

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 28, 2011

Enclosed with this memorandum are the following items:

- 10-17 Notice from Westchester County regarding a construction project to rehabilitate the Old Post Road/North Street Bridge. The work will begin on Monday, October 31 and continue on weekdays from 9:00 a.m. to 3:00 p.m. until July 2, 2012.
- 10-18 Notice from the Village of Rye Brook regarding a Public Hearing to be held on Tuesday, November 8, 2011 at 7:30 p.m. at Rye Brook Village Hall on the proposed Sluice Gate project at the Bowman Dam.
- 10-19 Notice regarding an event *Do Fish Sleep* being held at the Rye Meeting House on Sunday, October 30, 2011 at 3:00 p.m.
- 10-20 Legal Department Update from the Corporation Counsel dated October 28, 2011.
- 10-21 Notice from Westchester County calling for volunteers to assist in the cleanup and flood mitigation effort to be held on November 6, 2011 along the Bronx River Parkway between White Plains and Bronxville.
- 10-22 Notice from the Westchester County Human Rights Commission and Westchester Residential Opportunities regarding a Fair Housing Forum to be held on Thursday, November 10, 2011 at 10:00 a.m. in White Plains.
- 10-23 Meeting notice for the week of October 31, 2011 is available on the City website www.ryeny.gov under Calendar.



Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

FOR IMMEDIATE RELEASE: October 26, 2011

NORTH STREET BRIDGE PROJECT BEGINS OCTOBER 31 IN RYE

A construction project to rehabilitate the Old Post Road/North Street Bridge over the Playland Parkway in Rye will begin on Monday, October 31. The work will continue weekdays from 9 a.m. to 3 p.m. until July 2, 2012.

During this project, Old Post Road between NYS Thruway Access Drive and Playland Parkway Access Drive will be reduced to a single lane of alternating traffic controlled by flag persons. In addition, Playland Parkway will be reduced to one lane in either direction between Theodore Fremd Avenue and North Street.

Motorists are advised to use alternate routes during to avoid delays.

For additional information, contact Westchester County Department of Public Works and Transportation, Traffic Engineering Division at 995-2555.



VILLAGE OF RYE BROOK

MAYOR
Joan L. Feinstein

938 King Street, Rye Brook, N.Y. 10573
(914) 939-1121 Fax (914) 939-0242
www.ryebrook.org

ADMINISTRATOR
Christopher J. Bradbury

TRUSTEES
Michael S. Brown
Toby S. Marrow
Jeffrey B. Rednick
Paul S. Rosenberg

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Trustee's of the Village of Rye Brook shall hold a public hearing on November 22, 2011 at 7:30 p.m., at Village Hall, 938 King Street, Rye Brook, New York to consider a proposed site plan application from the City of Rye for site plan approval for construction of a sluice gate on Bowman Avenue Spillway on the Blind Brook, Rye Brook, NY.

The Committee to Save the Bird Homestead Presents



SUNDAY, OCT 30
at the
MEETING HOUSE
624 MILTON ROAD, RYE, NY
3PM

free!

DR. JUDITH S. WEIS
LECTURE & BOOK SIGNING
Do Fish
Sleep?

Fascinating Answers
to Questions about Fish

WWW.BIRDHOMESTEAD-MEETINGHOUSE.ORG

Free Admission. Books will be available for sale.
For further information contact: preservehistory@earthlink.net or
914-967-0383.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 28, 2011

CLAIMS

A notice of claim has been filed by Paul Silvester of 85 Wappanocca Avenue. The notice states that on September 28, 2011 Mr. Silvester was injured when he walked into a piece of wood that was suspended across a sidewalk at eye level. The claim has been forwarded to our insurance carrier.

Earlier this month I notified you that a claim had been filed by Carol Annett of Central Avenue seeking reimbursement for a window that was damaged when the Fire Department was responding to a call at her home. Our insurance carrier has denied the claim because the Fire Department was responding in an emergency situation.

LITIGATION

HIGHLAND TENANTS' ASSOCIATION v. R.A. COHEN, et al

The City, as one of four defendants, was served this week with an Order to Show Cause and Petition from tenants of The Highlands apartments. They are seeking injunctive relief compelling R.A. Cohen & Associates to properly mitigate the effects of an oil spill that occurred at the apartment complex in August; compelling the landlord to maintain the payment of relocation costs for tenants; granting the petitioners' independent consultant access to the apartments to test the air quality and certify that the apartments are safe; and for attorneys' fees.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

DEC staff filed a Reply to the City's Appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings. The Town of Harrison did not file reply papers by the October 14th deadline.

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.

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

The Petitioner/Appellant has been granted until November 7, 2011 to perfect her appeal.

PANETTA v. PLANNING COMMISSION

Petitioner has filed a Notice of Appeal in connection with the Decision and Order issued by Judge Colangelo on September 12th. Petitioner/Appellant has six months to perfect the appeal.

MUNDINGER v. PLANNING COMMISSION

A Notice of Entry of Judge Colangelo's Decision and Order has been filed. Petitioner has 30 days to file a notice of appeal.

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

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Mary Kaye Koch (914) 864-7000, Laura Sanchez (914) 995-2933

FOR IMMEDIATE RELEASE: Oct. 26, 2011

ASTORINO ASKS FOR VOLUNTEERS FOR "RIVER RESCUE" Cleanup and flood mitigation effort to be held November 6 along the Bronx River

County Executive Robert P. Astorino today announced the launch of River Rescue, a volunteer initiative designed to combat the lingering aftermath of Hurricane Irene and help reduce future flooding by removing debris in and along the Bronx River. **The event will take place Sunday, November 6 between 10 a.m. and 2 p.m. at six locations off the Bronx River Parkway between White Plains and Bronxville.**

"After Hurricane Irene hit, residents asked what they can do to prevent floods," said Astorino. "River Rescue won't cure our chronic flooding problems, but it is a positive step forward based on the idea that small steps, especially when there is collective energy behind them, can make a difference."

Individuals, civic organizations, scout troops, businesses and non-profit groups are being asked to spend a few hours removing accumulated debris and tree branches from the river, with the goal of curtailing flooding by removing impediments to the natural flow of the river.

Volunteers can register on-line by going to westchestergov.com/river-rescue-registration or by telephone (914) 864-7318.

Astorino said that members of the New York State Turf and Landscape Association will also volunteer their time and equipment to the River Rescue effort, with representatives at each of the cleanup sites. The association will remove fallen trees near Main Street in White Plains and Paxton Avenue in Bronxville.

"The New York State Turf and Landscape Association's involvement with this event is a perfect example of saving money through a public/private partnership," said Astorino. "By putting our expertise and energy toward a common goal, we can help our flooding problem, protect the environment, get some exercise and have some fun as well."

Volunteer projects involve cleaning the river and riverbanks by removing branches, plastic bottles and other debris at the following locations:

- County Center White Plains: at the stream behind the building and along the Bronx River Pathway north of the County Center parking lot;
- Near Main Street in White Plains;
- Butler/Garth Woods, Scarsdale;
- County Tennis Courts/Anne's Way, Scarsdale;
- Bronxville Lake, Bronxville, and
- Headquarters Field, Bronxville.

Volunteer team captains and county staff will be on hand at each location to assist volunteers and direct their efforts. Participants should dress for the weather. Gloves, plastic bags and small hand tools will be provided. Volunteers however, are encouraged to bring their own tools, as quantities are limited.

Anyone wishing to volunteer at a specific site may proceed directly there. Shuttle bus services will be available for those who would like to meet and be transported to a site. The shuttle buses will launch from the Westchester County Center's east parking lot, 198 Central Avenue in White Plains at 10:05 a.m. Shuttle service will be limited.

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WHERE YOU LIVE IS YOUR CHOICE!

Many individuals do not realize the protections they are afforded under the Federal, State and County Fair Housing Laws. In recognition of Domestic Violence Awareness Month, Westchester Residential Opportunities and the Westchester County Human Rights Commission are partnering to ensure that all residents of Westchester County know their rights.

Please join us for a presentation that will explain how the fair housing laws safeguard individuals from discrimination. This event is free and open to the public.

DATE: November 10, 2011

TIME: 10:00 am

LOCATION: The Slater Center, White Plains, NY

RSVP: November 1, 2011 to

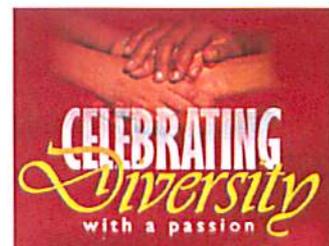
Ms. Afshan Khan

(914) 428-4507 ext. 335



**WESTCHESTER
RESIDENTIAL OPPORTUNITIES**

www.wroinc.org
(914) 428-4507 ext. 335



**WESTCHESTER COUNTY
HUMAN RIGHTS COMMISSION**

humanrights.westchestergov.com
(914) 995-7710



[Westchester
gov.com](http://Westchester.gov.com)