

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 3, 2012

Enclosed with this memorandum are the following items:

- 8-1 Notice from the New Rochelle Humane Society regarding *Kitten Adoption Day* to be held at DCH Toyota City, 1312 E. Boston Post Road in Mamaroneck on Saturday, August 11, 2012 from 11:30 a.m. to 3:30 p.m.
- 8-2 Legal Department Update from the Corporation Counsel dated August 3, 2012.
- 8-3 Meeting notice for the week of August 6, 2012 is available on the City website www.ryeny.gov under Calendar.

Discover the kitten of your dreams!

Come to a kitten adoption day.

*With more than 50 kittens at the New Rochelle Humane Society,
we are partnering with DCH Toyota City
to host a special half price adoption day!*

All the kittens are spayed or neutered and have had all shots.

Adopt one of these adorable babies for only \$45!

Discover the kitten of your dreams

Saturday, August 11, from 11:30 a.m. to 3:30 p.m

DCH Toyota City, 1312 E Boston Post Rd, Mamaroneck, NY 10543



Delivering Customer Happiness[®]

Visit New Rochelle Humane Society's webpage for more information on making a forever home:

<http://www.newrochellehumanesociety.org/adoption-information/>



**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: August 3, 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**

The time for the City to file its opposition papers has been adjourned until August 8th.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

Judge LaCava issued a Decision and Order in response the City's and the Rye Neck Union Free School District's motion to dismiss the petition for failure to deliver notice of the tax certiorari proceedings to the Superintendent of Schools for Rye Neck. The Court, among other things, dismissed the Petition as it relates to Rye Neck Union Free School District and found that Westchester Joint Water Works' counsel failed to make "reasonably diligent" efforts to determine in what district his own property was located. However, the Court did not dismiss the petition as it relates to the City and the City School District. Notice of Entry has been filed served.

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 City's Brief in Opposition has been filed.

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 City has served its Answer with Affirmative Defenses.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn