

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 29, 2012

Enclosed with this memorandum are the following items:

- 6-18 Notice regarding a Fourth of July Celebration sponsored by the Leaders of Tomorrow and the Rye Free Reading Room to be held on Wednesday, July 4, 2012 beginning at 10:30 a.m. at the Rye Free Reading Room.
- 6-19 Legal Department Update from the Corporation Counsel dated June 29, 2012.
- 6-20 Meeting notice for the week of July 2, 2012 is available on the City website www.ryeny.gov under Calendar.



Leaders of Tomorrow
and the
Rye Free Reading Room
Present

A CELEBRATION OF OUR NATION'S 236TH BIRTHDAY

Wednesday July 4th, 2012

10:30 AM

**Selected Speeches and the
Reading of the Declaration of Independence
On the Porch of the Rye Free Reading Room**

**Followed by Patriotic Singing and the Unfurling of the
American Legion's Historic American Flag**

**For more information Call Doug Carey 914-305-1721
or send an email message to Rye1904@yahoo.com**



**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: June 29, 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. The City's opposition papers are due July 11, 2012.

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 completed earlier this month. Lt. Falk and Commissioner Connors were deposed this week.

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 (appeal)

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

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

A discovery schedule has been agreed upon by both parties.

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

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn