

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 8, 2012

Enclosed with this memorandum are the following items:

- 6-3 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, June 12, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 6-4 Legal Department Update from the Corporation Counsel dated June 8, 2012.
- 6-5 Notice regarding meetings of the Westchester County Rent Guidelines Board to be held at various Westchester County locations throughout June, 2012.
- 6-6 Meeting notice for the week of June 11, 2012 is available on the City website www.ryeny.gov under Calendar.



The Rye City School District

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Rye, New York 10580

Tel: (914) 967-6100 Ext. 6278 Fax: (914) 967-6957

 *Elaine Cuglietto*
District Clerk
cugliete@ryeschools.org

June 4, 2012

FOR IMMEDIATE RELEASE

June 12, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, June 12, 2012 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet in Executive Session for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are fiscal, special education, personnel and business items that ordinarily come before the Board. In addition, the Board will review the 2012-13 Proposed Food Service Department Budget and Capital Improvement Proposals, Energy Performance Contract proposal, Proposed Policy Revisions and a preliminary review of the 2012 fund balance including the tax certiorari reserve.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak during the public hearing on the budget.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: June 8, 2012

TAX CERTIORARI
CARROLL v. CITY OF RYE

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

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and
Board of Assessment Review of the CITY OF RYE**

A Notice of Motion for summary judgment with supporting Affidavit and Memorandum of Law has been served on the City. The action seeks Summary Judgment restoring Petitioners' tax exempt status pursuant to RPTL Section 406.

LITIGATION
BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City and its consultants met with the Town/Village of Harrison and its consultants to discuss the discrepancies in the hydrologic analyses performed in 2010. The City is waiting to hear back from Harrison as to whether Harrison will provide certain data to the City for verification of the flood storage capacity at the Project Home Run site.

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

The depositions of the City police officers were conducted through the first week of June.

DAPOLITE v. PICKUP

An Article 78 Petition has been served on the City Manager by an employee seeking to vacate a letter of reprimand issued to him on March 8th.

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.

PANETTA v. PLANNING COMMISSION - appeal

The Petitioner/plaintiff perfected his appeal to the Appellate Division, Second Department against the Planning Commission.

PANETTA v. PLANNING COMMISSION – declaratory judgment/takings claim

A preliminary conference has been scheduled for July 3, 2012 in Westchester County Supreme Court.

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

On June 5, 2012, Judge Lorenzo issued an Amended Decision and Judgment finding that the Title Policy issued to the Mathissons did put the property owners on notice of the more restrictive setbacks. The Judge also found that the Mathissons never informed the Planning Commission of this knowledge. Based on the "new" evidence of Mathisson's Title Insurance Policy, the Judge determined that the Planning Commission's modification of the front yard setback was an abuse of discretion.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The Board of Managers at the Ives at Rye commenced an action seeking a declaratory judgment that the judgment entered in a separate *in rem* foreclosure proceeding is void and of no effect because the City allegedly failed to follow the proper notice proceedings set forth in RPTL Section 1125(1)(a).

LITTLE V. CITY OF RYE

A preliminary conference was held and discovery deadlines were set.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn

WESTCHESTER COUNTY RENT GUIDELINES BOARD

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

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

Members

Kenneth J. Finger Esq.	Owner
Eddie Mae Barnes, R.N.	Public
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

(AMENDED, SEE PAGE 2)

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, 2012 and September 30, 2013, as follows:

DATE: Monday, June 11, 2012; **TIME:** 7:00 PM
PLACE: City Hall, Memorial Room, 1 Roosevelt Square
Mount Vernon, New York.

DATE: Wednesday, June 13, 2012; **TIME:** 7:00 PM
PLACE: 1 Larkin Center, Riverfront Library
Yonkers, New York

DATE: Monday, June 18, 2012; **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**

******AMENDED TO REFLECT "DAY OF WEEK" CHANGES
SHOWN BELOW******

DATE: Thursday, June 21, 2012; **TIME:** 7:00 PM
PLACE: Ceremonial Court Room, (First Floor)
111 Dr. Martin Luther King Jr. Boulevard
White Plains, New York – For the presentation of
positions and discussion.

DATE: Wednesday, June 27, 2012; **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, 2012.

Certification

The Board anticipates scheduling a public meeting to be held during September, 2012 (specific date to be determined) to certify the rent adjustment guidelines for the October 1, 2012 - September 30, 2013 guidelines year voted upon by the Board on June 18, 2012 or June 21, 2012.

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

June 6, 2012