

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 1, 2012

Enclosed with this memorandum are the following items:

- 6-1 Legal Department Update from the Corporation Counsel dated June 1, 2012.
- 6-2 Meeting notice for the week of June 4, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: June 1, 2012

**CLAIMS**

**BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE**

The Board of Managers at the Ives at Rye commenced an action seeking a declaratory judgment that the judgment entered in a separate *in rem* foreclosure proceeding is void and of no effect because the City allegedly failed to follow the proper notice proceedings set forth in RPTL Section 1125(1)(a).

**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**

Depositions have continued of the Defendants and will continue through the month of June.

**DAPOLITE v. PICKUP**

An Article 78 Petition has been served on the City Manager by an employee seeking to have a letter of reprimand issued to him on March 8<sup>th</sup> withdrawn from his personnel file.

**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**

The Petitioner/plaintiff perfected his appeal to the Appellate Division, Second Department against the Planning Commission.

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. The Motion is fully submitted.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn