

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members
FROM: Frank J. Culross, City Manager
SUBJECT: Enclosures - Council Packet
DATE: October 9, 2009

Enclosed with this memorandum are the following items:

- 10-5 Press Release from the Government Finance Officers Association announcing that the City of Rye has received the Distinguished Budget Presentation Award.
- 10-6 Notice from the Rye Parent Teacher Organization regarding concerns over safe routes to school.
- 10-7 Litigation Update from the Corporation Counsel dated October 9, 2009.
- 10-8 Notice of the Rye Town Park Commission Meeting to be held on Tuesday, October 20, 2009 at 10:00 a.m.
- 10-9 Minutes from the Landmarks Advisory Committee meeting held Wednesday, July 22, 2009
- 10-10 Letter from Phyllis Wittner, Chair of the Long Island Sound Watershed Intermunicipal Council (LISWIC) dated October 5, 2009 regarding storm water management.
- 10-11 Meeting notice for the week of October 13, 2009.

FJC/emmm
Encs.



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

September 24, 2009

PRESS RELEASE

For Further Information Contact
Stephen J. Gauthier (312) 977-9700

Chicago--The Government Finance Officers Association of the United States and Canada (GFOA) is pleased to announce that **City of Rye, New York** has received the GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to **Michael A. Genito, Assistant City Manager/Comptroller**.

For budgets including fiscal period 2007, 1,166 entities received the Award. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

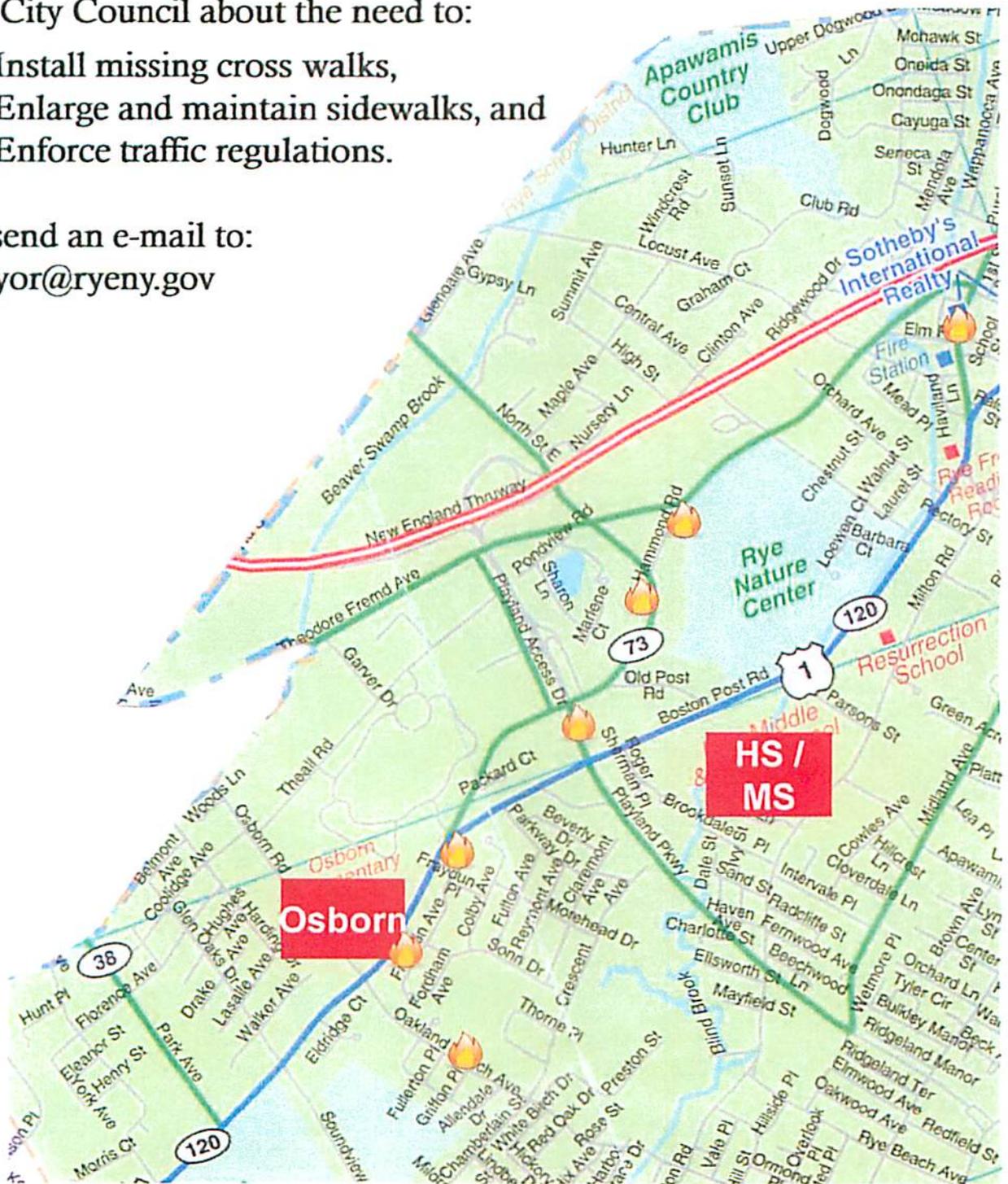
The Government Finance Officers Association is a nonprofit professional association serving over 17,600 government finance professionals throughout North America. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.

Remember Waldo? He tried to find a safe route to school. He gave up.
Don't you give up!

Walk ... Cycle ... or drive to the next City Council meeting and educate our City Council about the need to:

- Install missing cross walks,
- Enlarge and maintain sidewalks, and
- Enforce traffic regulations.

Or send an e-mail to:
Mayor@ryeny.gov



Scary should be part of Halloween, not a pedestrian routine!

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kevin J. Plunkett, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 9, 2009

TAX CERTIORARI

The City has been served with numerous Notices of Petition on behalf of property owners seeking judicial review of their property tax assessments under Article 7 of the Real Property Tax Law. Petitions seeking reduction of assessments must be filed within 30 days of the final completion and filing of the assessment roll prepared annually by the Assessor.

LITIGATION

HIGHLAND HALL APARTMENTS v. NYS DHCR, CITY OF RYE, et al.

Not unexpectedly, the Second Department overturned Judge Rory Bellantoni's Decision granting the City's motion to dismiss Highland Hall's Petition at the earliest stage of the litigation. The standard of review on a motion to dismiss makes it difficult to have a court grant such motion since all of the allegations in the Petition or Complaint are deemed to be true.

The Second Department determined that Highland Hall's Petition was timely because it was a constitutional challenge to the resolution applying the Emergency Tenant Protection Act to all housing accommodations with 50 or more dwelling units. It held that since the proper vehicle to challenge the resolution was a declaratory judgment action, the part of the Petition seeking mandamus against DHCR was properly dismissed. It also permitted the substitution of the new owner (151 Purchase Street Associates, LLC) in place of Highland Hall Apartments, LLC. It reinstated the Petition and converted it into a Complaint. It converted the proceeding into an action for a judgment declaring that the resolution is unconstitutional to the extent that it determined that 151 Purchase Street was subject to the ETPA.

This Decision is not a determination on the merits of the case and involves only procedural issues. Accordingly, the Second Department remitted the matter to the lower court where the case will continue to be litigated.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kevin J. Plunkett
Corporation Counsel

KJP/dfn



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

RYE TOWN PARK COMMISSION MEETING(S)

Day: Tuesday: October 20, 2009

Meeting #1 - - Time: 10:00A.M

**Place: Rye Town Park Administration Building
95 Dearborn Avenue 2nd Floor, Rye, NY 10580**

Agenda: Facility Walk-Thru and Grant Update

Meeting #2 - - Time: 6:00P.M

Place: 10 Pearl Street, Port Chester, NY 10573

Agenda:

- 1. Approval of the minutes of the 9/30/2009 Meeting**
- 2. Park Managers' Report – Fred Gioffre/Bill Lawyer**
- 3. Approval of 2008 audited financial report**
- 4. Roof Renovations, Capital Plan & Bonding discussion**
- 5. New Business – Correspondence**
- 6. Old Business**

**MINUTES
LANDMARKS ADVISORY COMMITTEE
WEDNESDAY, JULY 22, 2009**

PRESENT:

Anne Stillman, Sid Burke, Fred Cummings, Richard Hourahan, Nancy Stampleman, Jack Zahringer.

MINUTES:

The minutes of our April 22, 2009 meeting were approved. We then discussed establishing a closer relationship with the BAR.

1085 BOSTON POST ROAD:

This gray stone structure was Resurrection School when the Church was on Purchase Street. It is now a co-op apartment building. The board of the co-op is interested in getting on the National Register of Historic Places.

LIAISONS:

The LAC will institute liaisons with landmarked properties. Each designated property will have a "go to" person on the committee. Anne will present the list of assignments at our next meeting after she has had a chance to consult with LAC members.

INVENTORY UPDATE:

The response has been overwhelming. Richard feels he should have about 100 houses researched by the end of the year. The total inventory could be several hundred and interns will be needed to help with the research. An ad will be placed in the "Rye Record" in early September to recruit high school students. Rye High and Rye Neck High will be contacted to find out if this work can be counted as community service.

NATURE CENTER BRIDGE:

The bridge is very old and probably was built for the Parson's estate. Richard will research whether the architect of the house, Grosvenor Atterbury, also designed the bridge. It is hoped that the Nature Center will be encouraged to preserve it - with bracing or as a foot bridge.

SEPTEMBER 11 MEMORIAL:

Lisa Easton came to update us on plans for the gazebo. It will be 25% smaller than the original - 2'4" has been taken from the overall height and the diameter has been reduced by 4'9 1/2". The base is the same height and the pattern of the stonework will match that of the Arcade building.

Richard Hourahan commended Lisa for her "historically sensitive design". Anne Stillman concurred. Fred Cummings pointed out that the initial justification (being in the original foot print) was gone. This is a major change to the landmarked Village Green and it is possible that it could be taken by some as a precedent.

*Approved as amended
9/23/09*

Long Island Sound Watershed
Intermunicipal Council
c/o Town of Mamaroneck Conservation Dept.
740 West Boston Post Road
Mamaroneck, New York 10543

Phone: 914.381.7845
Facsimile: 914.381.8473
e-mail: conservationdept@townofmamaroneck.org



October 5, 2009

The Honorable Thomas Abinanti
The County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Dear Mr. Abinanti:

On behalf of the LISWIC Board of Representatives, I'd like to thank you and Chris Crane for attending our September 25th meeting. I think the discussion about a comprehensive storm water management plan was very helpful to all of us. I understand that some of our members will be meeting with you as a sub-committee to take the discussion further. I have spoken to our attorney, Douglas Goodfriend, who wrote the legislation previously forwarded to Albany via Assembly Member George Latimer and Senator Suzi Oppenheimer. Mr. Goodfriend will be drafting some changes to our proposed law based on your remarks and those of Al Gatta in order to have a working document when you next meet.

Thank you again for your time and efforts on this matter of great interest to all of us.

Sincerely,

Phyllis Wittner
Chair

cc: Stephen Altieri
Alfred Gatta
Douglas Goodfriend
Scott Pickup
Lester Steinman
Charles Strome

Cities of:
Mount Vernon
New Rochelle
Rye

Town of:
Mamaroneck

Town/Villages of:
Harrison
Scarsdale

Villages of:
Larchmont
Mamaroneck
Pelham
Pelham Manor
Port Chester
Rye Brook

**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: October 2, 2009

Meetings scheduled to be held during the week of October 12, 2009.

TUESDAY, OCTOBER 13, 2009

Board of Architectural Review

8:00 P.M.

Employee Lounge

Planning Commission

7:00 P.M.

Council Chambers

Mayor's Conference Room

WEDNESDAY, OCTOBER 14, 2009

Rye Recreation Commission

7:00 P.M.

Damiano Center

THURSDAY, OCTOBER 15, 2009

Zoning Board of Appeals

7:30 P.M.

Council Chambers

Mayor's Conference Room

Rye Senior Advocacy

8:30 A.M.

Mayor's Conference Room

cc: News Media
Kerry Donahue