

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 9, 2011

Enclosed with this memorandum are the following items:

- 9-10 Notice regarding an event at Greenwich Hospital entitled "Prostrate Screening & Talking Baseball" to be held on Thursday, September 15, 2011.
- 9-11 Legal Department Update from the Corporation Counsel dated September 9, 2011.
- 9-12 Meeting notice for the week of September 12, 2011 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

*It's a Guy Thing...*

# Fans for the Cure

*The Baseball Event That Can Save Your Life*



*Ed Randall's*

**Fans for the Cure**

*Teaming Up Against Prostate Cancer*



## Prostate Screening & Talking Baseball

**Thursday,  
Sept. 15, 2011**

Greenwich Hospital  
5 Perryridge Road  
Greenwich, CT 06830

### **5:30-7:30pm: PSA screenings and exams**

PSA screenings and exams by board-certified Greenwich Hospital urologists Jeffrey Ranta, MD; Judd Boczko, MD; William Brown, MD; Michael Nurzia, MD; Alan Schragar, MD; and Jonathan Waxburg, MD.

*(Ambulatory Surgery Unit, 2nd floor, Helmsley Medical Building)*

### **6:30-8pm: Talking Baseball**

Sports radio celebrity Ed Randall (WFAN and Sirius/SM) will host a special edition of his show, *Private Stock: Ed Randall's Talking Baseball*, featuring former Major League players.

*(Noble Conference Center)*

*Light refreshments. No reservations required.*

*Just drop in! For more information,  
call 203-863-4444.*

**FREE.**

*Sponsored by Community Health at Greenwich Hospital.*



**GREENWICH  
HOSPITAL**  
YALE NEW HAVEN HEALTH

5 Perryridge Road  
Greenwich, Connecticut 06830

[www.greenwichhospital.org](http://www.greenwichhospital.org)

**CITY OF RYE  
MEMORANDUM**

**TO:** Honorable Mayor and Rye City Council  
**FROM:** Kristen K. Wilson, Corporation Counsel  
**SUBJECT:** Litigation Update  
**DATE:** September 9, 2012

**LITIGATION**

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

The ALJ granted the City's request for an adjournment. The City and all other parties now have until September 16, 2011 to file any appeals. Parties will have until October 14, 2011 to respond.

**BASSETT v. CITY OF RYE**

In an Order dated August 26, 2011, Judge Robert M. Berliner granted the City's motion to set aside the jury verdict and denied Plaintiff's motion for attorneys' fees since Plaintiff was not the prevailing party. After trial, a jury had found the City liable under 42 USC Section 1983. However, Judge Berliner found that there was no evidence presented at trial which could have rationally lead the jury to reach the conclusion that it did, particularly as it concerns the issue of whether or not the action complained of by the defendant was the result of any policy. As a result, Judge Berliner set aside the jury's verdict and found in favor of the City.

**CASPI v. CITY OF RYE**

The discovery deadline has been extended to October 31, 2011. A conference in this matter is scheduled for October 27, 2011. The deposition of the Plaintiff's father has concluded and the depositions for the defendant will be scheduled to take place between now and the end of October.

**R.B. CONWAY V. CITY OF RYE**

The Judge adjourned the trial date until October 3, 2011 and the pre-trial conference to September 22, 2011.

**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**

All causes of action against the City have been dismissed by Decision and Order of Hon. Gerald E. Loehr. Notice of Entry has been served. Plaintiff has 30 days to file a notice of appeal.

**MOLLOY v. PLANNING COMMISSION**

By letter dated September 2, 2011, the Petitioner/Appellant has requested an additional enlargement of time to perfect her appeal from the Appellate Division, Second Department.

PANETTA v. PLANNING COMMISSION

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

MUNDINGER v. PLANNING COMMISSION

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

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.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn