

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 20, 2011

Enclosed with this memorandum are the following items:

- 5-7 Notice regarding an Issue Forum on the proposed 2% Tax Cap sponsored by the League of Women Voters to be held on Tuesday, May 24, 2011 at 7:30 p.m. at the Rye Free Reading Room.
- 5-8 An invitation to a ceremony to be held on Saturday, May 28, 2011 at 10:00 a.m. to honor the citizens and veterans interned at the African American Cemetery on North Street in Rye.
- 5-9 Legal Department Update from the Corporation Counsel dated May 20, 2011.
- 5-10 An invitation to the Centennial Celebration of the New Rochelle Humane Society to be held on Thursday, June 9, 2011 at 6:30 p.m. at the Wykagyl Country Club in New Rochelle.
- 5-11 Notice regarding the 2011 Free Concert Series at Rye Town Park beginning on June 28, 2011.
- 5-12 Meeting notice for the week of May 23, 2011 is available on the City website www.ryeny.gov under Calendar.



**RYE, RYE BROOK
& PORT CHESTER
LEAGUE OF
WOMEN VOTERS®**

Issue Forum

The 2% Tax Cap

-- Navigating the Gulf between Poison Pill & Silver Bullet --
How is a Responsible Community to Control Escalating Tax Bills
While also Assuring the Viability of its Governments and Schools?

Panel Discussion with:

- **E.J. McMahon**, Senior Fellow of the Empire Center for New York State Policy
- **Lisa Davis**, Executive Director of the Westchester-Putnam School Boards Association
- **Dennis Pilla**, VP of Westchester Municipal Officials Assoc. & Mayor of the Village of Port Chester

Our panel of experts will present a diverse range of perspectives on the State proposal that may well become law shortly; including its benefits and ramifications. This event is designed to impart a better understanding of the policy currently under debate and to facilitate the exchange of ideas.

Q&A and discussion with the audience to follow

Tuesday, May 24th at 7:30 pm
Rye Free Reading Room, Community Room
1061 Boston Post Road, Rye

Public Welcome

Contact: Rye, Rye Brook & Port Chester League of Women Voters (914) 481-3234

LWV.Rye.RyeBrook.PortChester@gmail.com

www.LWVRRBPC.ORG



Joseph Carvin
Supervisor
Town of Rye, NY



John Reavis
President
NAACP



David Thomas
President
Building Community
Bridges



Howard Weiss
Commander
American Legion
Post #93

INVITATION

Dear Friends of the Town of Rye:

We invite you to join the Bethesda Baptist Church, the Church of the Living God, the St. Frances AME Zion Church and the Ad Hoc Committee on the African Cemetery at a ceremony at **10am on Saturday, May 28th** to remember and honor those citizens and veterans interned at the Town's African American Cemetery - located adjacent to the Greenwood Union Cemetery, 215 North Street in Rye.

Of the 119 persons buried at the cemetery, many of the graves are not marked some stones are in need of repair and maintenance.

As brief background, the land for the cemetery was donated to the Town of Rye in 1860 by Underhill and Elizabeth Halstead with the condition that it "shall forever hereafter kept, held and used for the purpose of a cemetery or burial place for the colored inhabitants of the said Town of Rye, and its vicinity free and clear of any charge therefor..."

Over the years the importance of this special cemetery in the history of our community and our nation has been recognized as it is now listed on the National, New York State and Westchester County Registers of Historic Places.

If you have any questions or need additional information please call David Thomas at (914) 886-5710 or email me at bcbbridges@yahoo.com

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: May 20, 2011

TAX CERTIORARI
CARROLL v. THE ASSESSOR

The tax certiorari proceeding in front of Judge LaCava began last week and has been adjourned until the beginning of June for two more trial days.

LITIGATION
BEAVER SWAMP BROOK – (DEC Administrative proceeding)

ALJ O'Connell issued a "Briefing Schedule" dated May 6, 2011 in response to the comments submitted in April 2011 on the draft permit. All "Intervening Parties" have until June 8, 2011 to submit additional written arguments concerning the adequacy of the negative declaration. The DEC and the applicant will have until July 1 to submit any reply.

SCHUBERT V. CITY OF RYE, ET AL.

Plaintiffs/appellants filed the Civil Appeal Pre-Argument Statement. A CAMP conference was also calendared with staff counsel of the Second Circuit for June 8, 2011 at 11:30 a.m.

R.B. CONWAY V. CITY OF RYE

The trial has been calendared for September 2011.

DELLI PAOLI V. ZONING BOARD OF APPEALS

Based on the March 2, 2011 Decision of Hon. Susan Cacace, the Zoning Board of Appeals (ZBA) reconsidered the application of Plaintiff for the ZBA to overturn a decision of the Board of Architectural Review. By a majority vote, the ZBA decided to uphold the decision of the Board of Architectural Review.

SHEW v. CITY OF RYE

This matter is now fully submitted in Supreme Court, Westchester County.

MOLLOY v. PLANNING COMMISSION

Petitioner's Appellants appeal is still pending.

PANETTA v. PLANNING COMMISSION

This matter is now fully submitted to the Westchester County Supreme Court Judge.

MUNDINGER v. PLANNING COMMISSION

The Planning Commission served the Certified Record of Proceedings. The Planning Commission's answer and any other supporting affidavits are due on June 3, 2011. Oral argument has been calendared for June 13, 2011.

MISCELLANEOUS

The Committee on Open Government has contacted the City Manager's office informing the City that they will be issuing an opinion regarding the Freedom of Information Law. The request came in from Mr. Chittenden and is related to the most recent appeal regarding invoices from Vincent Toomey's office. The advisory opinion will be ready in approximately four months.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn

Timothy Chittenden
2 Hammond Road
Rye, N.Y. 10580
E-mail: TimothyChittenden@mac.com
May 15, 2011

New York State Committee on Open Government
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, N.Y. 12231

Dear New York State Committee on Open Government:

I am writing today to request your respected advisory opinion on a FOIL request/denial/appeal/denial I submitted to the City of Rye.

On April 11, 2011, I submitted two (2) FOIL request to the City of Rye with regard to Attorney fees paid to Vincent Toomey or his law firm related to FOIL requests I had submitted from 2008-2010 and for Attorney fees paid to Vincent Toomey or his law firm for FOIL requests submitted by anyone else besides me.

The reason I submitted these FOIL requests was because during a meeting I had with the City Manager shortly before I submitted the FOILs, he advised me that the City of Rye refers virtually all of my FOIL requests to outside counsel Vincent Toomey. He refused to tell me how much was paid to Toomey.

On April 15, 2011, I received a response from City Comptroller Gribbins. She attached three (3) PDF's. Although I was unable to open them at first, she did re-send them on April 19, 2011 along with some documents she was still preparing on April 15, 2011. I was able to open them.

Contained in the these PDF's were ALL the legal fees paid to Vincent Toomey from 2008-2010 and a part of 2011. I did not request ALL of Vincent Toomey's legal fees paid from 2008-2010 and a part of 2011. I specifically requested those fees related to FOIL requests submitted by me and for those that were submitted by others. Ms. Gribbins detailed that some information was redacted as attorney-client privileged communication in the description of time.

From what I have determined, redacting the description of time on the documents is not an allowable blanket attorney-client privilege nor has it been the City of Rye's practice when providing attorney fee invoices to other FOIL requestors. I called your office on this day and your office was nice enough to confirm this as well as directing me to some excellent and relevant previous NYS Committee on

Open Government advisory opinions that also led me to a US Court of Appeals decision affirming this as well.

The fact that the very information that was redacted made it impossible for me to decipher which of the legal fees paid to Vincent Toomey from 2008-2010 makes me question the real motivation behind the City of Rye's and Comptroller Gribbins improper redactions of the records.

On April On April 19, 2011, I wrote to the City of Rye's Record Access Officer, City Manager Scott Pickup, to ask that he intercede on this and also provided him with an example of what had previously been provided to a different FOIL requestor for rerecords of attorney invoices. I requested that he provide me with the records without the redactions made by Ms. Gribbins.

On April 21, 2011, after not hearing back from the City of Rye Records Access Officer, I appealed Ms. Gribbins redactions of the documents to the Rye City Council. I provided them with the relevant NYS Committee on Open Government advisory opinions as well as advising them that a US Court of Appeals decision also backed up my position that the records should not have been redacted for attorney/client privilege as far as the description of time.

On May On May 11, 2011, the City Council denied my appeal based on 87 (2)(a) of the NYS Public Officers law.

I respectfully request your advisory opinions on the following:

1. Was it proper for the City of Rye to redact all of the descriptions of time on all of the Vincent Toomey invoices?
2. Was redacting the description of time on Vincent Toomey's invoices valid under the exemptions contained in the NYS Public Officers law?
3. Was redacting the description of time on Vincent Toomey's invoices valid under 87(2)(a) of the Public Officers law?

Thank you.

Respectfully,

Timothy Chittenden

Timothy Chittenden



CENTENNIAL CELEBRATION

Dear Friends of New Rochelle Humane Society:

Please join us on June 9, 2011 when we celebrate our 100th anniversary at Wykagyl Country Club in New Rochelle. This important celebration features special guests, silent and live auctions, raffles, "dinner by the bite," as well as a yummy dessert.

Special guests include Prince Lorenzo Borghese from "The Bachelor," Brandon Hannan from "The Sopranos," Q104.3 on air personality Maria Milito, Bocker the Labradoodle, musician Jay Prince and Rick Caran with Jillie Dog, the world's only poker playing dog!

We have great auction items including an autographed Yankees baseball and Giants and Jets footballs, behind the scenes at "Real Sports with Bryant Gumbel, a portrait of you and your family by artist William Wegman, and a one week stay on the Mexican Riviera.

Proceeds from the Centennial Celebration will provide needed funding for a new spay and neuter surgical unit.

Please help us celebrate by attending. Tickets are \$100 per person. The Centennial Celebration runs from 6:30 p.m. to 9:30 p.m. at the beautiful Wykagyl Country Club which is located at 1195 North Avenue.

For more information on sponsorship opportunities, journal ads or to purchase tickets, please contact:

Toni Calabrese Boelsen
914 632-2925
or

<mailto:giving@newrochellehumanesociety.org>



Rye Town Park Free Concert Series – 2011

All Concerts Will Be Held Rain or Shine*
In the South Pavilion by Dearborn Ave.
Tuesdays – 7:30 to 9 p.m. - Parking \$2 -- Picnicking Welcome

June 28th – Caribbean Sun Kings

The Sun Kings play popular music done Caribbean style. Well known Reggae, Soca, and Calypso songs combined with popular music re-arranged "Caribbean style" make up the Sun Kings repertoire. The Sun Kings are a five-piece band of seasoned entertainers featuring steel pan, guitar, keyboards, bass, and drums. All members sing and add percussion as well.



July 5th - Rock Island Sound Rejects

Rock and blues guitarist, pianist, bassist, composer and arranger Paul Bessolo brings over 25 years of experience and an impressive cadre of talents to his Band of Rye's Rock Island Sounds teachers. This talented Quartet includes the likes of Dave Valle on Drums, John Mennona on Bass, Isaac Assor on Keys /Vocals and Paul playing guitar. Ready to Rock!

July 12th – Carlos Jimenez and Mambo Dulcet –

This popular Yonkers-based band features many styles of great Latin music for dancing or listening. Leader Carlos Jimenez plays flute and is joined by guitarists, percussionists and other instruments. With the setting sun and gentle waves of Long Island Sound, this will be a night for sweet tropical romance.

July 19th – Make-Up Date In Case of Storm Cancellation



July 26th – Reddy Valentino Orchestra

This swing orchestra began back in 1938 at New York's Hotel Edison. By the late 1990s lead alto sax and male singer, Rye's Scott Wenzel took over. The band features trumpets, trombones and reeds. They've played social functions, as well as Windows On The World, Glen Island Casino and Rye's Wainwright House.

August 2nd –Billy & The Showmen

Founded by Billy Frenz, this Greenwich-based band has earned its reputation as one of the most enduring Rhythm & Blues bands. Longtime veterans of the region's club scene, the Showmen are a genuine R&B band. Their R & B Revue feature the soulful vocals of the best singers in the Northeast, along with a strong horn section and a tight rhythm section.

August 9th -- The Derivatives

These Derivatives are definitely not "toxic assets." The Rye-based six-member band has been part of the Rye Town Park Concert Sunset Series for many years, and this will be no exception. You can bank on it. Bring the family and dance the night away.



August 16th Make Up Date In Case of Storm Cancellation

August 23rd The Angelo Rubino Band

The six-member band includes lead singer and sax player Angelo Rubino and his daughter, vocalist Ann Rubino. The band performs a wide range of musical styles from the 1940's to the 90's – everything from "In The Mood" to "I Will Survive." Their selections include big band dance tunes, soft rock, Doo-wop, and Latin pop.

** Except in case of Thunderstorms*

Phone 914 967-0965 or 939-3075 ext. 100 For Information

Sponsored in part by the Friends of Rye Town Park

