

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 7, 2012

Enclosed with this memorandum are the following items:

- 9-1 Notice regarding a Rye City School District Board of Education Meeting to be held on Tuesday, September 11, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 9-2 Notice regarding a meeting of the Westchester County Rent Guidelines Board to be held on Wednesday, September 19, 2012 beginning at 7:00 p.m. at 75 South Broadway, White Plains.
- 9-3 Legal Department Update from the Corporation Counsel dated September 7, 2012.
- 9-4 Letter from Rye resident with thanks to the City of Rye and the Rye Police Department for their help with noise compliance from the Tiki Bar.
- 9-5 Meeting notice for the week of September 10, 2012 is available on the City website www.ryeny.gov under Calendar.



The Rye City School District

*411 Theodore Fremd Avenue, Suite 100S
Rye, New York 10580*

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

*Elaine Cuglietto
District Clerk
cugliete@ryeschools.org*

August 31, 2012

FOR IMMEDIATE RELEASE

September 11, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, September 11, 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.

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.

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
Carol Ann Kope	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

NOTICE OF PUBLIC MEETING

DATE: Wednesday, September 19, 2012

TIME: 7:00 P.M.

PLACE: New York State Division of Housing & Community Renewal
75 South Broadway, White Plains, New York 10601

AGENDA

- 1. Call to order.**
- 2. Certification of 2012-2013 guidelines and adoption of Explanatory Statement.**
- 3. New business.**

Dated: September 4, 2012

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

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: September 7, 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

The City filed its opposition papers and also cross-moved for summary judgment. The Petitioner has asked for an additional two weeks to reply and oppose our cross motion.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

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 deposition of Lt. Verille and the expert witnesses are still to be conducted. The next court conference is September 6, 2012.

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 City's Brief in Opposition has been filed. The matter is fully submitted before the Appellate Division, Second Department. We are waiting a date for oral argument.

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

A discovery schedule has been agreed upon by both parties.

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 has filed an appeal with the Appellate Division, Second Department in this case in order to protect the City's interests. The City has six months to perfect the appeal.

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

The City has served its Answer with Affirmative Defenses.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn

Mrs. Frederick Phineas Rose
8 South Manursing Island
Rye, New York 10580

Aug. 30, 2012
Rye City Manager
Sir:

Thanks to your efforts,
the County Police efforts and
Rye City Police as well as
the compliance of Tiki Bar the
noise has been reduced
greatly -

Please express my gratitude to
the owner of the Tiki Bar and
everyone else concerned.

Sincerely
Sandra Rose (Mrs. F. P.)