

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 10, 2012

Enclosed with this memorandum are the following items:

- 8-4 The Draft City of Rye 2012 Pavement Condition Report and the 2013 Preliminary Resurfacing Outlook.
- 8-5 Letter from Frederick J. Morrissey, MPA, Westchester County, Deputy Commissioner, Environmental Health Services, dated August 8, 2012 regarding an Inspection Report of Hen Island in Rye.
- 8-6 Legal Department Update from the Corporation Counsel dated August 10, 2012.
- 8-7 A notice of availability from The Tappan Zee Hudson River Crossing Project regarding the Final Environmental Impact Statement.
- 8-8 Meeting notice for the week of August 13, 2012 is available on the City website www.ryeny.gov under Calendar.



DRAFT

City of Rye 2012 Pavement Condition Report

~AND~

2013 Preliminary Resurfacing Outlook

Prepared By:

**Engineering Department
Ryan Coyne, PE, City Engineer
1051 Boston Post Road
Rye, NY 10580
(914) 967-7676**



Background:

In March of 2005 the accepted roadways of the City of Rye had their pavement condition evaluated. Resulting from this evaluation a PCI (Pavement Condition Index) number was developed for each street. That information was implemented into our pavement management system. At the time of the survey, the average PCI number was 73.

Roadways that fall below a PCI of 77 are in need of more expensive structural improvements, as opposed to routine and preventative maintenance. The goal of the pavement management system implementation is to minimize the amount of structural repairs needed on our roadways and implement more routine and preventative maintenance procedures, over a wider range of roadways per year. Currently the City is structurally improving the roadway network through the Annual Resurfacing Program and preventative maintenance is being done by the Department of Public Works.

The table below represents the pavement condition/PCI distribution at the time of the original survey:

Avg. PCI At Time of 2005 Survey = 73

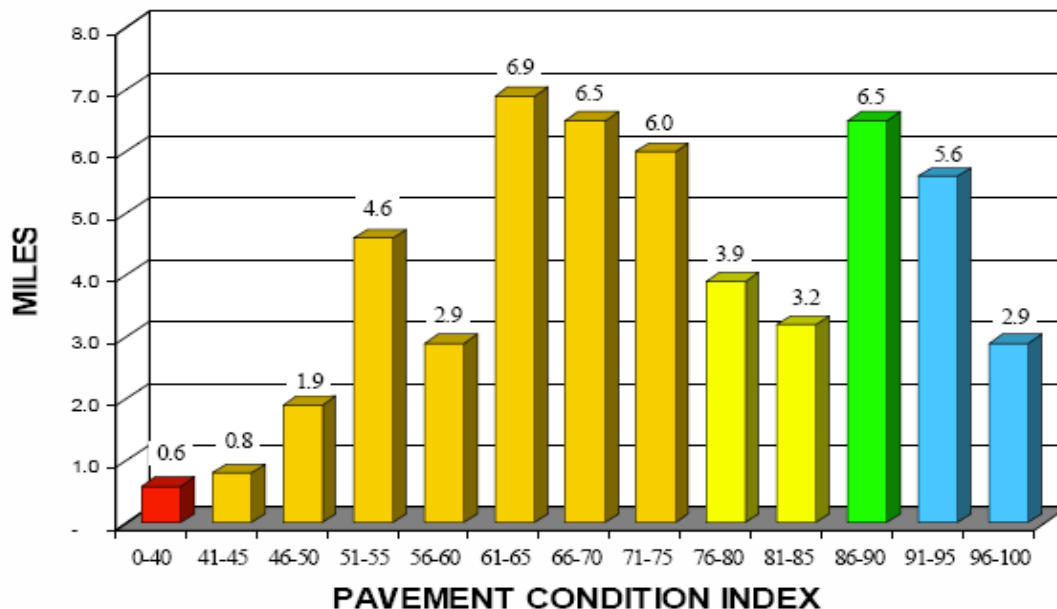


Table 1

Why Do We Want To Do More Preventative Maintenance and Less Structural Improvement?:



Below is a model of how a roadway's pavement deteriorates during its life span. Interpreting the curve, a roadway starts out in excellent condition when it is newly constructed. Midway through its lifespan, a low cost repair such as crack sealing and/or spot repair (patching) will cost approximately one dollar per square yard. It takes only a few years for the window of opportunity to perform this low cost maintenance to pass, after which the roadway will need at minimum an overlay, costing \$10 - \$12 per square yard.

By performing timely maintenance, road conditions can be improved today, and then continue down the deterioration curve from its repaired condition level. In theory, every square foot of roadway that the city structurally repairs today, translates into an ability to maintain eight to ten times more roadway area per year when doing surface repairs. There will still be need for structural improvements after the routine and preventative maintenance fails, but the frequency of structural repairs will be reduced.

Please Compare Above Statements To The Following Pavement Deterioration Curve:

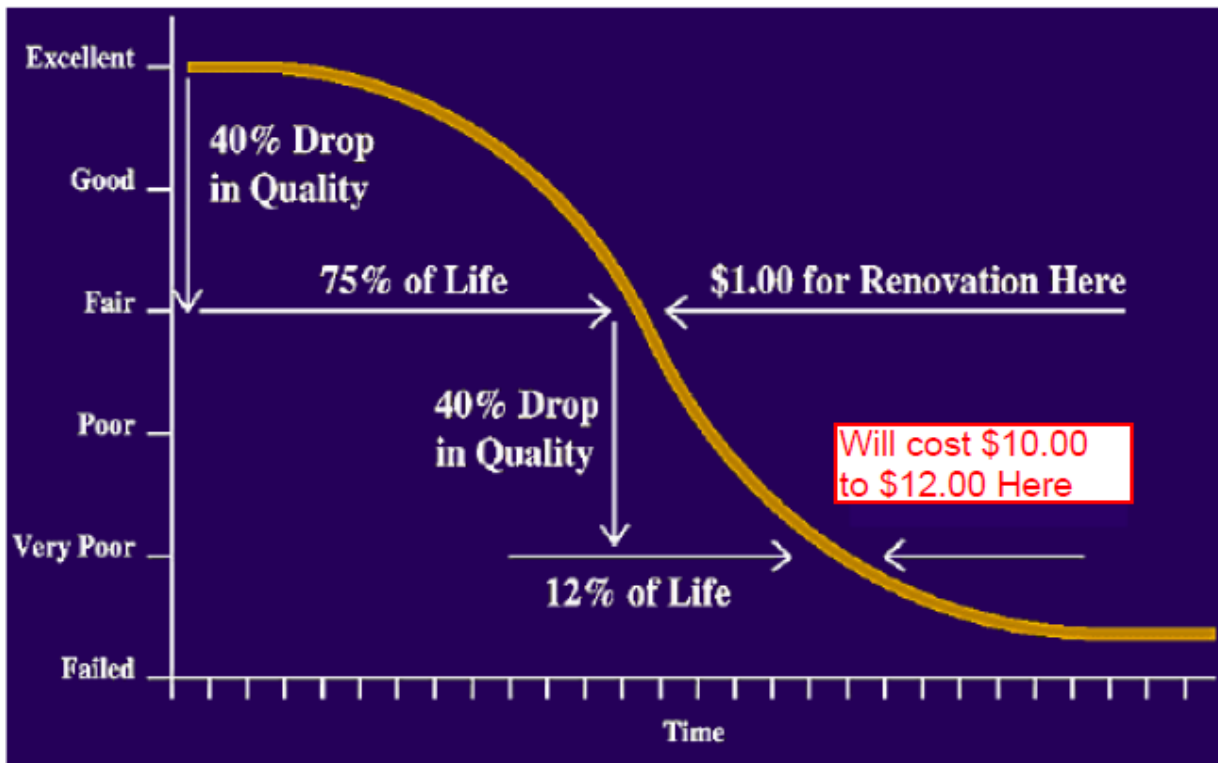


Table 2



Please review the following table for PCI numbers related to treatment activity:

Required Treatment as Per PCI

Treatment	PCI Range	Treatment Description
DO NOTHING	93-100	Excellent Condition - In need of no maintenance
ROUTINE MAINTENANCE	86-92	Good Condition - May be in need of crack sealing or minor localized repair
PREVENTATIVE MAINTENANCE	77-85	Fair Condition - Pavement surface may be in need of surface sealing, full depth patch and or crack sealing
STRUCTURAL IMPROVEMENT	41-76	Deficient Condition - Pavement surface structure in need of added strength for existing traffic. Typical repairs are overlay with or without milling.
BASE REHABILITATION	0-40	Poor Condition - In need of base improvement. Typical repairs are reclamation or full depth reconstruction

Table 3

Current Pavement Status:

Currently we are working to improve our average PCI by committing our resurfacing budget to overlay, overlay with milling, and full depth restoration for isolated areas (isolated base repair). The remaining routine maintenance and preventative maintenance (full depth patching and pothole repair) is done by the Department of Public Works, and is not part of the resurfacing program budget.

Average PCI as of August 6, 2012 = 86

The average PCI for the City is now an 86. This was a 1 point improvement since last year. We have made a 13 point improvement since the implementation of the pavement management system in 2005. Referring to table 4 and table 1, *the PCI column rated 96-100 has changed from 2.9 miles of roadway to 18.5 miles.* 76 Roadway segments have been repaved and or reconstructed during this period. (See Appendix A for listing)



See Table Four Below For Current Pavement Condition:

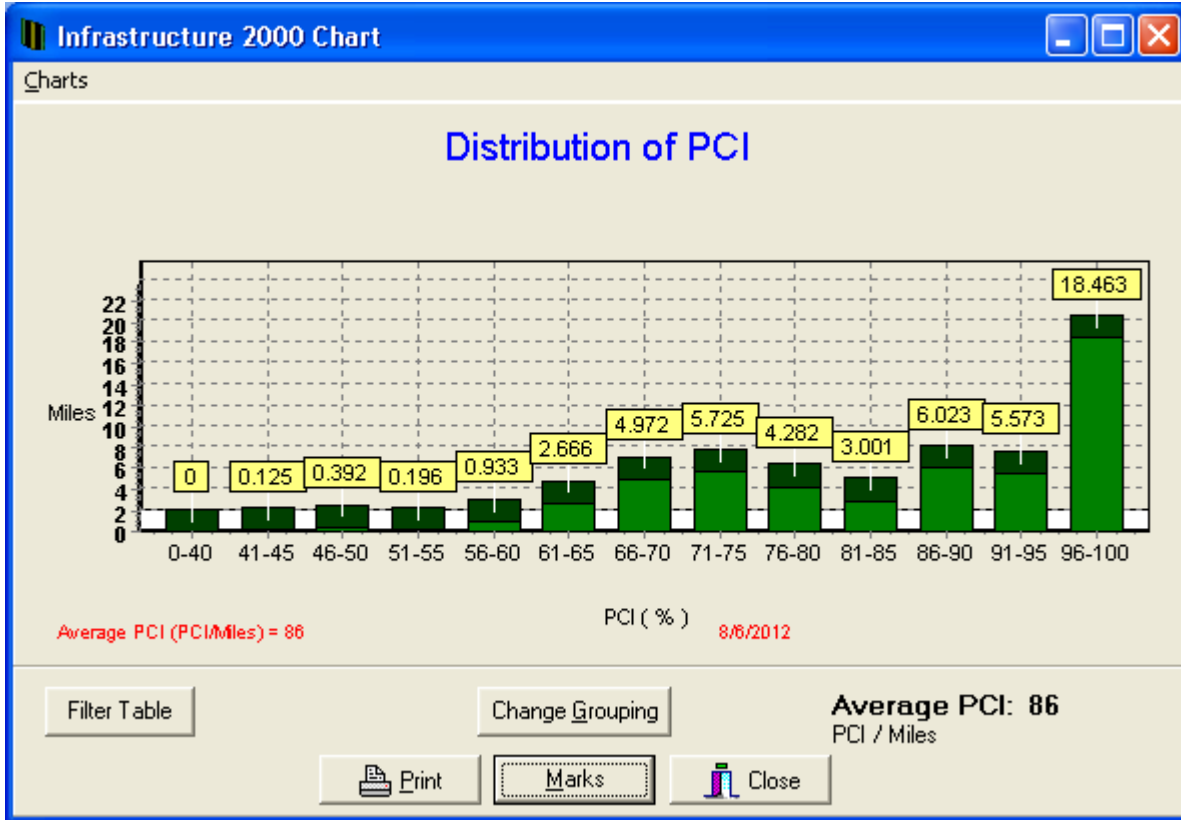


Table 4

Oil Price Fluctuation

Extreme fluctuation of the oil pricing affects the cost for resurfacing. Not only does it drive up the cost for the material it self, it drives up the cost of fuel or for the trucks and equipment used to install the asphalt, and other bituminous materials. Oil pricing has diminished our estimated resurfacing capability only once in the past.

Generally there is a 10% allowance in our estimates to handle the typical increase during the paving season. This is based on the percentage of oil that is present in the asphalt product. Asphalt oil is roughly between 9% and 12% of the total weight of the asphalt product. Please note that increases in the oil price do not directly correlate with the cost of asphalt installed in place. A 10% allowance for oil fluctuation over the total cost of the project is sufficient and allows for some contingency.

The August 2012 oil price was \$607/ton. Comparatively, the August 2011 price was \$507/ ton.

Please see appendix C for the historic listing of Asphalt Oil Pricing.



Upcoming Resurfacing Projects:

In 2012, the resurfacing budget was limited to that reimbursed by the NYSDOT CHIPS program (approximately \$280k). Assuming the same practice in 2013, there would be enough funding to rehabilitate the Boston Post Road from Parsons Street to Cross Street (the Police Booth). This work would entail new curbs and sidewalks on the east side of the street, milling of the roadway and resurfacing. Should it be determined that additional work is required, such as improved drainage facilities and curbing on the west side of the roadway (in front of the Nature Center), additional funding will be required.

Please note that this is a PRELIMINARY PROJECT based on condition survey only. It is too early to tell when and where any utility company improvements will be, private construction projects will occur or any other unforeseen damages or repairs that may be caused or completed between the time this report was written and the contract letting date. Because of this estimates are not completed and will not be fully accurate at this time.

Should it be desired that other roadways in lieu of or in addition to this section of the Boston Post Road be resurfaced, the suggested roadways would be chosen out of the lower ranking roads on the PCI list in Appendix C. We note that many of the lowest ranking roadways in the City are located within the downtown area (Third Street, Smith Street, Elm Place, Station Plaza, Second Street, Haviland Lane, and School Street are all within the worst 11 streets in the City as indicated on the Pavement Condition Report).



Appendix A

Past Resurfacing Projects Since The Pavement Management System Has Been Implemented

2012 Resurfacing Program (Completed)

- | | | |
|-----------------|-----------------------------|--------------------------------|
| 1 Forest Avenue | FROM: Green Avenue | TO: Cornell Place |
| 2 Kirby Lane | FROM: Van Rensselaer | TO: Grace Church Street |

2011 Resurfacing Program (Completed)

- | | | |
|------------------------|-----------------------------------|---------------------------|
| 1 Oakland Beach Avenue | FROM: Harbor Terrace | TO: Red Oak Drive |
| 2 Hewlett Avenue | FROM: Milton Road | TO: Forest Avenue |
| 3 Boston Post Road | FROM: Playland PkWy Access | TO: Parsons Street |

2010 Resurfacing Program (Completed)

- | | | |
|--------------------|------------------------------------|-----------------------------|
| 1 Park Street | FROM: Fernwood Avenue | TO: Radcliffe Avenue |
| 2 Orchard Avenue | FROM: Theodore Fremd Avenue | TO: Boston Post Road |
| 3 Hix Avenue | FROM: Oakland Beach Avenue | TO: Dead End |
| 4 Old Post Road | FROM: Boston Post Road | TO: North Street |
| 5 Radcliffe Avenue | FROM: Park Street | TO: Milton Road |
| 6 Billington Court | FROM: Midland Avenue | TO: Cul de Sac |
| 7 Grandview Avenue | FROM: High Street | TO: RCDS Park Lot |
| 8 Hillside Road | FROM: Boston Post Road | TO: Grandview Avenue |
| 9 Cope Circle | FROM: Hillside Road | TO: Cul de Sac |

2009 Resurfacing List (Completed)

- | | | |
|----------------------|------------------------------------|----------------------------|
| 1. Heritage Lane | FROM: Martin Road | TO: Cul de Sac |
| 2. Hickory Drive | FROM: White Birch Avenue | TO: Cul de Sac |
| 3. Red Oak Drive | FROM: Oakland Beach Avenue | TO: Hickory Drive |
| 4. Coolidge Avenue | FROM: Osborn Road | TO: Park Avenue |
| 5. Martin Road | FROM: Forest Avenue | TO: Cul de Sac |
| 6. Valleyview Avenue | FROM: Forest Avenue | TO: Fairway Avenue |
| 7. Forest Avenue | FROM: 30' S of Green Avenue | TO: Cornell Place |
| 8. Stuyvesant Avenue | FROM: Dead End | TO: Van Wagenen |
| 9. Davis Avenue | FROM: Manursing Avenue | TO: Pleasant Street |
| 10. Thorne Place | FROM: Oakland Beach Avenue | TO: Dead End |
| 11. Elm Place | FROM: Oakland Beach Avenue | TO: Dead End |

2008 Resurfacing List (Completed)



1. Kirby Ln North **FROM:** Grace Church Street **TO:** Cul de Sac
2. Grace Church St **FROM:** Forest Ave **TO:** Port Chester V/L
3. Mendota Ave **FROM:** Iroquois St **TO:** Mohawk St
4. Onondaga St **FROM:** Highland Rd **TO:** Mendota Ave
5. Parkway Drive **FROM:** Claremont Ave **TO:** Boston Post Rd
6. Evergreen Ave. **FROM:** High St. **TO:** Hillside Ave.
7. Oakland Beach Ave. **FROM:** Milton Rd. **TO:** Forest Ave.
8. Boston Post Road **FROM:** 300 ft North of Bradford Ave. **TO:** Mamk' Line

2007 Street Resurfacing List (Completed)

1. Natoma Street **FROM:** Wappanocca Ave **TO:** Purchase Street
2. Sharon Lane **FROM:** Marlene Court **TO:** Pondview Road
3. Bradford Ave **FROM:** Florence Ave **TO:** 175' W of Dead End
4. Chester Ave **FROM:** Harbor Lane **TO:** Cul de sac loop
5. Intervale Place **FROM:** Midland Ave **TO:** Milton Road
6. Walker Ave **FROM:** Cul de sac **TO:** Dead end
7. Platt Lane **FROM:** Midland Ave **TO:** Cul de sac
8. Brevoort Lane **FROM:** Lake Road **TO:** Rye Road
9. Beverly Drive **FROM:** Claremont Ave **TO:** Parkway Drive
10. Halsted Place **FROM:** Dearborn Ave **TO:** Rye Beach Ave
11. Hook Road **FROM:** Forest Ave **TO:** Cul de sac
12. Brookdale Place **FROM:** Milton Road **TO:** Dead End
13. Grace Church Street **FROM:** Cross Street **TO:** Midland Ave
14. Theall Road **FROM:** Osborn Rd **TO:** Playland Pkway Access Dr.

2006 Street Resurfacing List (Completed)

1. Glen Oaks Drive- **FROM:** Boston Post Road **TO:** Dead End
2. Reymont Avenue- **FROM:** Sonn Drive **TO:** Parkway Drive
3. Morehead Drive- **FROM:** Fulton Avenue **TO:** Crescent Avenue
4. Fulton Avenue- **FROM:** Sonn Drive **TO:** Parkway Drive
5. Fairlawn Street- **FROM:** Milton Road **TO:** Cul de sac
6. Park Lane- **FROM:** Milton Road **TO:** Dead End
7. Hawthorne Place- **FROM:** Everett Street **TO:** Dead End
8. Fairlawn Court- **FROM:** Everett Street **TO:** Cul de sac
9. Everett Street- **FROM:** Dearborn Avenue **TO:** Fairlawn Court
10. Overlook Place- **FROM:** Dearborn Avenue **TO:** Oakland Beach Avenue
11. Ormond Place- **FROM:** Hill Street **TO:** Halsted Place
12. Stanley Keys Court- **FROM:** Forest Avenue **TO:** Fairway Avenue
13. Green Avenue- **FROM:** Forest Avenue **TO:** Stuyvesant Avenue
14. Ann Lane- **FROM:** Forest Avenue **TO:** Cul de sac



15. Manursing Avenue- **FROM:** Forest Avenue **TO:** Drake Smith Lane
16. Drake Smith Lane- **FROM:** Cul de sac **TO:** Cul de sac
17. Cayuga Street- **FROM:** Mendota Avenue **TO:** Highland Road
18. Seneca Street- **FROM:** Mendota Avenue **TO:** Highland Road
19. Mohawk Street- **FROM:** Highland Road **TO:** Mendota Avenue

2005 Street Resurfacing List (Completed)

1. Evergreen Ave **FROM:** Hillside Road **TO:** Elisabeth Street
2. Meadow Street **FROM:** Highland Road **TO:** Dead End
3. Oneida Street **FROM:** Highland Road **TO:** Mendota Ave
4. Iroquois Street **FROM:** End **TO:** End
5. Elisabeth Street **FROM:** Evergreen Ave **TO:** Purchase St
6. Rectory Street **FROM:** Milton Road **TO:** Boston Post Road
7. Roger Sherman Place **FROM:** Boston Post Road **TO:** Cul de sac
8. Crescent Ave **FROM:** End **TO:** End
9. New Street **FROM:** Cedar Street **TO:** Purchase Street
10. Wainwright Street **FROM:** Roosevelt Ave **TO:** Forest Ave



Robert P. Astorino
County Executive

Sherlita Amler, M.D.
Commissioner of Health

August 8, 2012

Mr. Benjamin Minard Jr.
Board of Directors – Kuder Island Colony, Inc.
P.O. Box 766
Rye, NY 10580

RE: Inspection Report

Dear Mr. Minard,

On July 19, 2012, an inspection was conducted by Westchester County Health Department staff based on a complaint regarding sanitary conditions, potable water, and to determine the extent of mosquito activity on Hen Island, Rye, NY.

In order to evaluate mosquito activity, traps had been set up on July 16th through 18th 2012 to collect sample pools of mosquitos for identification. Most of the home sites were found to be free from potential breeding areas. There were no containers littered around the islands that are the preferred breeding locations for WNV vectors. Staff did note several of the homes had either cisterns in disrepair and/or inadequate coverings for their cisterns. Mosquito larvae were observed in these locations. All cisterns in good condition with adequate coverings were found to be free from mosquito larvae.

On July 31, 2012 we received lab results confirming that one pool of *Culex pipiens-retuans* mosquitoes collected from Hen Island on July 17, 2012 tested positive for West Nile Virus. This species prefers stagnant water found in manmade containers and tree holes for breeding. So far this year we have identified a total of 17 West Nile Virus positive pools of mosquitoes in southern Westchester County including some located on the mainland in Rye and Mamaroneck.

In light of this information the Department is requiring that:

- All cisterns on the island are equipped with properly installed, tight fitting covers.
- Residents are made aware of the need to eliminate standing water on their properties.



- A representative or representatives of the Board of Directors accompany an Inspector from this Department to conduct a re-inspection of the Island in an effort to point out potential mosquito breeding sites and how to address their abatement.

The Department will set up the date for the re-inspection within the next two weeks. Our office will contact your attorney to set up the date and time of the inspection.

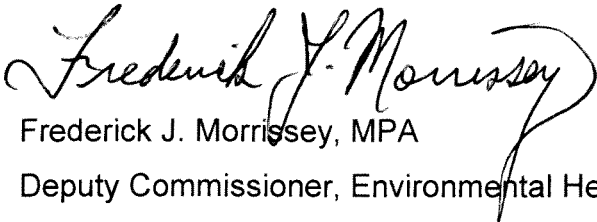
The Department additionally recommends that the following precautions be taken by residents of the community:

- Avoid the outdoors in the early evening when mosquitoes are active and feeding. Use insect repellents when outdoors during these times, following the repellent directions. Adults can apply onto their own hands insect repellents with up to 30 percent DEET and then rub the repellent onto their children. Products containing DEET are not recommended for use on children under two months old.
- Wear long pants, long-sleeved shirts and socks when outdoors in areas where and at times when mosquitoes are feeding.
- Check around the property for cans, containers, ceramic pots and discard or turn over.
- Check and remove standing water from tarps, boats, children's toys, pools, wheelbarrows, play houses, etc.

There were no other findings requiring further action by this Department.

Should you have any questions regarding this notice, please do not hesitate to contact our offices at 813-5126 during normal business hours.

Sincerely,



Frederick J. Morrissey, MPA
Deputy Commissioner, Environmental Health Services

Attachments

cc: Doug French, Mayor, City of Rye NY
Ira Goldenberg, Esq
Raymond Tartaglione

COMPLAINT NO. _____

LOCATION (C) (T) (V) <i>Rye</i>	FACILITY <i>Island</i>	PROGRAM CODE <i>285</i>
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PREMISE NAME: *Hen Island* TEL. NO. _____ DATE *7/19/2012*
 PREMISE ADDRESS: *Rye, NY*

OWNER/OPERATOR NAME: _____ TEL. NO. _____
 OWNER/OPERATOR ADDRESS: _____ TIME AR. *10:00 AM* TIME LV. *1:00 PM*

	REGULAR	FINDINGS		
	FOLLOW-UP	<p><i>to catch rain water from the gutters. Mosquito Larval was present in one of the containers. Wood Cisterns in rear of house found in poor condition i.e. holes and no lids present. Visual inspection on the inside of cisterns could not be done due to the height and structural condition. NO pooling or standing water observed on the North Island. Some gutters were inspected on random homes. NO standing water was observed in any of the gutters inspected.</i></p>	RATING	UNSATISF. 1ST VISIT
	COMPLAINT			N.C.F.A.
<input checked="" type="checkbox"/>	INVESTIGATION			CONTINUED UNSATISF.
	OTHER INSPECTION			MINOR REMOVED
	FIELD CONF.			MAJOR REMOVED
	TRAINING REC'D			ALL REMOVED
	PHE			
	MEETING			
	LEGAL APP			
	NOT INSPECTED			
	VOL DESTROY'D	<p><i>Inspection of the South Island which has fewer homes reveal no pooling or standing water present. Houses # 33 and</i></p>	SAMPLES	FOOD
	EMBARGO			WATER
	CONDEMNED			UTENSIL SWAB
				FROZEN DESSERT
				LEAD
				SEWAGE
		AIR		
		AVC		
		ASBESTOS		
		STOOL		
		OTHER		
SIGNATURE OF PERSON IN CHARGE		TITLE		SIGNATURE OF INSPECTOR
NAME OF PERSON IN CHARGE (PRINT)			<i>John C. Higgins Sanitarian</i>	

WESTCHESTER COUNTY DEPARTMENT OF HEALTH
BUREAU OF PUBLIC HEALTH PROTECTION
GENERAL INSPECTION FORM

COMPLAINT NO. _____

LOCATION (C/T/V)	FACILITY	PROGRAM CODE
Rye	Island	285
PREMISE NAME: <u>Hen Island</u>	TEL. NO. _____	DATE <u>7/19/2012</u>
PREMISE ADDRESS: <u>Rye, NY</u>		

OWNER/OPERATOR NAME: _____ TEL. NO. _____
 OWNER/OPERATOR ADDRESS: _____
 TIME AR. 10:00 Am TIME LV. 1:00 Pm

ACTIVITY	FINDINGS	RATING	SAMPLES
<input type="checkbox"/> REGULAR	<p>34 we found mosquito larvae present in open containers around the exterior of the homes. Containers were also being used to collect rain water. Other homes on the island found okay. Remaining island (middle) we found no problems. Only four (4) homes present. All containers used to catch rain water were found covered/sealed. No pooling or standing water observed.</p> <p>Signs were left on all homes regarding; non potable water not for drinking.</p>	<input type="checkbox"/> UNSATISF. 1ST VISIT	
<input type="checkbox"/> FOLLOW-UP		<input type="checkbox"/> N.C.F.A.	
<input type="checkbox"/> COMPLAINT		<input type="checkbox"/> CONTINUED UNSATISF.	
<input checked="" type="checkbox"/> INVESTIGATION		<input type="checkbox"/> MINOR REMOVED	
<input type="checkbox"/> OTHER INSPECTION		<input type="checkbox"/> MAJOR REMOVED	
<input type="checkbox"/> FIELD CONF.		<input type="checkbox"/> ALL REMOVED	
<input type="checkbox"/> TRAINING REC'D			
<input type="checkbox"/> PHE			
<input type="checkbox"/> MEETING			<input type="checkbox"/> FOOD
<input type="checkbox"/> LEGAL APP			<input type="checkbox"/> WATER
<input type="checkbox"/> NOT INSPECTED		<input type="checkbox"/> UTENSIL SWAB	
		<input type="checkbox"/> FROZEN DESSERT	
<input type="checkbox"/> VOL DESTROY'D		<input type="checkbox"/> LEAD	
<input type="checkbox"/> EMBARGO		<input type="checkbox"/> SEWAGE	
<input type="checkbox"/> CONDEMNED		<input type="checkbox"/> AIR	
		<input type="checkbox"/> AVC	
		<input type="checkbox"/> ASBESTOS	
		<input type="checkbox"/> STOOL	
		<input type="checkbox"/> OTHER	

SIGNATURE OF PERSON IN CHARGE: _____ TITLE: _____
 NAME OF PERSON IN CHARGE (PRINT): _____
 SIGNATURE OF INSPECTOR: John C. Ruggiero TITLE: Sanitarian

Field Activity Report
Bureau of Environmental Quality

SHEET 1 OF 2

NAME: Hen Island

ADDRESS: NYE, NY

MAILING ADDRESS:

P.O. BOX POST OFFICE ZIP CODE

TELEPHONE:

PERSON IN CHARGE OR INTERVIEWED:

NAME AND TITLE

DATE: 7/19/12 TYPE FACILITY: Private

TIME ARRIVED: 9:00 am TIME LEFT: 12:00 pm

INSPECTION

- ORG. ROUTINE
- ORG. COMPLAINT
- ORG. REQUEST
- COMPLIANCE
- COMPLAINT COMP.
- FINAL
- GROUP ILLNESS
- CONSTRUCTION
- REINSPECTION
- FIELD, SAMPLING ONLY
- FIELD CONFERENCE
- OTHER (EXPLAIN BELOW)

Inspection w/ Mark Boda and John Ruggiero - WCDOTT P/TP

FINDINGS: In response to a complaint received by this Department regarding, potable water, wash water and mosquitoes an inspection was conducted at Hen Island. At time of inspection no evidence of a sewer or septic discharge was noted, and no sewage or septic odors were detected on the island. Several signs were previously distributed by WCDOTT, warning that water collected from cisterns is non-potable, were observed throughout Island. New signs were left at each cottage at time of inspection, stating that water from cisterns

INSPECTOR: Matthew Smith INSPECTOR TELE: 913-5141

PERSON IN CHARGE OR INTERVIEWED: I acknowledge receipt of a copy of this Field Activity Report.

SIGNATURE: TITLE:

DATE: 7/19/12

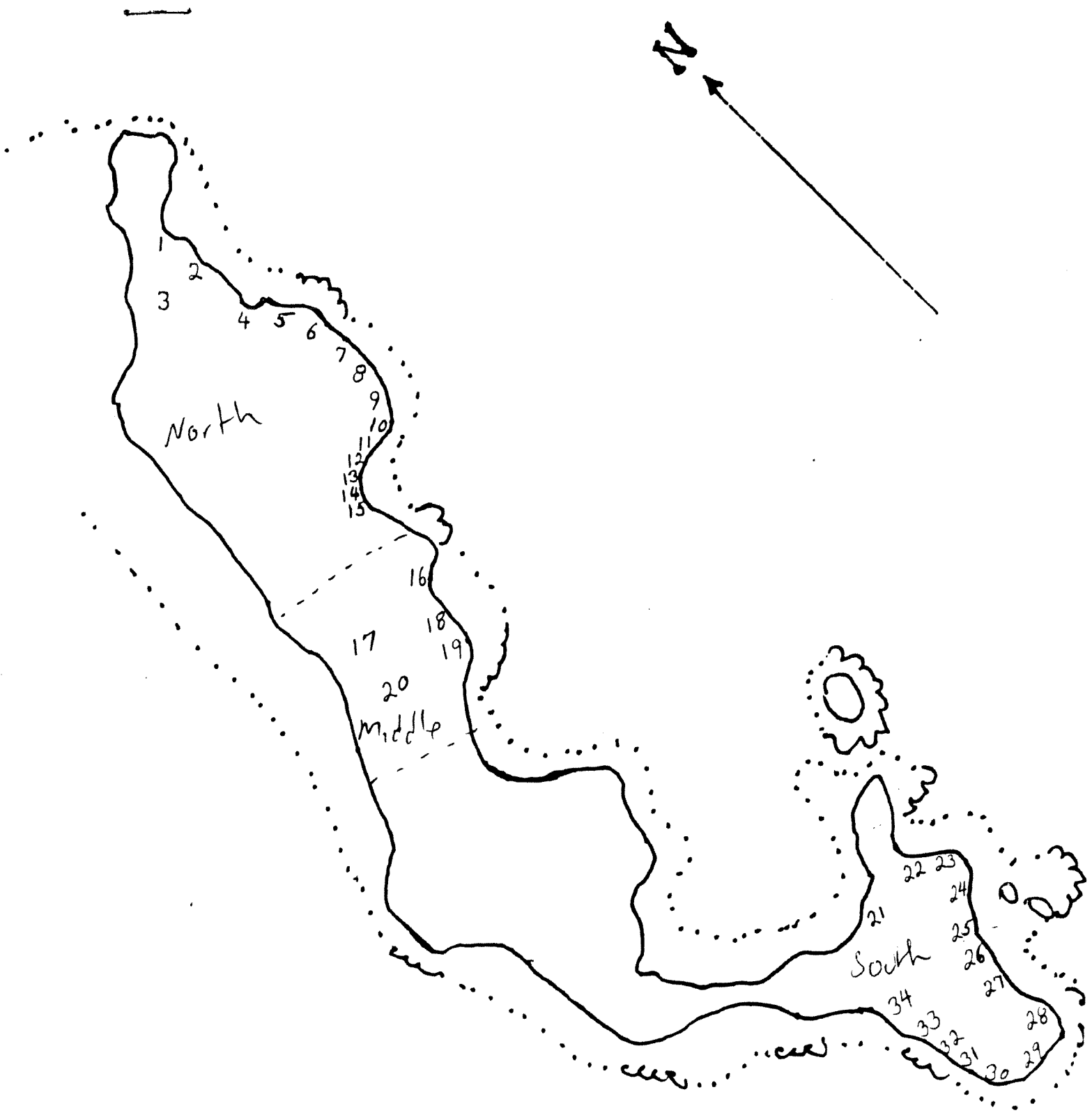
SHEET 2 OF 2

NAME: Hen Island

was "Non-Potable". Except for a few cisterns observed, all had ~~were~~ sealed or had proper covering to prevent mosquitoes from breeding. At time of inspection three (3) composting toilets were observed to be installed. All three (3) composting toilets appear to be installed and maintained so as not cause any discharge and or odors. ~~Compost~~ Cottage 19 was the only cottage occupied with composting toilet at time of inspection. No odors were detected in close proximity to unit. Excess water from unit is being collected in sealed plastic containers to be taken off island. Due to limited access to all cottages it could not be determined exactly ~~number~~ ^{how many} of compost toilets that have been installed.

INSPECTOR / TITLE: Matthew Smith Sr. Sanit TELEPHONE: 813-5741

MILTON HARBOR



HEN ISLAND

DYE N.Y.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: August 10, 2012

CLAIMS

A Notice of Claim has been filed by Nancy S. Avery of 495 Milton Road. The Notice states that Ms. Avery's driveway was damaged when a City of Rye fire truck backed up into it. The claim has been forwarded to our insurance carrier.

A Notice of Claim has been filed by Gene Pressman of 99 Biltmore Avenue. The Notice states that the tire on Mr. Pressman's car was damaged by the metal edging of a street sewer drain on Elm Place. 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**

The time for the City to file its opposition papers has been adjourned until August 22nd.

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 Lt. Verille is still to be conducted.

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. The matter is fully submitted before the Appellate Division, Second Department.

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



FINAL ENVIRONMENTAL IMPACT STATEMENT NOTICE OF AVAILABILITY

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The Federal Highway Administration (FHWA) along with the New York State Department of Transportation (NYSDOT) and the New York State Thruway Authority (NYSTA) have prepared a Final Environmental Impact Statement (FEIS) to examine the potential environmental effects of proposed alternatives for the Tappan Zee Hudson River Crossing Project, and where adverse impacts are identified, it discusses measures to mitigate them.

Copies of the FEIS are available online at www.newnybridge.com (formerly www.thenewtzb.com) and for review and copying during business hours at the repositories listed [here](#).

This document is available for public review until September 4, 2012 after which time a Record of Decision will be issued. Questions or comments regarding this FEIS should be sent to:

Michael Anderson
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, New York 12603
or email tzbsite@dot.state.ny.us

The Record of Decision will address any new or substantive comments made during the public review period.

