

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 4, 2011

Enclosed with this memorandum are the following items:

- 11-1 Notice of a Veterans Day Observance being held on the Rye Village Green on Friday, November 11, 2011 at 10:45 a.m.
- 11-2 Legal Department Update from the Corporation Counsel dated November 4, 2011.
- 11-3 Notice from Verizon regarding a National Test of the Emergency Alert System which will take place on November 9, 2011 at 2:00 p.m.
- 11-4 Notice regarding upcoming events in November at the New Rochelle Humane Society.
- 11-5 Meeting notice for the week of November 7, 2011 is available on the City website www.ryeny.gov under Calendar.



**RYE POST #128
P.O. Box 128
Rye, NY 10580**

Veteran Day Observance

Rye Post 128 of the American Legion cordially invites all residents to join in the annual Veterans Day Observance to be held on the Village Green at 10:45 AM on November 11, 2011.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 4, 2011

SETTLEMENT

I have received notification by the attorney assigned by our insurance carrier that they have settled the matter State Farm Insurance Co. a/s/o Agosta for the amount of \$225.00. The claim involved a collision between their insured's vehicle and a City fire truck.

CLAIMS

A notice of claim has been filed by The Travelers Home and Marine Insurance Company a/s/o Thomas Curran of 349 Park Avenue. The notice states that on August 28th their insured's parked automobile was damaged when the limb from a city tree fell on it. The claim has been forwarded to our insurance carrier.

LITIGATION

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.

BASSETT v. CITY OF RYE

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Notice of Appeal was filed within the required time after Notice of Entry was served.

CASPI v. CITY OF RYE

A Conference was held before Magistrate Judge Yanthis on October 27th. The discovery deadline was extended to February 24, 2012 and dates for the depositions of the individual officers have been scheduled. Defendants were notified that Plaintiff will be requesting the depositions of non-party police officers.

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 Appellate Division, Second Department, has returned Petitioner/Appellant's letter request for an enlargement of time and has required Petitioner/Appellant to file a motion for such request. The Motion was filed Friday with the Appellate Division. Petitioner/Appellant is seeking additional time until January 6, 2012 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.

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

The City Council has retained Harris Beach to represent its interests pending insurance coverage review. The Order to Show Cause is returnable on November 9th.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn



Message Center Notice

Short Title: EAS Test

Long Title: National Test of EAS on 11/9

FiOS TV Customers:

On November 9, 2011 at 2:00 PM ET, the FCC, along with FEMA, will be conducting their first National Emergency Alert System (EAS) test. The national level EAS leverages the communications support of all participating cable providers. Since Verizon is a participant, we will be supporting this test. The test will be brief in duration and once the test is over, your normal programming will resume. Please note that all Video On Demand (VOD) sessions will stop as a result of the test and you may resume play upon completion of the test.

For more information on EAS, visit <http://www.fcc.gov/encyclopedia/emergency-alert-system-nationwide-test>



From our home to yours

November Events at the New Rochelle Humane Society

**TWO DAYS!
TWO
PORTRAIT
STYLES!**

**HOLIDAY
PET
PORTRAITS!**
at
New Rochelle
Humane Society
70 Portman Road, New Rochelle

Have your pet's holiday portrait taken at the New Rochelle Humane Society!
\$20 for a Christmas-themed or Chanukah-themed 5x7 portrait taken by
a professional photographer!
Additional print sizes and holiday card options are available.
Portraits will be taken on a first come, first served basis.

**Sunday,
November 6th**

10am to 3pm

**Sunday,
November 13th**

10am to 3pm



Howliday Shopping

Saturday, November 12th, 2011

* 1:00pm-3:00pm

Stop by the New Rochelle Humane Society to shop for the holiday! Come see the many pet-related items on sale; proceeds go to the shelter animals.

New Rochelle Humane Society 2012 Firefighters & Shelter Animals Calendars Are Available at the Shelter!

© KLARA HANINCOVA



NEW ROCHELLE
HUMANE SOCIETY
FIREFIGHTERS
AND
SHELTER PETS
2012 CALENDAR

*Makes the
perfect
holiday gift!*

Each 11" x 17" wall calendar sells for \$20!
Proceeds go to the care of the New Rochelle Humane Society shelter animals.