

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 22, 2012

Enclosed with this memorandum are the following items:

- 6-14 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, June 26, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 6-15 Legal Department Update from the Corporation Counsel dated June 22, 2012.
- 6-16 Notice from the New Rochelle Humane Society regarding a *Dog Wash* to be held on Sunday July 15th from 10:00 a.m. to 3:00 p.m. in New Rochelle.
- 6-17 Meeting notice for the week of June 25, 2012 is available on the City website www.ryeny.gov under Calendar.



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

Elaine Cuglietto

District Clerk

cugliete@ryeschools.lhric.org

June 20, 2012

FOR IMMEDIATE RELEASE

June 26, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, June 26, 2012 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet 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.

Following acknowledgements and the Report of the Superintendent, the Board will conduct a hearing of the public on non-agenda items.

On the agenda, in addition to fiscal, special education, personnel and business items that ordinarily come before the Board, will be a presentation by KSQ Architects on the status of the construction project at Rye High School.

At the conclusion of this meeting, the Board will adjourn this Regular Meeting and conduct its July 2 Annual Reorganization Meeting which will begin with the election of the Board President and Vice President for the 2012-2013 school year.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak at designated times.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: June 22, 2012

TAX CERTIORARI
CARROLL v. CITY OF RYE

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

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and
Board of Assessment Review of the CITY OF RYE**

A Notice of Motion with supporting Affidavit and Memorandum of Law has been served on the City. The action seeks Summary Judgment restoring Petitioners' tax exempt status pursuant to RPTL Section 406.

HUMAN RIGHTS CLAIM

An employment discrimination complaint has been filed against the Rye Golf Club with the New York State Division of Human Rights by Crystal Young, a former employee. The complaint has been forwarded to our insurance carrier for a coverage decision.

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

The depositions of the City police officers were conducted through the first week of June.

DAPOLITE v. PICKUP

General Releases were signed by both parties last week and filed with the Court.

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

On June 5, 2012, Judge Lorenzo issued an Amended Decision and Judgment finding that the Title Policy issued to the Mathissons did put the property owners on notice of the more restrictive setbacks. The Judge also found that the Mathissons never informed the Planning Commission of this knowledge. Based on the "new" evidence of Mathisson's Title Insurance Policy, the Judge determined that the Planning Commission's modification of the front yard setback was an abuse of discretion. The Mathisson's have filed a Notice of Appeal with the Appellate Division, Second Department.

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).

CITY COURT

2 Central Avenue (Black Bass) – City Court proceeding has been resolved with defendant entering a guilty plea and paying a fine of \$1,000.

2 Roger Sherman (Townsend) – City Court proceeding has been resolved with defendant entering a guilty plea and paying a fine of \$750.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn

**Fun for our
two-legged
&
four-legged
friends!**



**New Rochelle
Humane Society
70 Portman Road,
New Rochelle**

DOG WASH 2012

Sunday, July 15th

10am to 3pm

(rain date: July 22nd)



Dog Wash

Paw Reader

Nail Clipping

Microchipping

Canine Good Citizen Test

Family Portraits

Food · Vendors · Face Painting · Raffles

Merchandise for Sale · Police Dog Demonstration · And More!



New Rochelle  Humane Society
From our home to yours

**For More Information Call 914-632-2925
www.NewRochelleHumaneSociety.org**