

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 30, 2012

Enclosed with this memorandum are the following items:

- 3-20 Notice from the Federated Conservationists of Westchester County regarding an environmental forum entitled *Sustainability: How to Get There* to be held on Saturday, March 31, 2012 from 9:00 a.m. to 11:30 a.m. at Pace Law School in White Plains.
- 3-21 Legal Department Update from the Corporation Counsel dated March 30, 2012.
- 3-22 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, April 3, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 3-23 Meeting notice for the week of April 2, 2012 is available on the City website www.ryeny.gov under Calendar.



Federated Conservationists of Westchester County
and the Pace Center for Environmental Legal Studies
Invite you to attend an environmental forum

Sustainability: How to Get There

Saturday, March 31, 2012

9:00am-11:30am

Pace Law School

Preston Hall, Tudor Room

78 North Broadway, White Plains, NY ([Directions](#))

To RSVP:

Online www.fcwc.org/events

Via Email fcwc@fcwc.org

Or by Phone (914) 422-4053

Join the Federated Conservationists of Westchester County and The Pace Center for Environmental Legal Studies for a discussion of trailblazing examples of sustainability in Westchester County. This public meeting will feature the impressive municipal consortiums of both northern and southern Westchester, which have been formed to save energy, reduce greenhouse gas emissions and foster group purchasing, as well as examples of sustainable activities, including green building (residential and institutional), a green business promoting local food, and municipal programs (plastic bag ban, street lighting, and money-saving leaf mulching).

This meeting encourages members of the public as well as municipal officials to bring their questions and examples of sustainable activities to share. For more information call (914) 422-4053. There is a \$5 suggested donation.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: March 30, 2012

CLAIMS

Last week I informed you that Alida Moncrief of Grapal Street had filed a claim in connection with damage caused to a basement door by the Fire Department when they *needed to* gain access to her home to investigate a gas leak in the neighborhood at a time when she was not home. Our insurance carrier has denied the claim because City Code Section 98-5 grants members of the Fire Department right of entry in such circumstances.

A notice of claim has been filed by Anne Therese Bello of 227 Central Avenue. The notice states that on December 28, 2011, City sanitation workers mistakenly removed the contents of two garden barrels located on her property. The claim has been forwarded to our 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

This matter has been settled in principle with no monetary payment to the plaintiff. Plaintiff's notice of appeal will be withdrawn on condition that a letter of recommendation is signed by Mayor French as it relates to his relationship with former City Manager Shew at the time the Mayor served as Chairman of the Recreation Commission.

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.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



The Rye City School District

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District Clerk
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March 29, 2012

FOR IMMEDIATE RELEASE

April 3, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, April 3, 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.