

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 16, 2012

Enclosed with this memorandum are the following items:

- 3-10 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, March 20, 2012 beginning at 6:00 p.m. at Rye Town Hall.
- 3-11 Legal Department Update from the Corporation Counsel dated March 16, 2012.
- 3-12 Notice regarding a Public Information Meeting on the Playland Pathway Project being held by the Westchester County Planning Department on Tuesday, March 27, 2012 at 7:00 p.m. in Council Chambers at Rye City Hall.
- 3-13 Meeting notice for the week of March 19, 2012 is available on the City website www.ryeny.gov under Calendar.



*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: Tuesday, 3/20/2012 @ 6:00PM

**PLACE: Rye Town Hall
10 Pearl Street -3rd Floor Court Room
Port Chester, New York 10573**

Tentative Agenda:

1. Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 1/17/2012, 2/29/2012
4. Comments from the Public
5. Report from Sign Committee
6. Report from Rye City Finance Committee
7. Draft 2012 Budget
8. Discussion Non-Profit Usage Fees
9. RTP Capital Committee
10. Carpe Diem Grant Proposal
11. Correspondence requests
 - Port Chester Special Citizens Day Camp
 - Cystic Fibrosis Great Strides Walk
 - East Coast Surf, Skate & Snow
 - Water's Edge Parking Request

Adjourn

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: March 16, 2012

CLAIMS

Last week I notified you that a notice of claim has been filed by Andrew Kovacic of Port Chester in connection with damages to his parked automobile. Our insurance carrier has denied liability because the City vehicle in question was sanding a roadway and, therefore, protected by NY State Vehicle and Traffic law.

In November I notified you that a claim has been filed by Deirdre Rinaldi in connection with a fall on a City sidewalk. Our insurance carrier has denied the claim saying that there was no liability on the part of the City.

TAX CERTIORARI
CARROLL v. CITY OF RYE

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

LITIGATION
BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City and its consultants met with the Town/Village of Harrison and its consultants to discuss the discrepancies in the hydrologic analyses performed in 2010. The City is waiting to hear back from Harrison as to whether Harrison will provide certain data to the City for verification of the flood storage capacity at the Project Home Run site.

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

On February 28th a telephone conference was conducted with Judge Yanthis and all parties. The Court gave a six month deadline for all discovery, including expert disclosure. All discovery must be completed by September 7th. No exceptions will be granted. A final conference is scheduled for September 6th.

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. Lochr in this case.

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 Planning Commission was served with a 44 page reply memorandum of law in further support of Petitioners' petition. This matter is now fully submitted before Judge Colangelo in Westchester County.

SILVESTER v. CITY OF RYE, ET AL

The City filed an answer with affirmative defenses and cross-claims against the defendants. We are in the process of discovery.

McKEEVER v. CITY OF RYE

This case was tried in front of Judge Latwin this past week. Counsel for City of Rye moved to essentially close our motion to dismiss on the grounds that Plaintiff failed to state a claim and did not provide proof that the City was on notice of the allegedly decayed/dangerous tree. Judge Latwin gave Plaintiff until April 9, 2012 to submit papers addressing the issue of prior notice and otherwise reserved decision.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted.



Kristen K. Wilson
Corporation Counsel

KKW/dfn

PUBLIC INFORMATION MEETING

PLEASE TAKE NOTICE the Planning Department of the County of Westchester will hold a public information meeting on Tuesday, March 27, 2012 at 7 p.m. at the Rye City Hall, 1051 Boston Post Road, Rye, New York.

The purpose of the public information meeting is to hear and consider comments from members of the public regarding planned improvements to develop a pedestrian and bicycle route from the Rye Metro-North train station to the historic Rye Playland Amusement Park along existing roadways and sidewalks, and widen an existing pathway along Playland Parkway. Approximately 2.65 miles of pathway will be a combination of sidewalk paths, on-road shared lanes, and shared off-road pedestrian and bike paths within the City of Rye. This public informational meeting, held by the County of Westchester in cooperation with the City of Rye, is part of the continuing efforts by the New York State Department of Transportation and the Federal Highway Administration to encourage public input into the development of transportation projects.

Design plans of the proposed improvements will be available for inspection, and staff will be on hand to answer questions, at Rye City Hall from 6pm on March 27, before the start of the public information meeting. All interested persons will be given the opportunity to express their views concerning the design plans. The proceedings will be recorded. Persons may file written statements in place of or in addition to oral statements made at the meeting. Such statements should be sent to rcl1@westchestergov.com or via mail to Robert Lopane, Westchester County Department of Planning, 148 Martine Avenue, room 414, White Plains, NY 10601. Written statements must be received by Friday, April 6, 2012.

Rye City Hall is accessible to the handicapped. Please advise Christian Miller, City Planner at (914) 967-7167 if you require any special accommodations to facilitate your participation in this meeting.