

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 27, 2011

Enclosed with this memorandum are the following items:

- 5-13 Invitation from the American Legion Post #128 to the Memorial Day observance to be held on the Village Green at 10:00 a.m. on Monday, May 30, 2011.
- 5-14 Legal Department Update from the Corporation Counsel dated May 27, 2011.
- 5-15 Notice regarding Public Hearings to be held by the Westchester County Rent Guidelines Board in June, 2011 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.
- 5-16 Meeting notice for the week of May 31, 2011 is available on the City website www.ryeny.gov under Calendar.



RYE POST #128
P.O. Box 128
Rye, NY 10580

Rye Post 128 of the American Legion cordially invites you to attend the Memorial Day Observance to honor all those who have served.

WHERE: Village Green next to City Hall

DATE: Monday, May 30, 2011

TIME: Ceremony begins at 10:00 a.m.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: May 27, 2011

CLAIMS

In September 2010 a notice of claim was filed by Mary and Richard Logan in connection with injuries sustained due to a container trailer, trucks and heavy equipment being parked on a street without safety devices. The claim has been denied by our insurance carrier because the City was not involved in the accident.

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.

There is a conference scheduled on June 8, 2011 with the Second Circuit Court of Appeals staff attorney to discuss the pending appeal and to establish a briefing schedule.

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 & Order of Hon. Susan Cacace, the Zoning Board of Appeals (ZBA) reconsidered the application of Petitioner 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.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn

WESTCHESTER COUNTY RENT GUIDELINES BOARD

75 South Broadway
White Plains, New York 10601
Telephone 914-948-4434

**CITY OF RYE, N.Y.
LAW DEPARTMENT**

5-20-11

Joseph G. Whelan, Jr., CPA, *Chair*
Public Member

Members

Eliot J. Cherson, Esq.	Owner
Kenneth J. Finger Esq.	Owner
Ian Joseph	Public
Jane Morgenstern	Public
Elsa Rubin	Public
Genevieve H. Roche, Esq.	Tenant
Rev. Emma Jean Loftin-Woods	Tenant

FOR INFORMATION:
MICHAEL BERRIOS
(718) 262-4816

FOR IMMEDIATE RELEASE:

**WESTCHESTER COUNTY RENT GUIDELINES BOARD TO
HOLD PUBLIC HEARINGS**

The Westchester County Rent Guidelines Board will hold public hearings to take testimony and evidence pertaining to the Board's setting of guideline rates of rent adjustment for housing accommodations within its jurisdiction, subject to the Emergency Tenant Protection Act of 1974 (ETPA), for leases commencing between October 1, 2011 and September 30, 2012, as follows:

DATE: Monday , June 6, 2011; **TIME:** 7:00 PM
PLACE: City Hall, Memorial Room, 1 Roosevelt Square,
Mount Vernon, New York.

DATE: Wednesday, June 8, 2011; **TIME:** 7:00 PM
PLACE: 1 Larkin Center, Riverfront Library, Yonkers, New York

DATE: Monday, June 13th, 2011; **TIME:** 7:00 PM
PLACE: Ceremonial Court Room, (First Floor), 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York.

**WESTCHESTER COUNTY RENT GUIDELINES BOARD TO HOLD
PUBLIC MEETING**

DATE: Monday, June 20th, 2011; **TIME:** 7:00 PM
PLACE: Ceremonial Court Room, (First Floor) 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York - For the purpose of setting rent guidelines for the one year period commencing on October 1, 2011.

(IF ADDITIONAL DATE IS REQUIRED)

DATE: Tuesday, June 21, 2011; **TIME:** 7:00 PM
PLACE: Ceremonial Court Room, (First Floor) 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York.

Certification

The Board anticipates scheduling a public meeting to be held during September, 2011 (specific date to be determined) to certify the rent adjustment guidelines for the October 1, 2011 - September 30, 2012 guidelines year voted upon by the Board on June 20, 2011 or June 21, 2011.

Joseph G. Whelan, Jr., CPA, Chair
WESTCHESTER COUNTY RENT GUIDELINES BOARD

May 19, 2011