

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 14, 2011

Enclosed with this memorandum are the following items:

- 10-7 Memorandum from City Comptroller Jean Gribbins dated October 14, 2011 with an update on the Revenue Anticipation Notes.
- 10-8 Notice regarding the "Bag It" movie screening and panel discussion at Rye Country Day School to be held on Friday, October 21, 2011 at 7:00 p.m.
- 10-9 Legal Department Update from the Corporation Counsel dated October 14, 2011.
- 10-10 Meeting notice for the week of October 17, 2011 is available on the City website www.ryeny.gov under Calendar.



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CITY OF RYE
Department of Finance
MEMO

TO: Scott Pickup, City Manager
FROM: Jean Gribbins, City Comptroller
DATE: October 14, 2011
RE: Revenue Anticipation Notes

At the August 11, 2010 Regular Meeting of the City Council, the Council authorized issuance of Revenue Anticipation Notes (RAN's,) for four Capital Projects.

As I indicated at the July 26, 2010 Workshop meeting, and the August 11, 2010 Regular Council meeting, in order to issue RAN's the City must provide a timeline of expected reimbursement. The amounts to be received on these projects are all reimbursement grants, where the City has to disburse the money first, and then be reimbursed by the applicable Federal, State, or County agency.

In the case of the Bird Homestead, the City had already disbursed the funds, and was waiting for reimbursement.

In the case of the Central Avenue Bridge, the Theodore Fremd/Blind Brook Retaining Wall, and the Bowman Avenue Sluice Gate, the City has not yet disbursed the funds applicable to the reimbursement grants. Therefore, no RANs have been issued applicable to these projects yet, and no issuance or interest expenses have been incurred.

Having RANs authorized before spending the money applicable to the reimbursement grants will help the City manage cash flows once the disbursements begin. If reimbursement is received in a timely manner, there will be no need to issue RANs and the authorization to issue the RANs will automatically expire as the reimbursement grants are received.

Following is an update of the status of each.

Bird Homestead:

Authorized: \$550,000.

Issued as of 10/14/11: \$0.

Comments: Council authorized the issuance of RANs of \$350,000 in anticipation of reimbursements to be received from the NYS Office of Parks & Historic Preservation, and \$200,000 for reimbursement to be received from the Westchester County Legacy Program. Reimbursement was received by the end of the first quarter of 2011, and RANs were never issued. The authorization to issue the RANs automatically expired as the reimbursements were received. As the RANs were not issued, there were no issuance or interest expenses incurred.

Authorized and Unissued amount as of 10/14/11: \$0

Bowman Avenue Sluice Gate:

Authorized: \$1,500,000.

Issued as of 10/14/11: \$0.

Comments: This project will be partially funded by reimbursement grants of \$400,000 from New York State, and \$1,100,000 from Westchester County. The City has not yet spent the funds applicable to these reimbursement grants. Therefore, as of this date, no RANs have been issued.

Authorized and Unissued amount as of 10/14/11: \$1,500,000.

Central Avenue Bridge:

Authorized: \$1,400,000.

Issued as of 10/14/11: \$0.

Comments: This project will be partially funded by reimbursement grants of \$1,400,000 from the Federal Highway Administration. The City has not yet spent the funds applicable to these reimbursement grants. Therefore, as of this date, no RANs have been issued.

Authorized and Unissued amount as of 10/14/11: \$1,400,000.

Theodore Fremd Avenue/Blind Brook Retaining Wall:

Authorized: \$1,100,000.

Issued as of 10/14/11: \$0.

Comments: This project will be partially funded by reimbursement grants of \$1,100,000 from the Federal Highway Administration. The City has not yet spent the funds applicable to these reimbursement grants. Therefore, as of this date, no RANs have been issued.

Authorized and Unissued amount as of 10/14/11: \$1,100,000.

Jean Gribbins

Comptroller

'Bag It' Movie Screening and Panel Discussion at Rye Country Day School

Co-sponsored by Rye Sustainability Committee and RCDS Environmental Auxiliary Committee



When: Friday, October 21, 7pm

Where: Rye Country Day School, Performing Arts Center - refreshments will be served

Panelists: Michael Garguilo, Kristen Quell-Garguilo and Jonathan Cunitz

Details: An average guy makes a resolution to stop using plastic bags at the grocery store. Little does he know that this simple decision will change his life completely. He comes to the conclusion that our consumptive use of plastic has finally caught up to us, and looks at what we can do about it. Today. Right now. Bring family and friends to watch this informative and entertaining film!

For further information, please contact Gretchen Kaye-Crowley at gkcpjc@aol.com

For free tickets, register at: <http://ryesustainability.eventbrite.com>

"Bag It" Site: <http://www.bagitmovie.com/index.html>

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 14, 2011

SETTLEMENT

In September I reported to you that a notice of claim had been filed by Ann Dirksen in connection with damage to a fence when a tree fell on it. The claim has been denied by our insurance carrier because of weather conditions and lack of prior written notice.

CLAIM

A notice of claim has been filed by Carol Annett of 46 Central Avenue. The notice states that a window in Ms. Annett's home was damaged by the Fire Department when they were responding to a call. The claim has been forwarded to our insurance company.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City filed an appeal challenging the Negative Declaration issued by the Department of Environmental Conservation in connection with Harrison's Project Homerun. Harrison and DEC Staff now have an opportunity to oppose the appeal. Neither Harrison nor DEC Staff filed an appeal.

CASPI v. CITY OF RYE

The discovery deadline has been extended to October 31, 2011. A conference in this matter is scheduled for October 27, 2011. The deposition of the Plaintiff's father has concluded and the depositions for the defendant will be scheduled to take place between now and the end of October.

DELLI PAOLI V. ZONING BOARD OF APPEALS

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

SHEW v. CITY OF RYE

A Notice of Appeal to the Appellate Division, Second Department has been filed on behalf of Paul Shew seeking to overturn the Decision and Order rendered by Hon. Gerald E. Loehr in this case.

MOLLOY v. PLANNING COMMISSION

By letter dated September 2, 2011, the Petitioner/Appellant has requested an additional enlargement of time to perfect her appeal from the Appellate Division, Second Department.