

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

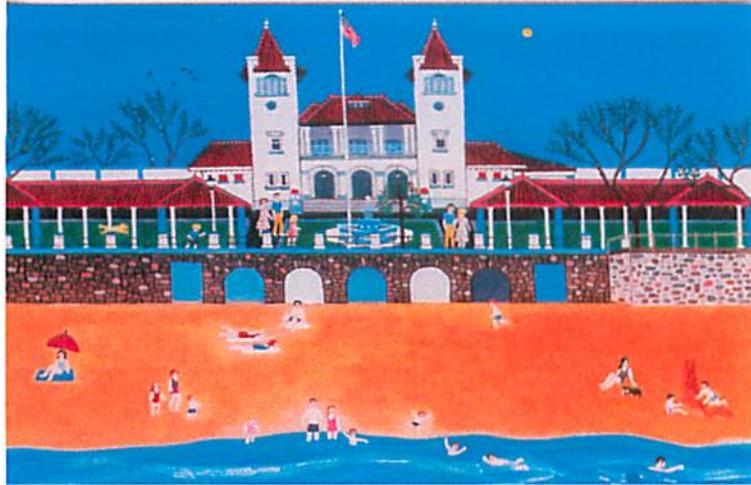
FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 6, 2012

Enclosed with this memorandum are the following items:

- 1-1 Notice regarding a Rye Town Park Community Conversation to be held on Saturday, January 7, 2012 beginning at 10:30 a.m. at the Damiano Center.
- 1-2 Legal Department Update from the Corporation Counsel dated January 6, 2012.
- 1-3 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, January 10, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 1-4 Notice regarding an event sponsored by the American Red Cross entitled SAVE-A-LIFE-SATURDAY to be held on Saturday, January 14, 2012 in White Plains, NY and Greenwich, CT.
- 1-5 Meeting notice for the week of January 9, 2011 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



## Rye Town Park Community Conversation

All are welcome to attend a forum  
on Rye Town Park  
Co-sponsored by the  
Rye Town Park Commission,  
Friends of Rye Town Park and the  
Rye Town Park Advisory Committee

*Where we are and where we are headed*

**When:** Saturday, January 7, 2012 at 10:30 a.m.

**Where:** The Damiano Center  
281 Midland Avenue  
Rye, New York

**CITY OF RYE  
MEMORANDUM**

**TO:** Honorable Mayor and Rye City Council  
**FROM:** Kristen K. Wilson, Corporation Counsel  
**SUBJECT:** Litigation Update  
**DATE:** January 6, 2012

**LITIGATION**

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

The City's appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings is still pending.

**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 27<sup>th</sup>. 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**

In a two-page Decision and Order issued on December 16, 2011 Judge Colangelo has upheld his earlier Decision as having dismissed the entire action brought by Petitioner and denied his request for a preliminary conference in the matter.

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.

BUTLER v. PLANNING COMMISSION

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.

CITY COURT

People v. Schwartz

Defendant/Appellant has filed notice that he is seeking permission of the Court of Appeals to appeal the decision of the Appellate Term, Second Department that upheld a traffic violation decision issued in Rye City Court.

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*

January 3, 2012

FOR IMMEDIATE RELEASE

### **January 10, 2012 Board of Education Meeting**

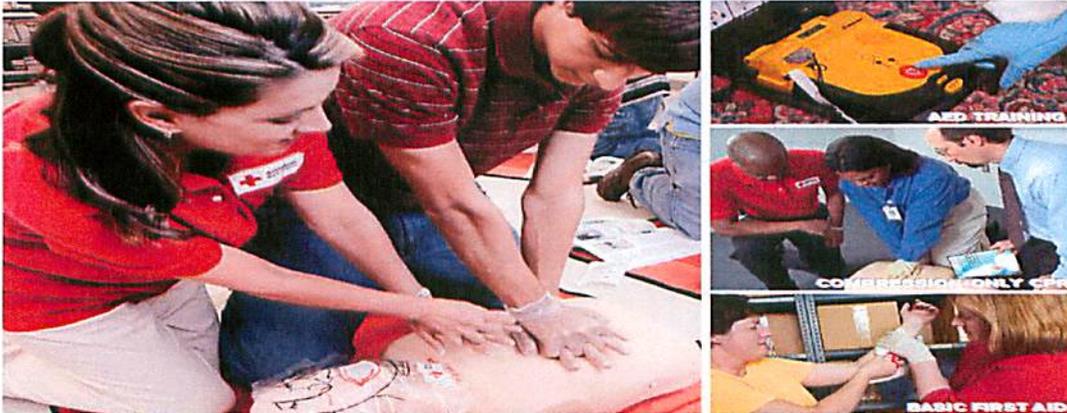
The Rye City School District Board of Education will meet Tuesday, January 10, 2012 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet in Executive Session for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are fiscal, special education, personnel 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.

**The American Red Cross  
Metro NY North Chapter  
Invites You to:**

**SAVE-A-LIFE SATURDAY  
January 14, 2012**



**Give us an hour and we will teach you life-saving  
compression-only CPR,\* basic first aid and AED  
training!**

**Explore volunteer careers with your local Red Cross!**

**Courses will be offered in 2 locations and 2 sessions:**

**Westchester:** 106 North Broadway, White Plains, NY

**Greenwich:** 99 Indian Field Road, Greenwich, CT

**Session 1:** 11:15 AM - 12:15 PM; **Session 2:** 12:30 PM - 1:30 PM

**To register or for more information, please contact:**

Carissa Duro, Youth Services Associate, Email: [duroc@usa.redcross.org](mailto:duroc@usa.redcross.org)

**Please include your name, email, preferred location and session.**

*\*This is a one-hour community course and participants do not receive CPR/First Aid certification.*



**American  
Red Cross**

Metro New York North