

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: April 13, 2012

Enclosed with this memorandum are the following items:

- 4-4 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, April 17, 2012 beginning at 6:00 p.m. at Rye Town Hall.
- 4-5 Legal Department Update from the Corporation Counsel dated April 13, 2012.
- 4-6 Notice regarding a Rye City School District Board of Education meeting to be held on Wednesday, April 18, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 4-7 Meeting notice for the week of April 16, 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, 4/17/2012 @ 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: 3/20/2012
4. Comments from the Public
5. Management Report
6. RTP Sign Committee
7. RTP Capital Committee
8. Draft 2012 Budget
9. Discussion Non-Profit Usage Fees
10. Correspondence requests

Adjourn

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: April 13, 2012

CLAIMS

On March 30th I informed you that a claim has been filed by Anne Bello of Central Avenue in connection with personal property mistakenly removed from her property by City sanitation workers. Our insurance carrier has settled the matter for the amount of \$750.00.

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.

PANETTA v. PLANNING COMMISSION

Judge Colangelo issued an Order amending the Court's prior Decision and Order dated December 16, 2011 severing Plaintiff's causes of action for a declaratory judgment and those pursuant to 43 U.S.C. Sec. 1983. These causes of action are being transferred to the Supreme Court for further proceedings with the other causes of action originally interposed by Plaintiff remaining dismissed.

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.

McKEEVER v. CITY OF RYE

After a bench trial, Judge Latwin issued a decision on April 10, 2012 finding that the City of Rye did not owe a duty to the property owner and the City was not liable for the damage caused to Plaintiff's property when a tree fell and struck the house.

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

EW Elaine Cuglietto
District Clerk
cugliete@ryeschools.lhric.org

April 5, 2012

FOR IMMEDIATE RELEASE

April 18, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Wednesday, April 18, 2012 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet at 7:00 PM 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 is the adoption of the 2012-2013 Budget as well as 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 at designated times.