

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 22, 2013

Enclosed with this memorandum are the following items:

- 2-10 Notice regarding a Rye Town Park Commission Meeting to be held on Monday, February 25, 2013 beginning at 6:00 p.m. in the Town of Rye.
- 2-11 Legal Department Update from the Corporation Counsel dated February 22, 2013.
- 2-12 Meeting notice for the week of February 25, 2013 is available on the City website 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: Monday, February 25, 2013 @ 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: January 15th**
- 4. Comments from the Public**
- 5. Rye Town Park Capital Committee**
- 6. Maintenance Report/FEMA update**
- 7. Financial Report/Draft 2013 Budget**
- 8. Consider approving Purchasing Policy**
- 9. Consider approving Tower Painting project**
- 10. Correspondence/Requests**

Adjourn

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: February 22, 2013

CLAIMS

A notice of claim has been filed by Liberty Mutual Fire Insurance Company as subrogee of Ruth Lewis. The notice states that on November 21, 2012, a vehicle driven by their insured was damaged when it was struck by a city vehicle. 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)

Oral arguments were held this week in the Appellate Division, Second Department in Brooklyn.

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

Discovery is complete and the Note of Issue has been filed.

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