

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 24, 2012

Enclosed with this memorandum are the following items:

- 8-13 Legal Department Update from the Corporation Counsel dated August 24, 2012.
- 8-14 Meeting notice for the week of August 27, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: August 24, 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 City's opposition papers were submitted this week.

**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 reply brief has been filed and served. This appeal is now fully submitted to the Appellate Division, Second Department. We are waiting for an oral argument date.

**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.

**OMNI CONTRACTING v. CITY OF RYE**

Plaintiff's attorneys have asked to be relieved. The matter has been adjourned until October 3, 2012 in order for a new attorney to take over.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfm