

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 24, 2012

Enclosed with this memorandum are the following items:

- 2-13 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, February 28, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 2-14 Notice regarding a Rye Town Park Commission Meeting to be held on Wednesday, February 29, 2012 beginning at 6:00 p.m. in the Council Chambers at Rye City Hall.
- 2-15 Legal Department Update from the Corporation Counsel dated February 24, 2012.
- 2-16 Meeting notice for the week of February 27, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



**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*

February 17, 2012

FOR IMMEDIATE RELEASE

**February 28, 2012 Board of Education Meeting**

The Rye City School District Board of Education will meet Tuesday, February 28, 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.



*Rye Town Park  
95 Dearborn Ave.  
Rye, NY 10580  
914 967-0965*

## **RYE TOWN PARK COMMISSION** **MEETING NOTICE**

### **Commission Members**

Joseph Carvin-President  
Douglas French, Mayor-City of Rye  
Dennis Pilla, Mayor-Village of Port Chester  
Joan Feinstein, Mayor-Village of Rye Brook  
Benedict Salanitro, Commissioner  
Joseph Sack, Commissioner

**DATE & TIME:**      **Wednesday, 2/29/2012 @ 6:00PM**

**PLACE:**              **Rye City Hall  
1051 Boston Post Road - 2nd Floor Council Chambers  
Rye, New York 10580**

### **Tentative Agenda:**

1.      **Roll Call**
2.      **Pledge of Allegiance**
3.      **Approval of Minutes:  
12/20/2011, 1/7/2012 "Community Conversation", 1/17/2012**
4.      **Comments from the Public**
5.      **Presentation - Jarden Triathlon**
6.      **Presentation - American Cancer Society-Relay for Life**
7.      **Report from Sign Committee**
8.      **Draft 2012 Budget**
9.      **Rates and Fees Discussion including Non-Profit Usage Fees**
10.     **RTP Capital Committee**
11.     **Carpe Diem Grant Proposal**
12.     **FEMA update**
13.     **Correspondence requests  
Port Chester Special Citizens Day Camp  
Cystic Fibrosis Great Strides Walk  
Milton Elementary – School Fair Parade  
East Coast Surf, Skate & Snow**

**Adjourn**

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: February 24, 2012

**TAX CERTIORARI**  
**CARROLL v. CITY OF RYE**

Post-trial briefs have been submitted and the Judge's site visit has occurred.

**LITIGATION**

**ELISSA CAVATARO and RICHARD CAVATARO v. UNITED WATER WESTCHESTER INC., THE CITY OF RYE, RYE VOLUNTEER FIREFIGHTERS INC. and RYE FIRE DEPARTMENT**

A summons and complaint was served on the City in connection with a slip and fall accident that occurred in front of the Locust Avenue Firehouse on October 26, 2010. A notice of claim had previously been served. The summons and complaint has been forwarded to our insurance carrier.

**SILVESTER v. CITY OF RYE, ET AL.**

A summons and complaint was served on the City in connection with an injury that occurred while plaintiff was walking around Highland Hall and ran into a plank of wood that was hanging from a dumpster to the apartment building. An Answer with affirmative defenses and cross-claims was served on Tuesday.

**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

Petitioner's time to perfect their appeal has expired.

PANETTA v. PLANNING COMMISSION

The Petitioner/Plaintiff filed a motion to amend the Court's Decision and Order of December 16, 2011 to reflect that those causes of action for a declaratory judgment and 42 U.S.C. sec. 1983 were severed.

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

The City served and filed the following documents: Certified Record of Proceedings; Verified Answer with Affirmative Defenses; Memo of law in opposition; and affirmation in opposition. The Petitions will have an opportunity to reply to these papers.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW