

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 2, 2011

Enclosed with this memorandum are the following items:

- 12-1 Notice from the League of Women Voters regarding a forum entitled "A Primer on Fair and Affordable Housing in Rye, Rye Brook & Port Chester" to be held on Tuesday, December 6, 2011 at 7:30 p.m. at the Rye Free Reading Room.
- 12-2 Legal Department Update from the Corporation Counsel dated December 2, 2011.
- 12-3 Notice of a Rye City School District Board of Education Meeting to be held on Tuesday, December 6, 2011 in the Rye Middle School Multipurpose Room.
- 12-4 Meeting notice for the week of December 5, 2011 is available on the City website www.ryeny.gov under Calendar.



RYE, RYE BROOK
& PORT CHESTER
LEAGUE OF
WOMEN VOTERS®

Issue Forum

"A Primer on Fair and Affordable Housing in Rye, Rye Brook & Port Chester"

What are the key policies issues we need to understand?

Where can it be built?

How is it being paid for?

Who can live there?

Where & Why Westchester and HUD differ?

What will be the impact on our communities?

Our Featured Panelists

- Jim Johnson, Federal Housing Monitor
- Janet Hostetler, US Dept of Housing & Urban Development
- Norma Drummond, Westchester County Planning Dept
- Mary Mahon, Senior Assistant to the County Executive
- Mayors of Rye City, Rye Brook and Port Chester
- Lou Larizza, Affordable Housing Builder

Tuesday, December 6th at 7:30 pm
Rye Free Reading Room Community Room
1061 Boston Post Road, Rye

Contact: Rye, Rye Brook & Port Chester League of Women Voters
(914) 481-3234 LWV.Rye.RyeBrook.PortChester@gmail.com

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: December 2, 2011

CLAIMS

A notice of claim has been filed by First 131 Purchase Street Associates LLC c/o R.A. Cohen & Associates, Inc. The notice states that due to the City's failure to perform stream maintenance and stormwater and sewer design, drainage, control maintenance and repair work, the property at 131 Purchase Street sustained damages as a result of flooding in August. The claim has been forwarded to our insurance carrier.

SETTLEMENT

We have been notified by the attorney for our insurance carrier that a settlement has been reached in connection with a claim brought against the City by State Farm Insurance a/s/o Steve Agosto for damages to their vehicle caused by a collision with a City fire truck responding to a call. The claim has been settled for \$250.00.

LITIGATION

ROBERT and PAULA BUTLER v. THE CITY OF RYE PLANNING COMMISSION, DANIEL MATHISSON and HELENE MATHISSON

An Article 78 Proceeding was commenced by Robert and Paula Butler against the City Planning Commission, Daniel Mathisson and Helene Mathisson challenging the Planning Commission's resolution which modified the subdivision map for the Forest Harbor Subdivision. The Petition alleges that: 1) the Planning Commission was without authority to modify front yard setbacks set forth on the subdivision map; 2) the resolution is in violation of Article 1, Section 10, Clause 1 of the U.S. Constitution, and 3) the Planning Commission was arbitrary and capricious.

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.

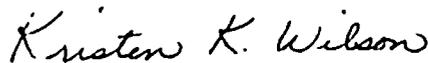
HIGHLAND TENANTS' ASSOCIATION v. R.A. COHEN, et al

On December 2, 2011, Respondents, including the City of Rye, served and filed motions to dismiss. Petitioners have submitted a motion opposing RA Cohen's motion to dismiss and have additional time to oppose the other Respondents' papers.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



The Rye City School District

411 Theodore Fremd Avenue, Suite 100S

Rye, New York 10580

Tel: (914) 967-6100 Ext .6278 Fax: (914) 967-6957

Elaine Cuglietto
District Clerk
cugliete@ryeschools.org

November 30, 2011

FOR IMMEDIATE RELEASE

December 6, 2011 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, December 6, 2011 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting at 6:00 PM, the Board will meet in Executive Session for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are fiscal, special education, personnel, curricular and business items that ordinarily come before the Board.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak during the public hearing on the budget.