

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: July 13, 2012

Enclosed with this memorandum are the following items:

- 7-5 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, July 17, 2012 beginning at 6:00 p.m. at Rye Town Hall.
- 7-6 Legal Department Update from the Corporation Counsel dated July 13, 2012.
- 7-7 Meeting notice for the week of July 16, 2012 is available on the City website www.ryeny.gov under Calendar.



*Rye Town Park
95 Dearborn Ave.
Rye, NY 10580
914 967-0965*

RYE TOWN PARK COMMISSION **MEETING NOTICE**

Commission Members

Joseph Carvin-President

Douglas French, Mayor-City of Rye

Dennis Pilla, Mayor-Village of Port Chester

Joan Feinstein, Mayor-Village of Rye Brook

Benedict Salanitro, Commissioner

Joseph Sack, Commissioner

DATE & TIME: Tuesday, July 17, 2012 @ 6:00PM

PLACE: Town of Rye, 3rd flr Courtroom
10 Pearl Street,
Port Chester, New York 10573

Tentative Agenda:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: June 19th Meeting**
- 4. Comments from the Public**
- 5. Management Reports**
- 6. Operations Manual-DRAFT**
- 7. Correspondence/Requests**

Adjourn

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: July 13, 2012

CLAIMS

A Notice of Claim has been filed by Louis and Lynne Jeanette of Pawling, New York. The notice seeks monetary damages in connection with injuries suffered by Mr. Jeanette and loss of services to Mrs. Jeanette as a result of an accident with a City-owned vehicle on April 19, 2012. The claim has been forwarded to our insurance carrier.

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 deposition of Commissioner Connors has been completed. The deposition of Lt. Verille is expected to be conducted in mid-July.

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

The City has filed an appeal with the Appellate Division, Second Department in this case in order to protect the City's interests. The City has six months to perfect the appeal.

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