

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 16, 2009

Enclosed with this memorandum are the following items:

10-12 Litigation Update from the Corporation Counsel dated October 9, 2009.

10-13 Meeting notice for the week of October 19, 2009.

FJC/emmm
Encs.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kevin J. Plunkett, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 16, 2009

LITIGATION

WESTCHESTER COUNTY BOARD OF HEALTH v. RAY TARTAGLIONE

Kristen Wilson, Esq. attended a formal hearing in front of an Administrative Law Judge at the Board of Health concerning three separate violations of the Westchester County Sanitary Code. The three violations involved an oil spill that originated from Mr. Tartaglione's "Floatie Mobile" when it was parked in front of Kelly's Sea Level along Midland Avenue. The gas tank was allegedly leaking and the gas went directly into a catch basin and into the waters of the County.

The Board of Health called Fire Chief Hogben and Fire Fighter McDwyer to testify as witnesses since they were called to the scene when the spill was reported. In addition, the health inspector who issued the violations testified. Mr. Tartaglione, represented by Jordan Glass, Esq., also attended the hearing and presented his theory of why/how the oil spill occurred. The Judge reserved decision on the matter.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kevin J. Plunkett

Kevin J. Plunkett
Corporation Counsel

KJP/dfn

**CITY OF RYE
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TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: October 13, 2009

Meetings scheduled to be held during the week of October 19, 2009.

TUESDAY, OCTOBER 20, 2009

Conservation Committee
7:30 P.M.
Rye Nature Center

WEDNESDAY, OCTOBER 21, 2009

City Council Meeting
8:00 P.M.
Council Chambers
Mayor's Conference Room

cc: News Media
Kerry Donahue