

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 23, 2012

Enclosed with this memorandum are the following items:

- 3-14 Notice regarding a fundraiser being held for the Vinny Tamburro Family on Saturday, May 19, 2012 by the Suffern Volunteer Hose Company No. 1 in Suffern, New York. *Please join us or donate to support this benefit.*
- 3-15 Notice regarding a Mid-Hudson South Mobility Advisory Forum to be held on Monday, March 26, 2012 beginning at 9:30 a.m. at the Westchester County Center in White Plains.
- 3-16 Legal Department Update from the Corporation Counsel dated March 23, 2012.
- 3-17 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, March 27, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 3-18 Notice regarding a presentation by the Westchester Land Trust entitled *Vibrant Cities & Urban Forests* to be held on Thursday, April 5, 2012 beginning at 7:00 p.m. at the Warner Library in Tarrytown.
- 3-19 Meeting notice for the week of March 26, 2012 is available on the City website www.ryeny.gov under Calendar.

SATURDAY MAY 19TH

**VINCENT TAMBURRO FAMILY
BENEFIT FUNDRAISER**

**SUFFERN HOSE COMPANY
35 WASHINGTON AVE,
SUFFERN NY, 10901**

**3PM-7PM
PARKING IN LOT
ACROSS THE STREET**

**FOOD, REFRESHMENTS,
ENTERTAINMENT, AUCTIONS,
50/50'S AND MORE!!!!**

**TICKETS PRICES:
\$20 IN ADVANCE
\$25 AT THE DOOR**

ALL PROCEEDS GO TO VINCENZO TAMBURRO'S FAMILY

FOR MORE INFORMATION PLEASE CONTACT SCOTT OSLACKY @ PHONE # 845-742-2650



Suffern Volunteer Hose Company No. 1

P.O. Box 845
35 Washington Avenue
Suffern, New York 10901

Dear Friend,

The members of the Suffern Volunteer Hose Company with the assistance of the Suffern Village Foundation will be holding a fundraiser on Saturday, May 19th, 2012 from 3pm to 7pm for one of its recently departed members, Vincenzo "Vinny" Tamburro. The fundraiser will be held at the Volunteer Hose Company located on the corner of Washington Avenue and Cross Street. There will be games, tricky tray, music, and refreshments.

Vinny Tamburro was a volunteer firefighter who passed away on August 31st, 2011 while performing his duties as the Building Inspector for the City of Rye. Vinny served the Village of Suffern as an active firefighter for over 18 years in addition to being a member of the Hose Company's Board of Directors, and other various committees. Prior to serving with the Suffern Fire Department, Vinny was an active member of the Tarrytown Fire Department for over 10 years, achieving the rank of Captain with the Riverside Hose Co.

Vinny had two passions, his family and serving communities in both Westchester and Rockland. His loving wife Karen of over 18 years, daughters Taylor and Morgan, and sons Jake and Kyle greatly miss the way Vinny made everyone of them feel special. He always wanted his family to be safe, both physically and financially.

The Suffern Volunteer Hose Company and the Suffern Village Foundation is hoping that you will contribute to the Tamburro Family Fundraiser, either by attending or by making a monetary donation. All donations should be sent to the address above with the notation "Tamburro Fund Raiser". Please make checks payable to the Suffern Hose Company-Tamburro Family Fund. If you have questions, please contact Scott Oslacky at (845)742-2650 (cell phone) or on Monday evenings from 7 to 9pm at (845) 357-8841 (fire station).



Monday, March 26, 2012

9:30 A.M. – 10:00 A.M. Registration/Refreshments

10:00 A.M. – 12:00 NOON Program

Westchester County Center

198 Central Avenue

White Plains, NY

SPEAKERS

Suzanna Keith
Council Member
City of Rye

Dan Welsh
Councilman
Town of Lewisboro

Larry McAuliffe
Manager, Research Unit
New York Metropolitan
Transportation Council

Complete Streets

FOR CITIES, TOWNS AND VILLAGES

The development, adoption and implementation of complete streets policy in your community for the

- *Young and Old*
- *Motorist and Bicyclist*
- *Walker and Wheelchair User*
- *Bus Rider and Shop Keeper*

RSVP

email, phone or fax
by Thursday, March 22, 2012
cjs2@westchestergov.com
Tel. (914) 813-7761
Fax: (914) 813-7757

FOR DIRECTIONS to the County Center go to www.countycenter.biz



Robert P. Astorino
Westchester County Executive
Department of Public Works and Transportation

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: March 23, 2012

CLAIMS

A notice of claim has been filed by Alida Moncrief of 30 Grapal Street. The notice states that the door to Ms. Moncrief's basement was broken by the Fire Department in order to gain entry into her home, when she was not at home, to investigate a gas leak in the neighborhood. The claim has been forward to the insurance carrier.

A notice of claim has been filed by Scott Craig of Carmel, New York. The notice states that while Mr. Craig's automobile was parked on McCullough place, it was damaged by a City garbage truck. The claim has been forwarded to the insurance carrier.

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

The Plaintiff has appealed this matter to the Appellate Division, Second Department. The appeal has not been perfected.

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

Hon. Albert Lorenzo, AJSC rendered a Decision and Judgment upholding the Planning Commission's decision granting a subdivision modification to Daniel and Helene Mathisson. The Judge found that the alleged "deed restriction" for a greater front yard setback was not in fact a deed restriction at all but, rather, it was more akin to a zoning regulation. The Judge also focused quite a bit of attention on whether the property owners were on notice of such a "restriction" and found that the front yard setback restriction was not in the chain of title or in the deed. The Judge took particular care to study the handwritten notes on the deed and also whether the subdivision map was clear and legible and still found that there was insufficient notice that the more restrictive front yard setbacks were intended to be deed restrictions that ran with the land. Notice of entry has been served.

MORELLI v. CITY OF RYE

Judge Mary Smith partially granted and partially denied the City's renewed motion for summary judgment. The Court found that there are issues of fact surrounding the City's negligence in creating and maintaining and repairing the tree well near Starbucks. This case is being handled through the City's insurance carrier.

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

March 19, 2012

FOR IMMEDIATE RELEASE

March 27, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, March 27, 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. On the agenda for further discussion is the 2012-2013 budget.

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.



Westchester Land Trust presents

Vibrant Cities & Urban Forests

Thursday, April 5 at 7pm

at Warner Library, 121 N. Broadway, Tarrytown

Sarah Pfeifer from *New York Restoration Project* will discuss "Vibrant Cities & Urban Forests," a nationwide initiative to improve urban ecosystems through green infrastructure and the integration of built spaces with natural spaces. Introduction by Jonathan Rose, Jonathan Rose Companies.

This lecture is part of the Leon Levy Distinguished Environmental Lecture series and is sponsored by the Jerome Levy Foundation.

Free of charge, reservations strongly encouraged.

Contact:

grace@westchesterlandtrust.org
or 914-241-6346 x23



Warner Library