

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members
FROM: Scott D. Pickup, City Manager
SUBJECT: Enclosures - Council Packet
DATE: February 3, 2012

Enclosed with this memorandum are the following items:

- 2-1 Fact Sheet providing information on the “Hurricane Irene and Tropical Storm Lee Assessment Relief Act”.
- 2-2 Legal Department Update from the Corporation Counsel dated February 3, 2012.
- 2-3 Meeting notice for the week of February 6, 2012 is available on the City website www.ryeny.gov under Calendar.

**“Hurricane Irene and Tropical Storm Lee Assessment Relief Act”
Fact Sheet**

Overview

In December, 2011, New York State enacted the “Hurricane Irene and Tropical Storm Lee Assessment Relief Act.” The City of Rye adopted this local option legislation on January 12, 2012. This legislation allows taxing jurisdictions to provide relief to owners of properties that were “catastrophically impacted” by the storms.

Property that lost 50% of more of its value as a result of the flooding is considered catastrophically impacted.

Effectively allows heavily damaged property to be reassessed on the 2011 assessment roll based upon its post-storm condition, even though the damage occurred after the City’s May 1st taxable status date.

Procedure

To be eligible for relief, a property must have lost at least 50% of its value. The property owner must submit a written request to the assessor along with supporting documentation no later than March 8, 2012. Download Form RP-56-AR here.

http://www.tax.ny.gov/pdf/current_forms/orpts/rp56ar_fill_in.pdf

The assessor will review the documents submitted and notify the property owner of her determination. A property owner who is dissatisfied with the assessor’s determination, may file a complaint with the Board of Assessment Review.

Property owners who believe they are over assessed, but do not meet the 50% threshold needed to qualify under this program, may file a grievance with the Board of Assessment Review on or before June 19, 2012 as part of the annual grievance proceedings. Forms and instructions are available at:

http://www.tax.ny.gov/pdf/current_forms/orpts/rp524_fill_in.pdf

http://www.tax.ny.gov/pdf/current_forms/orpts/rp524ins.pdf

***Questions:* Please contact the assessor’s office at 967-7565 or email assessor@ryeny.gov**

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: February 3, 2012

TAX CERTIORARI
CARROLL v. CITY OF RYE

Post-trial briefs have been submitted and the Judge's site visit has occurred.

LITIGATION

PAUL SILVESTER and SARAH SILVESTER, v. 151 PURCHASE STREET ASSOCIATES, LLC; R.A. COHEN & ASSOCIATES, INC. d/b/a RA CHOEN AND ASSOCIATES; ROGAN BROTHERS SANITATION, INC; TRI-STATES ENVIRONMENTAL SERVICES, INC. d/b/a TRI-STATE ENVIRONMENTAL SERVICES, INC; AMERICAN FIRE RESTORATION, INC., AMERICAN FIRE RESTORATION, LLC; and THE CITY OF RYE

A summons and complaint has been served on the City, as one of numerous defendants, in connection with an accident that occurred on September 28, 2011 when plaintiff was injured when he walked into a piece of wood that was suspended across a sidewalk at eye level. A notice of claim has previously been served in connection with this matter. The summons and complaint has been forwarded to our insurance carrier.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City's appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings is still pending.

BASSETT v. CITY OF RYE

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Notice of Appeal was filed within the required time after Notice of Entry was served.

CASPI v. CITY OF RYE

A Conference was held before Magistrate Judge Yanthis on October 27th. The discovery deadline was extended to February 24, 2012 and dates for the depositions of the individual officers have been scheduled. Defendants were notified that Plaintiff has requested the depositions of non-party police officers.

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. Lochr in this case.

MOLLOY v. PLANNING COMMISSION

Petitioner's time to perfect their appeal has expired.

PANETTA v. PLANNING COMMISSION

The Petitioner/Plaintiff filed a motion to amend the Court's Decision and Order of December 16, 2011 to reflect that those causes of action for a declaratory judgment and 42 U.S.C. sec. 1983 were severed.

RUNES v. BOARD OF ASSESSMENT REVIEW and CITY ASSESSOR

An Article 78 Petition has been filed by Richard Runes of 3 Kirby Lane North seeking to overturn the April 12, 2011 decision of the small claims hearing officer, JHO Luke M. Charde, Jr. who determined that the assessment on Mr. Runes' property was supported by the evidence put forth by the City.

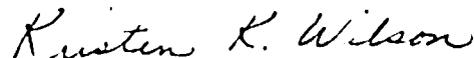
BUTLER v. PLANNING COMMISSION

The City served and filed the following documents: Certified Record of Proceedings; Verified Answer with Affirmative Defenses; Memo of law in opposition; and affirmation in opposition. The Petitions will have an opportunity to reply to these papers.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn