adopt (or not) local legislation that gives it the right to override the tax cap. Although the proposed budget is below the cap, the NYS Comptroller's office suggests enacting the local override legislation as a precautionary step against errors in the tax cap calculations given that this is the first year of a five year process. The local passage will protect the City against potential penalties despite the fact that the adopted budget will be under the cap.

What is the Breakdown of the Tax Levy Increase?

The increase is made up of the continued

drop in property values (3 years in a row) \$97,000, New York State Employee Retirement expenses of \$136,000, NYS Police and Fire Employee Retirement Expenses of \$227,000, Retiree Health Insurance of \$26,000, and higher Employee Health Insurance of \$178,000. Pension reform in the near-term is unlikely so local municipalities will need to make fundamental shifts in how they operate in order to absorb the rising costs within a property tax cap world. Other categories such as salaries and wages, equipment, materials and supplies, and contractual costs, are flat or have declined slightly.

What are the Immediate Impacts of the Proposed Budget?

While the City has done incredible work in maintaining service levels during a down economy and holding the line on property taxes, the effects will be felt in 2012. There are no new capital improvement projects planned beyond the ones that have already been funded - although the Council will continue to look for money to conduct the feasibility study to expand the upper pond as part of the City's flood mitigation plan. There will be no surplus revenues for the undesignated fund balance. With no increase in the \$1.08M contribution to the Rye Free Reading Room, the library may need to close an additional day. Parking meter rates will go up from 75-cents per hour to \$1 dollar per hour or 25-cents for 15-minutes. Other impacts could be felt in labor relations. The City is currently in labor arbitration with the Police Union with an expired contract from 2009, and negotiations have yet to begin on the expired 2009 contract with the Fire Department.

Is the City Planning on a Bond Referendum in 2012?

No determination has been made. The City has not invested in capital infrastructure in quite a long time and so starting in January, the Council will embark on a 9-month review with the community to assess the needs, timing and cost of a bond proposal that could include such

things as road improvements and flood mitigation. Purchase Street for example has not been fully repaved since 1985.

Thank You for Your Public Service

I have been involved in Rye government for 25 years working on issues with candidates, council members, boards and subcommittees. I want to close my last article of the year by extending my thanks and appreciation for the public service of Councilwoman Paula Gamache. Few that I know of have contributed more to the City in terms of their expertise,

ability to ask the right threshold questions and the resolve to make the tough decisions - particularly during one on the most challenging periods the City has faced. Paula, thank you.

Final adoption was voted on by the Council on December 21st at Rye City Hall. For more information on these matters, visit the City of Rye Website at www.ryeny.gov or, please contact me, your City Council members or the City Manager.

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