

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

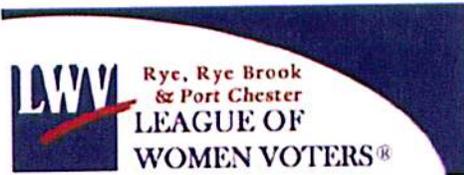
FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: April 6, 2012

Enclosed with this memorandum are the following items:

- 4-1 Notice from the League of Women Voters regarding a *Forum on Unfunded State Mandates and Mandate Relief* to be held on Thursday, April 26, 2012 beginning at 7:30 p.m. at the Rye Middle School Multi-Purpose Room.
- 4-2 Legal Department Update from the Corporation Counsel dated April 6, 2012.
- 4-3 Meeting notice for the week of April 9, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



Press Release

For Immediate Release  
Contract: Debbie Reisner, (914) 698-7166

**League of Women Voters to Sponsor Issue Forum  
on Unfunded State Mandates and Mandate Relief**  
**What are the impacts of unfunded mandates and what, if anything should or can be done?**

RYE, NY, March 31, 2012 –On Thursday, April 26, the League of Women Voters - Rye, Rye Brook & Port Chester will be sponsoring an Issue Forum on the controversial topic of unfunded state mandates and mandate relief. This important and timely forum will address such topics as what is a mandate? What does "unfunded" actually mean? What are the impacts on county and local communities, education and taxpayers? What is Albany doing about unfunded mandates and is there any relief in sight?

Our distinguished panel will present a broad range of perspectives on Albany's unfunded mandates including their ramifications on county, municipal and school district budgets. This event is designed to impart a better understanding of the issue and to facilitate an exchange of ideas for potential legislative relief and regulatory reform.

- Rob Astorino, Westchester County Executive
- Sandy Galef, New York State Assemblywoman, District 90
- Joan Feinstein, Mayor, Rye Brook
- Peter Mustich, Superintendent, Rye Neck School District
- Stephen Acquario, Executive Director, New York Association of Counties
- Harry Wilson, Advocate for Pension Reform

Barbara Bartoletti, Legislative Director of the League of Women Voters of New York State, will serve as moderator.

As a taxpayer, you should plan on attending to get beyond the rhetoric. A vibrant dialogue with the audience will comprise the second part of the program. Come to really understand what unfunded state mandates are all about and what the governor and legislature are or should be doing in terms of modification or repeal.

Location and Time:  
Rye Middle School Multi-Purpose Room  
3 Parsons Street, Rye, NY 10580  
Thursday, April 26, 7:30 PM

The public is invited and there is no admission charge. Students are welcome.

The League of Women Voters - Rye, Rye Brook & Port Chester is a nonpartisan political organization that promotes political responsibility through the informed and active participation of citizens in government. Our mission is to foster a better understanding of policy issues that will impact our lives and our communities.

**CITY OF RYE  
MEMORANDUM**

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

**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 28<sup>th</sup> 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 7<sup>th</sup>. No exceptions will be granted. A final conference is scheduled for September 6<sup>th</sup>.

**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 settlement of this matter has been reached. Plaintiff's notice of appeal will be withdrawn and a letter of recommendation will be 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**

Petitioner/Plaintiff has requested a 60-day enlargement of time to perfect their appeal to the Appellate Division/Second Department.

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