

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 30, 2011

Enclosed with this memorandum are the following items:

- 9-24 Notice regarding a *Let's Stop Diabetes* Community Health Forum being held at Rye Recreation on Tuesday, November 1, 2011 from 9:30 – 11:00 a.m.
- 9-25 Legal Department Update from the Corporation Counsel dated September 30, 2011.
- 9-26 Meeting notice for the week of October 3, 2011 is available on the City website www.ryeny.gov under Calendar.

**PLEASE
JOIN
US**



**FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

LET'S STOP DIABETES A COMMUNITY HEALTH FORUM

**Tues., November 1
9:30—11:00am**

**Rye Recreation Center
281 Midland Ave
Rye NY 10580**

The Preventable Epidemic:

Save the date for an informative discussion about the diabetes epidemic and what you can do to help stem this growing chronic disease. Join a cross section of leaders and health providers for an overview of diabetes in Westchester County. Learn more about community based solutions for tackling prediabetes. Held in collaboration with UnitedHealth Group, co-founder of the Diabetes Prevention and Control Alliance.

A Healthier Communities Initiative from the Rye YMCA.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: September 30, 2011

SETTLEMENT

In July I reported to you that a claim had been filed by State Farm Insurance Company on behalf of their insured Robert Kaplan for damages sustained by Mr. Kaplan's parked automobile when it was struck by a City sanitation vehicle. The claim has been settled by our insurance carrier for the amount of \$4,755.67.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City filed an appeal challenging the Negative Declaration issued by the Department of Environmental Conservation in connection with Harrison's Project Homerun. Harrison and DEC Staff now have an opportunity to oppose the appeal. Neither Harrison nor DEC Staff filed an appeal.

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. Plaintiff has until the end of September to file an appeal.

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 settlement of this matter has been authorized by the Council. A Stipulation of Settlement will be filed with the Court.

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

A Notice of Appeal to the Appellate Division, Second Department has been filed on behalf of Paul Shew seeking to overturn the Decision and Order rendered by Hon. Gerald E. Loehr in this case.

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

Petitioner's time to appeal the ten-page Decision and Order of Judge Colangelo is still pending.

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