

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: April 12, 2013

Enclosed with this memorandum are the following items:

- 4-6 Notice regarding a Joint Meeting of the Rye City Council and the Rye City School Board to be held on Saturday, April 13, 2013 at 9:00 a.m. in Council Chambers at Rye City Hall.
- 4-7 Notice regarding a Rye City School District Board of Education Meeting to be held on Tuesday, April 16, 2013 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 4-8 Legal Department Update from the Corporation Counsel dated April 12, 2013.
- 4-9 Letter from Howard Permut, President of Metro-North Railroad, dated April 4, 2013 regarding their service expansion.
- 4-10 Meeting notice for the week of April 15, 2013 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



**The Rye City School District**

*411 Theodore Fremd Avenue, Suite 100S  
Rye, New York 10580  
Tel: (914) 967-6100 Ext. 6278 Fax: (914) 967-6957*

*Elaine Cuglietto  
District Clerk  
cugliete@ryeschools.lhric.org*

April 5, 2013

FOR IMMEDIATE RELEASE

**Joint Meeting of the City Council of the City of Rye and the Rye City School District  
Board of Education**

Members of the Rye City School District Board of Education and the Rye City Council will meet Saturday, April 13, 2013 beginning at 9:00 AM in the Rye City Hall Council Chambers to discuss items of mutual interest.

It is expected that the meeting will adjourn at 11:30 a.m. to the Little League Parade.



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April 5, 2013

FOR IMMEDIATE RELEASE

**April 16, 2013 Board of Education Meeting**

The Rye City School District Board of Education will meet **Tuesday, April 16, 2013** beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet at 7:00 PM 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 is the adoption of the 2013-2014 Budget as well as fiscal, special education, personnel and business items that ordinarily come before the Board.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak at designated times.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: April 12, 2013

**TAX CERTIORARI**  
**CARROLL v. CITY OF RYE**

A Notice of Appeal in this matter was filed in the Appellate Division, Second Department.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE**

A settlement conference was held with Judge Tolbert's clerk and legal secretary this week.

**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)

**In a unanimous decision, the Appellate Division, Second Department, upheld the Planning Commission's decision and found that its determination that Howard Place did not provide reasonable access to a street which was suitably improved had a rational basis and was not arbitrary and capricious.**

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

**Petitioner has agreed to withdraw the pending Article 78 as part of a resolution regarding a pending SCAR petition.**

BUTLER v. PLANNING COMMISSION

The Planning Commission and co-respondents Mathissons filed the appellate briefs in the Appellate Division, Second Department.

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

**All Counsel appeared before referee Howard Leitner to discuss a pending motion to strike certain defendants' answers. The motion is not against the City of Rye. However, there is also a request by Defendants for sanctions against Plaintiffs for frivolous motion practice. Oral argument is calendared for April 22, 2013.**

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn



April 4, 2013

The Honorable Douglas French  
Mayor  
City Hall, 1051 Boston Post Road  
Rye, NY 10580

Dear Mayor French:

I am writing to inform you that on Sunday, April 7, 2013, MTA Metro-North Railroad will implement the next phase of its largest service expansion in its 30-year history. This second round of service investments provides an additional 187 trains per week in addition to the 56 trains added last October. Together this is an increase of 5.6% in the number of trains Metro-North operates each week. The next round of service improvements will take place in October.

Key improvements include: 85 additional weekday and 22 additional weekend trains on the Hudson Line; 65 additional weekday and 6 additional weekend trains on the Harlem Line; and 9 additional weekend trains on the New Haven Line.

These service investments provide customers with faster, more frequent train service with convenient connections and quicker travel times on weekdays and weekends.

As part of an extensive communications effort, Metro-North will inform existing and new customers about the service expansion. Please refer to the enclosed copies of *Mileposts*, our customer newsletter and schedules for details on how these changes affect your constituents. Additional information on these service investments is available on Metro-North's website at [www.mta.info](http://www.mta.info).

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Permut", written in a cursive style.

Howard Permut

Enclosure