

CITY OF RYE

NOTICE OF SPECIAL MEETING

The City Council has called a Special Meeting for Saturday, October 13, 2012 at 9:00 a.m. in the Mayor's Conference Room. It is anticipated that the Council will adjourn into Executive Session during the meeting to discuss personnel matters.

AGENDA

1. Authorization for Harris Beach, PLLC to represent the Planning Commission in an appeal *Butler v. Mathisson, et al. Planning Commission* and *v. Planning Commission* in the Appellate Division, Second Department.
Roll Call.
2. Motion to adjourn into Executive Session to discuss a personnel matter.
3. Other Business.
4. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, October 24, 2012.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 1

DEPT.: City Manager

DATE: October 13, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for Harris Beach, PLLC to represent the Planning Commission on an appeal in Butler v. Mathisson, et al.

FOR THE MEETING OF:

October 13, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize Harris Beach, PLLC to represent the City's interests in the pending appeal at a rate of \$215 per hour.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Butlers commenced an Article 78 Proceeding against the Mathissons (applicant) and the Planning Commission alleging that the Planning Commission was arbitrary and capricious, among other issues. There is also a second matter involving only the Mathissons and the Butlers (in which the Planning Commission is not named). Both matters were commenced in Supreme Court, Westchester County but were before different judges. Originally, the conclusions of the judges conflicted. On a motion to reargue in the Planning Commission matter, Judge Lorenzo amended his decision to be consistent with the other judge's decision. Both matters are on appeal and the Mathissons would like to perfect the appeals at the same time as they are related and will be heard by the Appellate Division, Second Department. This appeal is not covered under the General Counsel Retainer. Corporation Counsel is asking the Council to authorize Harris Beach, PLLC to be retained on an hourly basis. The estimated legal fees are approximately \$5,000-\$6,500 for the filing/service of the record on appeal and opposition brief.