

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 30, 2012

Enclosed with this memorandum are the following items:

- 11-18 Information from Westchester County regarding *Older Drivers Safety Week* from December 3rd to December 7th.
- 11-19 Legal Department Update from the Corporation Counsel dated November 21, 2012.
- 11-20 Meeting notice for the week of December 3, 2012 is available on the City website www.ryeny.gov under Calendar.



Older Drivers Safety Week

December 3 to 7, 2012

“Keys to Safe Driving” is a series of five, free programs sponsored by Westchester County’s Department of Senior Programs and Services (DSPA) during Older Driver Safety Week.

The programs will be presented by the department’s Older Driver Coalition and will explore concerns of older drivers, risk factors and steps that older drivers and their families can take to ensure safety. The programs will also explore when it is time to stop driving and what alternative transportation services are available if a senior decides to relinquish their keys.

Occupational therapy students from Mercy College will discuss medically based driving evaluations, adaptive devices that seniors can use for comfort and safety and CarFit, which determines how well the driver and vehicle work together.

Lawrence Cunningham from the Westchester County Department of Public Works and Transportation will be at each session to help seniors sign up for the MTA Reduced Fare MetroCard.

Registration is suggested by calling the directors of the senior centers, but walk-ins are welcome.

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Monday, December 3 • 12:30 p.m. - 1:30 p.m.

Port Chester Senior Community Center, 222 Grace Church St., Port Chester. Contact Carol Nielsen, director, at (914) 939-4975. Mary Ellen Burns from the Department of Public Works and Transportation will facilitate the program with Marianne Kim, an OT student from Mercy College.

Tuesday, December 4 • 10 a.m. - 11 a.m.

Theodore Young Community Center, 32 Manhattan Ave., White Plains. Contact Marianne Madden, director, at (914) 989-3639. Kathleen Golisz, OTR, OTD, from Mercy College will facilitate with Mercy OT student Umbareen Kahn.

Wednesday, December 5 • 11:00 a.m. - 12 noon

Yorktown Senior Center, 1974 Commerce St., Yorktown. Contact Mary DeSilva, director, at (914) 962-7447. Anna Wyganowska from Public Works & Transportation will facilitate the program with Mercy OT student Meghan Torres.

Thursday, December 6 • 10:30 a.m. - 11:30 a.m.

Mount Vernon Armory, 144 N. Fifth St., Mount Vernon. Contact the Office for the Aging at (914) 665-2315. Beverly Carter from Senior Programs and Services will facilitate with Mercy OT student Malgorzata Haluda.

Friday, December 7 • 11:00 a.m. - 12 noon

Joseph Caputo Community Center, 95 Broadway, Ossining. Contact Kathy Asaro, director at (914) 762-1350. Janet Weinstein from Lighthouse International will facilitate with Mercy College OT students Diane Booth and Maribel Cuevas.

Preregistration is encouraged, but drop-ins are welcome.

Sponsored by Westchester County’s Department of Senior Programs and Services and its Older Drivers Coalition.



Robert P. Astorino, County Executive
Mae Carpenter, Commissioner
Department of Senior Programs and Services

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 30, 2012

CLAIMS

A notice of claim has been filed by Jacqueline Serra-Ruiz of 141 Soundview Avenue. The notice states that a window of Ms. Serra-Ruiz's home was broken when it was hit by a golf ball. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

Judge LaCava rendered a Decision and Order reducing the value of Petitioners property by approximately 45% for the years 2003 through 2011. A judgment has not been entered yet.

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

The City filed an Answer to Second Amended Verified Complaint. The City also answered Cross-claims from County of Westchester, Rogan Brothers and American Fire Restoration, LLC and American Fire Restoration, Inc.

CITY COURT

People v. Chittenden

An affidavit to oppose Defendant Chittenden's motion to recuse/change venue and, in the alternative, to dismiss for insufficiency was filed and served.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn