

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members
FROM: Frank J. Culross, City Manager
SUBJECT: Enclosures - Council Packet
DATE: October 23, 2009

Enclosed with this memorandum are the following items:

- 10-14 Notice from Westchester Joint Water Works regarding anticipated discolored water on Wednesday, October 28, 2009.
- 10-15 Minutes of the Board of Appeals meeting held on October 15, 2009.
- 10-16 Litigation Update from the Corporation Counsel dated October 23, 2009.
- 10-17 Meeting notice for the week of October 26, 2009.

FJC/emm
Encs.



WESTCHESTER JOINT WATER WORKS

1625 Mamaroneck Avenue
P.O. Box 398
Mamaroneck, New York 10543

Telephone: (914) 698-3500
Fax: (914) 381-4241

FOR RELEASE
IMMEDIATELY
October 20, 2009

FOR FURTHER INFORMATION
CONTACT George Belsito
(914) 698-3500 EXT. 615

SPECIAL NOTICE TO CUSTOMERS

DISCOLORED WATER ANTICIPATED ON WEDNESDAY OCTOBER 28, 2009

E. BOSTON POST RD AND TAYLOR LANE VILLAGE OF MAMARONECK

The Westchester Joint Water Works wishes to advise that fire flow tests will be conducted at the above in the Village of Mamaroneck and the Town of Harrison and City of Rye on October 28, 2009. The discharge of water from the hydrants during these tests may result in some discoloration of the water, and customers are urged to refrain from doing any laundry or filling any pool during and after the test, without first checking to see that the water is clear.

Although the water appears discolored, it will be safe to drink. The discoloration, which results from accumulated inert sediment in the mains, will settle out if the water is allowed to stand. The Water Works apologizes in advance for any inconvenience these necessary tests may cause.

cc: A. Conetta
R. Ruge
G. Belsito
D. DeFalco
D. Lechner
A. Pepe
Switchboard
Emergency Man
Answering Service

J. Walsh, Supervisor
D. Hall, Police Chief
J. Acocella, Town Clerk
D. Delsignor, Fire Chief,
S. Surace, Fire Marshall

City of Rye
Mr. Otis, Mayor
Mr. Nodarse, City Clerk
Mr. Hogben, Fire Chief
W. Connors, Police Comm

K. Savolt, Mayor
R. Slingerland, Manager
E. Flynn, Police Chief
D. Delitta, Fire Chief
A. Iacovelli, Genl. Foreman

Received

OCT 22 2009

City Manager's Office
Rye, New York

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kevin J. Plunkett, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 23, 2009

LITIGATION

IRIS MORELLI v. STARBUCKS CORPORATION, FIRST DIXON REALTY, LLC and CITY OF RYE, NEW YORK

A summons and complaint has been served on the City in connection with the above referenced matter. The suit claims the plaintiff suffered injuries when she tripped and fell on brickwork which paved a tree well on Elm Place near Starbucks. A notice of claim was previously served on the City in October 2008. The summons and complaint has been forwarded to our insurance carrier.

SCHUBERT v. CITY OF RYE, et al

The filing of the Motion to Dismiss (previously scheduled for October 21) was adjourned without date as a result of Judge Kenneth Karas's directive that all parties come in for a conference in late November/early December to discuss issues involved in the case and set a motion briefing schedule. Insurance Company counsel is handling this case for City defendants.

COLALUCCI v. VILLAGE OF RYE BROOK, et al

In a one line decision, the Appellate Division, Second Department denied Petitioners' (including the City of Rye) motion for a preliminary injunction. The Supreme Court's decision is still on appeal and the City's time to perfect its appeal expires on November 26, 2009 unless an extension is granted.

CITY COURT

PEOPLE v. TARTAGLIONE

Defendant made a motion to recuse Judge Runes because of an alleged derogatory remark made by Judge Runes to a man employed by Defendant. Judge Runes issued a Decision and Order denying Defendant's motion.

Respectfully submitted,



Kevin J. Plunkett
Corporation Counsel

KJP/dfn

MINUTES of the regular meeting of the
Board of Appeals of the City of Rye held in City
Hall on October 15, 2009 at 8:00 P.M.

PRESENT: ALAN WEIL, CHAIR
SCOTT BEECHERT
SERGE NIVELLE
ANTHONY PISCIONERE *
MAUREEN POWERS
ALAN WIENER

* Mr. Piscionere left at 8:10 p.m.

ABSENT: Ms. Mitchel

Andrew Ball, City Council Liaison, (Absent)
Vincent Tamburro, Building Inspector (Present)

The following applications were withdrawn:

#09-26	#09-43
22 Locust Avenue LLC	Eugene & Pamela McGuire
22 Locust Ave.	7 Kirby Lane
146.07-2-10	146.8-2-37
Withdrawn by Board-	Withdrawn by applicant

The following applications were adjourned to the November 19, 2009 meeting:

#09-35	#09-38	#09-48
Andrew Dellipaoli	John Fallon	David Buckley
110 Glen Oaks Dr.	122-124 North St.	31 Everett Ave.
146.17-1-47	146.10-2-48	153.11-1-10
#09-53		
Elmwood Associates LLC		
60 Elmwood Avenue		
146.19+-5-21		

The following applications were heard at this hearing and a decision was rendered:

#09-51
Duncan & Laura Hennes
170 Stuyvesant Ave.
153.14-1-40

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Wiener, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Wiener, Mr. Weil
NAYS: None
ABSENT: Ms. Mitchel

#09-52
Oliver Molitor & Hong Molitor-Xu
50 Sonn Drive
146.18-3-63

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Nivelles, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Mr. Nivelles, Mr. Piscionere, Mrs. Powers, Mr. Wiener, Mr. Weil
NAYS: None
ABSENT: Ms. Mitchel

#09-54
Peter Marshall
5 Eldredge Pl.
146.17-3-18

In accordance with the Findings and Decision proposed by Mr. Weil, seconded by Mr. Nivelles, the Board voted to grant the relief requested and vacated prior variance #06-07.

The Board voted to adopt the Finding and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Mr. Nivelles, Mrs. Powers, Mr. Wiener, Mr. Weil
NAYS: None
ABSENT: Ms. Mitchel, Mr. Piscione

Legal notice pertaining to the above stated public hearings was published in the City's official newspapers and notice of said public hearings was mailed to the owners of property in the immediate vicinity of the property of the petitioners.

Said Findings and Decisions, which will be filed with the respective applications, are made a part of these minutes, representing the majority vote of the members of the Board present.

Dawn F. Nodarse
Secretary,
Board of Appeals

TO: Christian K. Miller, City Planner, e-mail
Vincenzo Tamburro, Building Inspector, e-mail
Noreen P. Whitty, City Assessor e-mail

**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: **Weekly Meeting Notice**
DATE: October 16, 2009

Meetings scheduled to be held during the week of October 26, 2009.

MONDAY, OCTOBER 26, 2009

Board of Architectural Review
8:00 P.M.
Council Chambers
Mayor's Conference Room

TUESDAY, OCTOBER 27, 2009

Planning Commission
7:00 P.M.
Council Chambers
Mayor's Conference Room

WEDNESDAY, OCTOBER 28, 2009

Landmarks Advisory Committee
8:00 P.M.
Mayor's Conference Room

Rye Golf Club Commission
7:00 P.M.
Whitby Castle Board Room

cc: News Media
Kerry Donahue