

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: April 20, 2012

Enclosed with this memorandum are the following items:

- 4-8 Notice regarding a Joint Public Hearing to be held by the Westchester County Budget & Appropriations Committee and the Government Operations Committee regarding the Route 76 Bus on Tuesday, April 24, 2012 beginning at 7:00 p.m. at Rye City Hall.
- 4-9 Notice regarding the designation of Monday, April 23, 2012 as a “No-Idling” Day in Larchmont, Mamaroneck, and Rye.
- 4-10 Legal Department Update from the Corporation Counsel dated April 20, 2012.
- 4-11 Notice regarding an Earth Day event sponsored by Westchester County to be held on Sunday, April 22, 2012 from 10:00 a.m. to 3:00 p.m. at the Kensico Dam Plaza in Valhalla.
- 4-12 Meeting notice for the week of April 23, 2012 is available on the City website www.ryeny.gov under Calendar.



WESTCHESTER COUNTY

JOINT PUBLIC HEARING

on

BUS ROUTE 76

OPEN TO THE PUBLIC

SPONSOR: Westchester County Budget & Appropriations Committee, chaired by Judy Myers

Government Operations Committee, chaired by Catherine Borgia

DATE: Tuesday, April 24, 2012

TIME: 7:00 p.m.

PLACE: Rye City Hall, Council Chambers
1051 Boston Post Road

PURPOSE: Obtain input from citizens concerning the elimination of the Route 76 bus

**Monday, April 23, 2012
has been designated
as a "No-idling" Day
in Larchmont, Mamaroneck and Rye.**

**THANK YOU FOR NOT IDLING YOUR CAR!!!
TODAY IS "NO IDLING DAY"
DID YOU KNOW....?**

FACT #1: IDLING WASTES FUEL AND MONEY

Idling more than 10 seconds burns more gas than it takes to restart the engine.
In 2 minutes an idling car consumes approximately the same amount of fuel as traveling one mile.

FACT #2: IDLING AFFECTS AIR QUALITY AND YOUR HEALTH

Exposure to vehicle exhaust increases the risk of cancer, heart, lung disease and asthma.
Asthma is the most common chronic illness among children.

The EPA has identified idling as a major contributor to particulate material emissions.
Westchester County is ranked 4th worst for fine particulate matter in New York State.

FACT #3: IDLING CAN DAMAGE YOUR VEHICLE'S ENGINE

Because your engine isn't working at peak operating temperature, fuel does not undergo complete combustion. This leaves fuel residues that contaminate engine oil and make spark plugs dirty.

Today's electronic engines do not need idling to be warmed up before being operated.

FACT #4: IDLING AFFECTS CHILDREN MORE THAN ADULTS

Children are more vulnerable to health problems such as asthma and other respiratory illnesses because they breathe faster, inhale more air per pound of body weight compared to adults, and are still growing.

FACT #5: IDLING IS AGAINST THE LAW

Finally, always remember that the best you can do is not to use your car at all.
Walk or bike whenever you can and combine several errands into one trip in the car.

PLEASE SHARE ... AND HELP CLEAR THE AIR

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: April 20, 2012

CLAIMS

On March 23rd I notified you that a notice of claim had been filed by Scott Craig of Carmel, New York in connection with damages to his parked automobile caused by a City sanitation vehicle. Our insurance carrier has advised that they have settled the claim for the amount of \$6,924.29.

TAX CERTIORARI

CARROLL v. CITY OF RYE

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

LITIGATION

ANDREW DAPOLITE v. SCOTT PICKUP, individually and in his capacity as City Manager of the City of Rye, New York

An Article 78 Petition was served on the City Manager this week by an employee seeking to vacate a letter of reprimand issued to him on March 8th.

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

The Petitioners filed a notice of appeal dated April 9, 2012 with the Appellate Division, Second Department. The Petitioners have six months to perfect the appeal.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

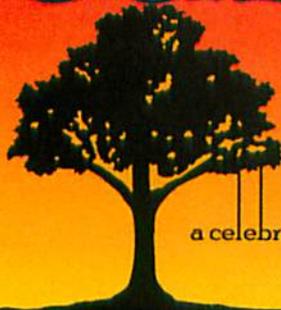


Kristen K. Wilson
Corporation Counsel

KKW/dfn

earthday

WESTCHESTER 2012



a celebration of green, sustainable living

Sunday, April 22, 2012, 10 a.m. to 3 p.m.
Kensico Dam Plaza, Valhalla
Part of Westchester County's Earth Month celebration

- Live music and entertainment with Annie and the Natural Wonder Band, and Solar Punch
- FREE "Green Raffle"
- Demonstrations and expert advice on lawn and garden care
- The best in fresh, local produce at the Earth Day Farmers Market
- "Green" exhibit showcasing practical ways to save money and make your home, business or school green and healthy
- Westchester County 2012 Earth Day Awards

Free admission and parking. Walk, cycle, take Metro North or carpool.

*Presented by Westchester County's departments of Environmental Facilities and Parks.
Sponsored by Friends of Westchester County Parks. Co-sponsored by Brookfield Resource Management,
Wheelabrator of Westchester, Malcolm Pirnie/Arcadis, City Carting of Westchester, Cornerstone Engineering,
Camp Dresser & McKee and Savin Engineers*

westchestergov.com | (914) 813-5425

Westchester
gov.com

Robert P. Astorino, County Executive

