

**CITY OF RYE  
MEMORANDUM**

**TO:** Honorable Mayor and Council Members  
**FROM:** Frank J. Culross, City Manager  
**SUBJECT:** Enclosures - Council Packet  
**DATE:** August 7, 2009

Enclosed with this memorandum are the following items:

- 8-1 Press Release from the New York State Association of Police Chiefs, Inc. recognizing the Rye Police Department for Sex Offender Management.
- 8-2 Letter to Mary Ann Wollaber, New York State Emergency Management Office, dated July 31, 2009 regarding FEMA reimbursement for the Elm Place Wall project.
- 8-3 Litigation Update from the Corporation Counsel dated August 7, 2009.
- 8-4 Letter from Rye resident Eva Schegulla, dated July 31, 2009 regarding the pending local law for Senior Citizen Rent Increase Exemption (SCRIE).
- 8-5 Meeting notice for the week of August 10, 2009.

FJC/emm  
Encs.

Contact: Mark A. Spawn  
Director of Research, Development and Training  
New York State Association of Chiefs of Police  
2697 Hamburg Street, Schenectady, NY 12303  
Phone 518-355-3371 Fax 518-356-5767

New York State  
Association of  
Chiefs of Police, Inc.

# Press Release

## Rye Police Recognized for Sex Offender Management Keeping Communities Safe Using Best Practices

SCHENECTADY, NEW YORK – AUGUST 5, 2009 The Rye Police Department has been certified by the New York State Association of Chiefs of Police (Association) in a new sex offender management program. The certification recognizes that Rye Police are employing proactive and sound practices in managing sex offenders in their community. The “Certified Best Practices” program was launched in January to recognize police agencies that employ certain strategies to monitor sex offenders, provide community notification and conduct enforcement. Association Executive Director John P. Grebert said, “For more than a decade, managing sex offenders has become an important function of law enforcement. Police are on the front lines in ensuring that offenders comply with the law and that citizens are informed about certain offenders living in their communities.”



Rye Police Commissioner William R. Connors commented, "The City of Rye has been fortunate to have had very limited experience with registered sex offenders. It is such an important matter, however, that it is critical that we have systems in place that are consistent with recognized best practices."

Association President William J. Kilfoil (Port Washington PD) said, "The New York State Association of Chiefs of Police are pleased to provide this service to our members. It is a nice acknowledgement for the hard work being done to monitor sex offenders throughout New York State."

The policies and operations of the Rye Police Department were assessed and found to be in compliance with the elements of the Best Practices program. In addition to having a written policy pertaining to sex offender management, they were also required to provide proof of monitoring of offenders, community notification, cooperation with other agencies, and enforcement.

The Association's director of research, development and training, Mark Spawn noted that the Best Practices program takes several factors into consideration. "This program identifies the most important aspects of sex offender registration and gives agencies the ability to have an external validation of their processes."

The Association's program was presented at a National Symposium on Sex Offender Management in Houston in April. Spawn also said that for agencies that do not yet have a policy in place, the Association has resources to assist departments in developing a plan to meet their individual needs.



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

July 31, 2009

Mary Ann Wollaber  
Disaster Assistance Officer  
NY State Emergency Management Office  
(518) 322-4984 fax

Dear Mary Ann:

The City of Rye has followed our bid and contracting policies for FEMA DR 2204 Elm Place Wall, and now has the final costs for submission for reimbursement.

The requested reimbursement is as follows:

LKB (Engineering, design and construction inspection services)	\$ 158,793.07
Bilotta Construction Corp (permanent restoration)	\$1,165,135.92
Total request for reimbursement	\$1,323,928.99

Thank-you for your assistance in this matter.

Sincerely,

Scott D. Pickup  
City of Rye

Cc: City Manager  
Finance  
Engineering



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

October 30, 2008

Mary Ann Wollaber  
Disaster Assistance Officer  
NY State Emergency Management Office  
(518) 322-4984 fax

Dear Mary Ann:

The City of Rye has followed our bid and contracting policies for FEMA DR 2204 Elm Place Wall which was initially obligated by FEMA for \$1,022,574.21 in January 2008, and awarded a contract to Bilotta Construction Corp. for \$1,186,325.02.

This contract award follows the scope of services that was outlined in the in the project application summary.

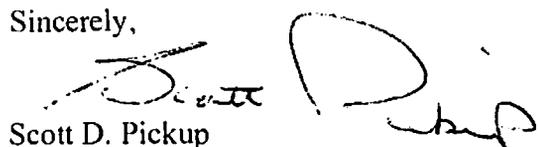
In addition, the city has also spent \$93,351.96 on Engineering Services with LKB Inc for professional engineering services which is not reflected in the initial project costs.

Following past practice, the City is also assuming that approximately 3% (\$35,500) will be available for construction inspection.

Based on a review of these expenditures, the City is seeking an additional \$292,602.77

Thank-you for your assistance in this matter.

Sincerely,

  
Scott D. Pickup  
City of Rye

Cc: City Manager  
Finance  
Engineering



**New York State Emergency Management Office**  
 1220 Washington Avenue  
 Building 22, Suite 101  
 Albany, NY 12226-2251



David A. Paterson, Governor

John R. Gibb, Director

December 15, 2008

Mr. Scott D. Pickup  
 Assistant City Manager  
 City of Rye  
 1051 Boston Post Road  
 Rye NY, 10580

Re: FEMA 1692 DR NY  
 P.A. ID #119-64309-00  
 Additional Costs  
 PW #2204

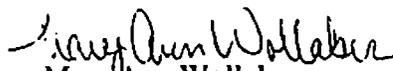
Dear Mr. Pickup:

Thank you for your letter of October 30, 2008 regarding your concern for an increase in cost pertaining to the above listed project in FEMA 1692 DR NY.

The State has forwarded the information to FEMA regarding the anticipated cost increase. FEMA concurs with SEMO that as long as the City of Rye follows their bidding procedures, any applicable local and State laws, and remains within the project scope of work for the large projects they will be reimbursed based on the actual eligible costs. FEMA has attached the provided information to the applicant's case management file.

SEMO would like to thank the City of Rye for providing this information regarding the change in costs associated with the above large project. Should you require further information regarding this matter, please do not hesitate to contact me at (518) 292-2390.

Sincerely,

  
 Mary Ann Wollaber  
 Disaster Assistance Officer



**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kevin J. Plunkett, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: August 7, 2009

**CLAIMS**

A notice of claim has been filed by Jody Domotor of 188 Soundview Avenue. The notice states that on July 3, 2009 a window of Ms. Domotor's home was damaged by a golf ball. The claim has been forwarded to our insurance carrier.

**LITIGATION**

ROBERT SCHUBERT and RITA SCHUBERT v. CITY OF RYE, CITY COUNCIL OF THE CITY OF RYE, ANDREW C. BALL, MACK CUNNINGHAM, PAULA GAMACHE, CATHERINE PARKER, JOE SACK, in their individual capacity and as members of the City Council of the City of Rye, GEORGE J. MOTTARELLA, in his individual capacity and as City Engineer of the City of Rye, STEVEN OTIS, in his individual capacity and as Mayor of City of Rye, and O. PAUL SHEW, in his individual capacity and as City Manager of the City of Rye

As I have previously notified you, Robert and Rita Schubert have filed a Federal Civil Rights lawsuit in United States District Court, Southern District of New York, against the City, the Mayor and Members of the City Council, the City Engineer and the former City Manager both individually and in their official capacities. The action claims that the plaintiffs were deprived of their property and liberty rights without due process of law in violation of the United States Constitution. The complaint has been forwarded to our insurance carrier. I have spoken directly to the City's representative at the third-party administrator for our insurance coverage.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

*Kevin J. Plunkett*

Kevin J. Plunkett  
Corporation Counsel

KJP/dfn

Received

AUG 06 2009

City Manager's Office  
Rye, New York

**Eva Schegulla**  
**131 Purchase St. C-32**  
**Rye, NY 10580**

July 31, 2009

Mayor Steven Otis and The Rye City Council  
c/o Rye City Hall  
1050 Boston Post Rd.  
Rye, NY 10580

Dear Mayor Otis and City Council,

First of all, I want to thank you for your patience and forbearance with the font of misinformation and venom that was spewed at you during the public hearing regarding SCRIE on July 15.

The City's passage of ETPA several years ago was very important. Mr. Jackson was highly regarded; however, he was in his eighties -- he is only a few months younger than I am -- and earned the right to retire and sell the building. Unfortunately, the first prospective owners, RAP (Rye Acquisitions Partners) was fronted by Michael Kornblum, a "businessman" whose dealings with Highland Hall included: Coercing tenants to move; false claims of helping them to "relocate"; a cash "offer" worded so that they were never actually committed to pay any monies on the so-called "buy-out" that tenants were pressured to sign on the spot without legal consultation or representation or time to fully read the offer and consider it on neutral ground; intimidating tenants (both physically and psychologically); forcing entry into apartments under false pretenses in violation of NY State Law; setting up a website to spread misinformation about the development deal; and even hiring locals to hand out and perpetrate libelous and slanderous allegations about tenants and individuals within the town, much in the way slander was spoken to and against the City Council in the last meeting.

Fortunately, the City Council listened, read the documentation, weighed the evidence, gave a fair hearing to both sides, and voted in favor of protecting long-term residents of the community who've contributed for many years in both taxes and individual presence.

ETPA has helped the residents in numerous ways, and, with DHCR's continued guidance and training, we work out most of our issues with the new owners, RA Cohen, on an individual basis. However, rents continue to increase; Major Capital Improvements are submitted by Cohen and are under review by DHCR (since there is some disagreement as to what is necessary and certainly as to what is an "improvement"). Although the increases are controlled, they are at a far greater rate than fixed income for seniors. For instance, Social Security will not be raised in 2010.

Medicare, however, will continue to rise. Con Ed, the phone company, food prices, and gas prices continue to rise. If the MCI is approved AND the rent is raised, even at a controlled rate, I may not be able to stay in the home in which I have lived since 1972. The building has been a construction zone for nearly two years -- you can't open a window, and half the time you can't go down to take out the garbage. They will continue to submit MCI raise requests. Seniors can't do it.

In fact, on the lease renewal that was sent out a few days ago, RA Cohen demands a rent increase of 4.5% on a one year and 6.5% on a two year lease, even though the Guidelines board voted that the increases will only be 2.25% for a one year lease and 4% for a two year lease. I am taking the matter up with DHCR. But it is yet another instance where the senior citizens in Rye need as much support and protection from the City Council as possible.

Passing the SCRIE will protect seniors, allowing them to remain in their homes, should they chose, and at least have the security that they won't be tossed out to the street in their final years. It's a small number of people, and it is a sign that the community as a whole respects them and wants them to remain an active and integrated part of the community as a whole.

By the time you meet again, most of us will have received our new leases. Whether or not we can sign them is up to you. Doug Carey has worked tirelessly and selflessly on behalf of all the tenants in the Highland Hall complex, whether they agree with him or not. He has always been kind and supportive; the only intimidation came from representatives of RAP, some of whom have a long history on the public record of misinformation, broken promises, and failed ventures. A Public Hearing is a place to discuss the issue and inappropriate to air personal vendettas. You are aware that the bulk of information vomited out that night by a particular speaker was incorrect; I hope you realize the speaker acted from personal interests and opinions and does not represent me or anyone I know of in the building. I will be out of town on the date of the next public hearing, but I wanted each and every member of the Council to know my feelings on the matter. I appreciate everything you've done for us to date, and I respectfully ask you to take this additional step.

With best wishes,

*Eva Schegulla*

Eva Schegulla

**CITY OF RYE  
MEMORANDUM**

**TO:** Department Heads  
**FROM:** City Clerk's Office  
**SUBJECT:** Weekly Meeting Notice  
**DATE:** August 3, 2009

Meetings scheduled to be held during the week of August 10, 2009.

**TUESDAY, AUGUST 11, 2009**

**Planning Commission**  
7:00 P.M.  
Council Chambers  
Mayor's Conference Room

**WEDNESDAY, AUGUST 12, 2009**

**Rye Recreation Commission**  
7:00 P.M.  
Damiano Center

**City Council Meeting**  
8:00 P.M.  
Council Chambers  
Mayor's Conference Room

***Rye Golf Commission***  
7:00 P.M.  
Whitby Castle  
Board Room

**cc:** News Media  
Kerry Donahue