

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 9, 2012

Enclosed with this memorandum are the following items:

- 11-3 Invitation from the American Legion Post #128 to the Veterans' Day Observance to be held on Sunday, November 11, 2012 beginning at 10:30 a.m. at City Hall.
- 11-4 Memorandum from Ryan Coyne, P.E., City Engineer/Supervisor Department of Public Works regarding green waste pickup.
- 11-5 Legal Department Update from the Corporation Counsel dated November 9, 2012.
- 11-6 Meeting notice for the week of November 13, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



RYE POST #128  
P.O. Box 128  
Rye, New York 10580

**Post 128 cordially invites everyone to attend the annual Veterans' Day Observance which will be held on the Village Green beginning at 10:30 a.m. on Sunday, November 11, 2012.**

**A brief ceremony will be held in honor of those who served in our Nation's wars.**

**Thank you for your continued support. We look forward to seeing everyone on the 11<sup>th</sup>.**

DATE: November 9, 2012

TO: Wm. Connors, Police Commissioner

FROM: Ryan Coyne, P.E., City Engineer

RE: Storm Debris Cleanup – GREENWASTE!

---

The Department of Public Works will extend its storm debris cleanup program through and including November 20<sup>th</sup>. Collection will be done on all accessible streets throughout the City – both public and private. Material collected will include all brush, branches, and cut logs from trees felled during Hurricane Sandy. Leaves in brown paper bags will be collected as well. Everything must be brought to the curb.

Once greenwaste has been cleared from a street under this program, normal greenwaste guidelines will again apply. Normal regulations include brush piles being cut and tied no longer than four feet in length with branches no thicker than four inches in diameter.

**This Saturday, November 10<sup>th</sup>, there will be a special collection of bagged leaves only.**

We extend our thanks to our residents for their patience and cooperation throughout this very difficult time.

cc: Scott Pickup, City Manager

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: November 9, 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 has served and filed its reply papers in further support of its cross-motion for summary judgment.

**WESTCHESTER JOINT WATER WORKS v. CITY OF RYE**

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

**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 Appeal has been perfected and we are waiting for notice of oral argument.

**CASPI v. CITY OF RYE**

An expert has been retained on behalf of the defendants. A few remaining depositions have to be scheduled.

**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. We are waiting a date for oral argument.

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

A notice of appeal has been filed on behalf of the Planning Commission. The City Council has voted 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