

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members  
FROM: Scott D. Pickup, City Manager  
SUBJECT: Enclosures - Council Packet  
DATE: June 17, 2011

Enclosed with this memorandum are the following items:

- 6-7 Legal Department Update from the Corporation Counsel dated June 17, 2011.
- 6-8 Meeting notice for the week of June 20, 2011 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: June 17, 2011

**CLAIMS**

A notice of claim has been filed by Mitchell Palais of 70 Grace Church Street. The notice states that Mr. Palais' automobile was damaged when it was struck by a City of Rye sanitation vehicle that was reversing direction. The claim has been forwarded to our insurance carrier.

A notice of claim has been filed by Jaime Roddy of Harrison. The notice states that the side mirror of Ms. Roddy's automobile was damaged by a City police vehicle. The claim has been forwarded to our insurance carrier.

In July 2010 the City was served with a summons and complaint on behalf of Amirah Taylor in connection with injuries sustained at Playland. A notice of claim previously filed in 2009 had been denied by our insurance carrier. The attorney defending the City in this action informed us this week that the action against the City has been discontinued.

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

Five (5) days of trial in the Carroll case have been completed and there is one more day scheduled for July 7. On July 7, Richard Blancato, Esq. will be doing the redirect of our appraiser.

**LITIGATION**

**WILLIAM McKEEVER v. CITY OF RYE**

A summons and complaint was served on the City this week commencing an action against the City in Rye City Court stemming from a tree branch that fell in a winter storm and damaged the roof of a house owned by Plaintiff in the City. Two notices of claim were previously filed in connection with this incident and both were denied by our insurance carrier.

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

On Wednesday June 8, 2011, the City submitted a memo to the ALJ and all other parties outlining the deficiencies in the Negative Declaration rendered by DEC staff. In addition, the City received the submissions from the other parties involved in the proceeding. DEC Staff and Harrison have an opportunity to respond to the comments.

**SCHUBERT V. CITY OF RYE, ET AL.**

Lou Corsi, Esq. attended a court conference with the Second Circuit Court of Appeals on June 8, 2011. Steven Gaines, Esq. and John Walsh, Esq. were also present representing the Schuberts and Paul Shew, respectively. A proposed briefing schedule was discussed and will be

finalized within the next few days. The City must report back to the Court's staff counsel by June 30, 2011 whether the City is willing to engage in settlement discussions.

R.B. CONWAY V. CITY OF RYE

The trial has been calendared for September 2001.

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

Plaintiff has filed a reply memorandum of law with supporting affidavits in further support of Paul Shew's motion to file a late amended notice of claim.

MOLLOY v. PLANNING COMMISSION

Petitioner's Appellant's appeal is still pending.

PANETTA v. PLANNING COMMISSION

This matter is now fully submitted in Supreme Court, Westchester County.

MUNDINGER v. PLANNING COMMISSION

On Wednesday June 15, 2011, I appeared before Judge Colangelo for oral argument on the Article 78 Proceeding commenced by Petitioner Munding. Cliff Davis, Esq. representing Wainwright House and John Carey, Esq. representing the Petitioner also appeared. Oral argument lasted approximately one hour and the Judge reserved decision on the matter.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn