

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 14, 2013

Enclosed with this memorandum are the following items:

- 6-6 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, June 18, 2013 beginning at 6:00 p.m. in the Rye Neck High School Library Meeting Room located at 310 Hornidge Road in Mamaroneck.
- 6-7 Legal Department Update from the Corporation Counsel dated June 14, 2013.
- 6-8 Meeting notice for the week of June 17, 2013 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  
Neil Pagano, Mayor-Village of Port Chester  
Paul Rosenberg, Mayor-Village of Rye Brook  
Benedict Salanitro, Commissioner  
Laura Brett, Commissioner

**DATE & TIME:      Tuesday, 6/18/2013 @ 6:00PM**

**PLACE:                Rye Neck High School – Library Meeting Room  
                             310 Hornidge Road  
                             Mamaroneck, New York 10543**

### **Tentative Agenda:**

- 1.      Roll Call**
- 2.      Pledge of Allegiance**
- 3.      Approval of Minutes: 5/21/2013**
- 4.      Comments from the Public**
- 5.      Report from Capital Committee**
- 6.      Financial & Operations Reports**
- 7.      Consider Tree trimming and fertilization**
- 8.      Correspondence**
- 9.      Old Business/New Business**

**CITY OF RYE  
MEMORANDUM**

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

**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)**

An Interim Decision from Commissioner Martens was rendered addressing the issues that the City of Rye and other interested parties raised regarding the May 29, 2009 Rulings on Issues and July 15, 2011 Supplemental Rulings (the "Rulings"). The Commissioner upheld the Decisions of the ALJ and the matter is proceeding to an adjudicatory hearing.

**BASSETT v. CITY OF RYE**

The Appellate Division, Second Department issued a decision reversing the lower court decision of Judge Berliner that set aside the jury verdict and remitted the matter back to him to consider whether a new trial should be granted.

**CASPI v. CITY OF RYE**

A schedule for summary judgment motions has been calendared by the Court. Defendants must submit motions for summary judgment on or before July 31, 2013. Plaintiff must serve opposition papers by September 16, 2013 and the Reply must be served by October 14, 2013. This is a bundle motion so the Court will receive all documents on October 14, 2013.

**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)

I attended a settlement conference on June 6, 2013. The next conference is on July 18, 2013.

BUTLER v. PLANNING COMMISSION

Petitioners-Respondents filed their opposition brief. **The City's reply brief was filed and served on June 10, 2013. This matter is fully submitted.**

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

CITY COURT

People v. Chittenden

On Thursday, June 13, 2013, a trial began against Timothy Chittenden involving nine (9) vehicle and traffic violations issued on January 1, 2012. The trial was continued to July 11, 2013 at 9:00 a.m.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn