

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 7, 2012

Enclosed with this memorandum are the following items:

- 12-1 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, December 11, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 12-2 Legal Department Update from the Corporation Counsel dated December 7, 2012.
- 12-3 Meeting notice for the week of December 10, 2012 is available on the City website www.ryeny.gov under Calendar.



The Rye City School District

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District Clerk
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December 4, 2012

FOR IMMEDIATE RELEASE

December 11, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, December 11, 2012 beginning at 8:00 PM in the Rye Middle School Multipurpose Room, 3 Parsons Street, Rye, NY 10580. Prior to the meeting, the Board will meet in Executive Session for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are fiscal, special education, personnel and business items that ordinarily come before the Board.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: December 7, 2012

CLAIMS

A notice of claim has been filed by Maria de la Morena of 20 Crescent Avenue. The notice states that a fence on her property was damaged during the hurricane when a tree fell on it from Disbrow Park. 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.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn