

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 18, 2013

Enclosed with this memorandum are the following items:

- 1-9 Notice regarding a Westchester County Rent Guidelines Board Public Meeting to be held on Wednesday, January 23, 2013 beginning at 7:00 p.m. in White Plains.
- 1-10 Legal Department Update from the Corporation Counsel dated January 18, 2013.
- 1-11 Meeting notice for the week of January 22, 2013 is available on the City website www.ryeny.gov under Calendar.

WESTCHESTER COUNTY RENT GUIDELINES BOARD
75 South Broadway
White Plains, New York 10601
Telephone 914-948-4434

Joseph G. Whelan, Jr., CPA, *Chair*
Public Member

Members

Eddie Mae Barnes, RN	<i>Public</i>
Kenneth J. Finger, Esq.	<i>Owner</i>
Ian Joseph	<i>Public</i>
Carol Ann Kope	<i>Owner</i>
Rev. Emma-Jean Loftin Woods	<i>Tenant</i>
Jane Morgenstern	<i>Public</i>
Genevieve H. Roche, Esq.	<i>Tenant</i>
Elsa Rubin	<i>Public</i>

FOR INFORMATION:
MICHAEL BERRIOS
(718) 262-4816

NOTICE OF PUBLIC MEETING

DATE: Wednesday, January 23, 2013
TIME: 7:00 P.M.
PLACE: New York State Division of Housing & Community Renewal
75 South Broadway, White Plains, New York 10601

AGENDA

1. Call to Order.
2. Review of the minutes.
3. Discussion of dates for 2013 meetings and public hearings.
4. New business.
5. Adjournment.

Dated: January 14, 2013

Joseph G. Whalen, Jr., CPA, Chair

WESTCHESTER COUNTY RENT GUIDELINES BOARD

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: January 18, 2013

SETTLEMENT

In December I notified you that a claim has been filed by Mladen Grgas of 411 Milton Road for costs incurred when he hired a contractor to remove a City tree that had fallen on his house during Hurricane Sandy. Our insurance carrier has settled the claim for the amount of \$897.43.

**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. **Note of Issue has been filed and we are waiting for a trial date.**

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. **The appeal must be perfected by March 11, 2013.**

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