

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 4, 2012

Enclosed with this memorandum are the following items:

- 5-1 Press Release from Police Commissioner William R. Connors regarding seatbelt enforcement during the period May 21, 2012 through June 3, 2012, as part of the annual “Buckle Up New York” Campaign.
- 5-2 Legal Department Update from the Corporation Counsel dated May 4, 2012.
- 5-3 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, May 8, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 5-4 Meeting notice for the week of May 7, 2012 is available on the City website www.ryeny.gov under Calendar.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



PRESS RELEASE

May 3, 2012

FOR IMMEDIATE RELEASE

The City of Rye Police Department will intensify seatbelt enforcement during the period May 21, 2012 through June 3, 2012, as part of the annual "Buckle Up New York" Campaign.

The Campaign will stress high-visibility, zero-tolerance enforcement aimed at increasing seatbelt use. It urges motorists to buckle their seatbelts or receive a summons, using the slogan "Click It or Ticket."

"The 'Buckle Up New York/Click It or Ticket' initiative is intended to send a clear message that using seatbelts and child restraint seats is the single most effective way to save lives on our roads," said Police Commissioner William Connors. "The fact that New Yorkers continue to use seatbelts in record numbers is proof of the effectiveness of past enforcement efforts."

Since 1999, police agencies throughout the state have helped to save lives by joining forces during annual enforcement waves, in conjunction with the Buckle Up New York Campaign, a zero-tolerance safety restraint initiative. During that time, the use of seat belts has increased dramatically, and countless lives have been saved.

Under New York State law, safety restraint use is required for all front seat occupants, regardless of age. Each passenger under the age of 16 must wear a seat belt or use an appropriate child safety restraint system. The restraint system must comply with the child height and weight recommendations determined by the manufacturer. Depending on the size of the child, the restraint system may be a safety seat or a booster seat used in combination with a lap and shoulder belt. Every occupant of a motor vehicle, regardless of age or seating position, being operated by the holder of a Class-DJ Learner Permit, a Limited Class-DJ, or Class-DJ Driver License must be restrained by a safety restraint.

Questions may be referred to Police Commissioner William R. Connors at (914) 967-1234.

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**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: May 4, 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 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.

DAPOLITE v. PICKUP

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

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

In addition to the Notice of Appeal, Petitioners also filed a motion to reargue and renew in Supreme Court. Petitioners allege that Hon. Albert A. Lorezno misapplied, overlooked or misapprehended certain relevant facts and controlling legal authority. The return date is calendared for May 18, 2012.

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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 Elaine Cuglietto
District Clerk
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April 30, 2012

FOR IMMEDIATE RELEASE

May 8, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, May 8, 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.

The Board will hold a Public Hearing on the 2012-2013 school budget. Also on the agenda are 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.



The Rye City School District

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Elaine Cuglietto
District Clerk
cugliete@ryeschools.org

April 30, 2012

FOR IMMEDIATE RELEASE

May 9, 2012 Board of Education Meeting

The Rye City School District Board of Education will hold a special meeting on Wednesday, May 9, 2012, at 6:45 p.m. The meeting will be held at 411 Theodore Fremd Avenue, Suite 100S, Rye, New York. The Board will adjourn immediately into Executive Session to review the employment history of present and prospective employees.