

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 18, 2011

Enclosed with this memorandum are the following items:

- 11-12 Notice from the Village of Rye Brook regarding the rescheduled Public Hearing for the Sluice Gate flooding project to be held on Tuesday, November 22, 2011 at 7:30 p.m. at Rye Brook Village Hall.
- 11-13 Legal Department Update from the Corporation Counsel dated November 18, 2011.
- 11-14 Notice from FEMA and the New York State Office of Emergency Management on the availability of disaster mitigation experts in local Home Depot locations from Friday, November 18, 2011 to Wednesday, November 23, 2011.
- 11-15 Meeting notice for the week of November 21, 2011 is available on the City website www.ryeny.gov under Calendar.



MAYOR
Joan L. Feinstein

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

CITY OF RYE
CITY ADMINISTRATOR
Christopher J. Bradbury

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

MEMORANDUM

TO: Town/Village of Harrison Town of Rye
 Village of Port Chester City of Rye
 Town of Greenwich, CT

RE: **Notice of a Rescheduled Public Hearing** regarding an application from the City of Rye for site plan approval for construction of a new operable sluice gate at the Bowman Avenue Spillway on the Blind Brook, Rye Brook, New York.

DATE: November 10, 2011

This notice of public hearing is sent to you in accordance with the requirements of Section 277.71 of the Westchester County Administrative Code and Section 239-nn of NYS General Municipal Law. **The opening of the public hearing on the matter by the Board of Trustees in Village Hall was rescheduled from November 8, 2011 to November 22, 2011 at 7:30 p.m.**

(Department/Commission/Committee) (Name and Title)

[] The Department has no comments.
[] The Department has the following comments: _____

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 18, 2012

CLAIMS

In June, I reported to you on a notice of claim filed by Ann Heekin in connection with injuries sustained by her in a fall on a City sidewalk. The attorneys representing the City's insurance carrier have advised me that the matter has been closed without payment because there was no prior written notice of a defect at the accident location.

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 has requested 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. Petitioner has requested a preliminary conference with the Supreme Court Judge to discuss his original petition/complaint.

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

R.A. Cohen has filed and served a Motion to Dismiss. The County and the State have requested a briefing schedule to allow them time to file a Motion to Dismiss. Judge Zambelli has agreed to allow motions to be filed on or before December 2nd. The City is still waiting for a coverage determination from our insurance carrier.

CITY COURT

2 Central Avenue – (Black Bass Grill)

The owner of the property has retained a contractor to remove the asbestos. The work is to commence within the next two weeks. Once the asbestos is removed, the demolition can begin.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



FEMA

*Joint Information Center
Joint Field Office
Albany, NY 12205*

November 17, 2011
NR0130-DR-4020-NY
FEMA News Desk: 518-452-7219
NYS OEM News Desk: 518-292-2310
SBA Contact: 404-606-1988

News Release

Free Advice Offered on Reducing Damage from Future Disasters in Two Westchester County Stores

ALBANY, N.Y. -- Mitigation experts from the Federal Emergency Management Agency (FEMA) will be in two Westchester County home improvement stores this week to offer advice on ways to protect your home from future disasters.

They will be at:

Home Depot

**1 Saw Mill River Road
Hawthorne, N.Y. 10532**

from Friday, Nov. 18 to Wednesday, Nov. 23, 8 a.m. to 6 p.m.

and

Home Depot

**601 South Sprain Road
Yonkers, N.Y. 10710**

from Friday, Nov. 18 to Wednesday, Nov. 23, 8 a.m. to 6 p.m.

The mitigation experts will provide information on:

- Cleaning mold and mildew;
- Elevating electrical services and appliances;
- Installing sewer backflow valves;
- Removing and replacing drywall and insulation;
- Channeling water away from foundations;
- Repairing with water-resistant materials; and
- The permitting process required for rebuilding.

More information on ways to protect your home from future disasters is available at:
www.fema.gov. Choose the menu for Recover and Rebuild.

FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.