

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 14, 2012

Enclosed with this memorandum are the following items:

- 12-4 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, December 18, 2012 beginning at 6:00 p.m. at Rye Town Hall.
- 12-5 Legal Department Update from the Corporation Counsel dated December 14, 2012.
- 12-6 Meeting notice for the week of December 17, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



*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, December 18, 2012 @ 6:00PM

**PLACE:** Town of Rye, 3<sup>rd</sup> flr Courtroom  
10 Pearl Street,  
Port Chester, New York 10573

### **Tentative Agenda:**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: November 20th Meeting**
- 4. Comments from the Public**
- 5. Financial Report**
- 6. Correspondence/Requests**

**Adjourn**

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: December 14, 2012

**CLAIMS**

A Notice of Claim has been filed by Mladen Grgas of 411 Milton Road. The notice states that Mr. Grgas' home was damaged when a City tree fell on it during Hurricane Sandy and he had to hire a contractor to remove it. 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  
Corporation Counsel

KKW/dfn