

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 16, 2012

Enclosed with this memorandum are the following items:

- 11-7 Notice from The Rye Arts Center regarding a new exhibit, *From Where I Stand: 12 Contemporary Abstract Artists*, curated by Katharine Dufault, with a free Opening Reception on Sunday, November 18, 2012 from 3:00 to 5:00 p.m.
- 11-8 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, November 20, 2012 beginning at 6:00 p.m. at Rye Town Hall.
- 11-9 Legal Department Update from the Corporation Counsel dated November 16, 2012.
- 11-10 Notice regarding the third forum on the *Rye Town Dissolution Feasibility Study and Village Alternatives Analysis* to be held on Wednesday, November 28, 2012 from 7:00 to 9:30 p.m. at Rye Brook Village Hall, 938 King Street, Rye Brook.
- 11-11 Meeting notice for the week of November 19, 2012 is available on the City website www.ryeny.gov under Calendar.

From Where I Stand

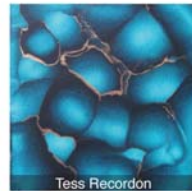
The Rye Arts Center is proud to present a new exhibit, *From Where I Stand: 12 Contemporary Abstract Artists*, curated by Katharine Dufault



Lis Fields



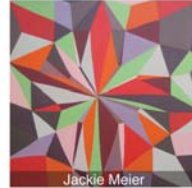
Henry Mandell



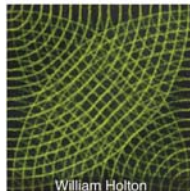
Tess Recordon



Roxanne Faber Savage



Jackie Meier



William Holton



Patricia Spergel

FROM WHERE I STAND 12 CONTEMPORARY ABSTRACT ARTISTS

Katharine **Dufault**
Kiki **Dufault**
Roxanne **Faber Savage**
Lis **Fields**
David **Fox**
Julian **Hatton**
William **Holton**
Henry **Mandell**
Jackie **Meier**
Tess **Recordon**
Lisa **Pressman**
Patricia **Spergel**

NOVEMBER 18, 2012 - JANUARY 5, 2013

From Where I Stand: 12 Contemporary Abstract Artists

November 18, 2012 – January 5, 2013
Opening Reception: Sunday, November 18th
from **3:00 -5:00 pm Free!**

The exhibition “**From Where I Stand**”
will present the work of 12 contemporary artists whose
abstract work explores their vision of the world.
Curated by artist Katharine Dufault.

Exhibiting Artists

Katharine **Dufault** • Kiki **Dufault**
Roxanne **Faber Savage** • Lis **Fields**
David **Fox** • Julian **Hatton**
William **Holton** • Henry **Mandell**
Jackie **Meier** • Tess **Recordon**
Lisa **Pressman** • Patricia **Spergel**

Gallery Hours: Tuesday: 9:30 – 3:30 pm,
Wednesday-Friday: 10:00 – 4:00 pm, Saturday: 9:30 – 3:30 pm

*Exhibit underwritten through the generosity of
The Allan Block Insurance Agency*

**For more information: visit ryeartscenter.org
or call (914) 967-0700.**

Card Design By Robin Brown-Friedel



*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, November 20, 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: September 18th & October 16th**
- 4. Hurricane Sandy Report**
- 5. Comments from the Public**
- 6. Financial Report**
- 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: November 16, 2012

CLAIMS

A notice of claim has been filed by Paul Chmiel of 4 Canterbury Road in Harrison. The notice states that Mr. Chmiel's automobile was damaged when it was backed into by a City vehicle. The claim has been forwarded to our insurance carrier.

A summons and complaint was served on the City by Deirdre and Anthony Rinaldi. The complaint seeks damages in connection with a fall on a City sidewalk. A notice of claim was previously served in November 2011 and denied by our insurance carrier. The complaint 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 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.

SILVESTER v. CITY OF RYE, et al

Plaintiff was granted permission to file a second amended complaint to add in two additional parties that were involved with the clean-up of Highland Hall after the storms in August/September last year.

CITY COURT

People v. Chittenden

Defendant was issued ten (10) separate vehicle and traffic law summonses for an incident that occurred in the early morning on January 1, 2012. On November 15, 2012, defense counsel filed and served a motion to dismiss accusatory instruments as defective and a motion to recuse (or in the alternative to transfer to a more suitable jurisdiction). The City's opposition papers are due 11/29/2012 and Defendant's reply papers are due December 13, 2012.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn

Public Forum #3 on Rye Town Dissolution Feasibility Study and Village Alternatives Analysis to be Held Nov. 28

Opportunity to Hear About – and Discuss – Options and Impact

Town of Rye, NY – November 15, 2012 – The third forum on the *Rye Town Dissolution Feasibility Study and Village Alternatives Analysis* will be held on **Wednesday, November 28**. The forum will include a presentation of a draft final report exploring options and impacts that would be involved in dissolving the Town of Rye. The forum will be held from 7 to 9:30 pm at Rye Brook Village Hall, 938 King Street, Rye Brook, NY.

The draft report, *A Review of Governance and Service Alternatives for the Town of Rye and Villages of Port Chester, Rye Brook and Mamaroneck*, is available at the project website at www.cgr.org/ryetown, as well as at Rye Town Hall and Village Halls in Port Chester, Rye Brook and Mamaroneck. The report is also available on the respective municipalities' websites.

The report concludes a study process that began in 2010 when officials in the Town and the three Villages launched a collaborative endeavor to analyze the feasibility of dissolving the Town in order to eliminate an administrative layer of local government. The Steering Committee was assisted in the study process by CGR, the Center for Governmental Research Inc. of Rochester, New York.

The project Steering Committee, which includes the Town Supervisor and each Village Mayor and their administrators, has provided copies of the report to their respective municipal boards for review and consideration.

Among other options, the report presents a particular restructuring alternative that would effectively result in the dissolution of the Town of Rye, to be replaced by newly-created coterminous town-village governments in Port Chester, Rye Brook and Mamaroneck.

It is important to note that the Steering Committee has not formally endorsed this – or any – model for moving forward. It issued the following statement: *“While we believe this concept offers a practical, logical and objective starting point for moving this discussion forward, it is simply that – a starting point. Dialogue with our communities is essential to determining which alternative, if any, is most appropriate, desirable and achievable.”*

The statement continued: *“That is why the November 28 forum is so important. It offers an opportunity to start this important discussion in our community. That discussion will continue in additional meetings in the Town and each of the three Villages.”*

The November 28 forum will include a presentation by the study consultant, CGR, and an opportunity for public comment and feedback to the Steering Committee.

Additional forums on this topic will be hosted by the three Village Boards, which will be scheduled in the near future. (see next page)

Steering Committee Members

Joe Carvin, *Supervisor, Town of Rye*
Bishop Nowotnik, *Confidential Secretary to the Supervisor, Town of Rye*
Dennis Pilla, *Mayor, Village of Port Chester*
Christopher Steers, *Village Manager, Village of Port Chester*
Joan Feinstein, *Mayor, Village of Rye Brook*
Christopher Bradbury, *Village Administrator, Village of Rye Brook*
Norman Rosenblum, *Mayor, Village of Mamaroneck*
Richard Slingerland, *Village Manager, Village of Mamaroneck*
Daniel Sarnoff, *Assistant Village Manager, Village of Mamaroneck*

CGR (Center for Governmental Research Inc.) is a 97-year-old independent nonprofit strategic consulting and decision support organization with significant expertise conducting local government consolidation and shared service studies and developing implementation plans across New York and the Northeast. CGR is headquartered in Rochester, NY and in July 2011 was engaged by the involved municipalities to serve as study consultant.

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