

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 9, 2014

Enclosed with this memorandum are the following items:

- 5-5 Notice from Westchester County regarding the *2014 Earth Day Award Winners*. The City of Rye led the County with a 30 percent rate on curbside recycling.
- 5-6 Legal Department Update from the Corporation Counsel dated May 9, 2014.
- 5-7 Notice from Westchester County regarding the *2014 Earth Day Celebration* to be held on Sunday, May 18, 2014 from 10 a.m. to 3:00 p.m. in Croton Point Park.
- 5-8 Meeting notice for the week of May 12, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

## LIST OF 2014 EARTH DAY AWARD WINNERS

### *Municipal Excellence*

- **Rye City, Bronxville, Rye Brook, Hastings-on-Hudson and New Castle:** For having the highest recycling rates in 2013. These municipalities outpaced all other communities in their total collection of curbside recyclables (which includes paper products, plastic, glass and metal containers). Rye City led the county with a 30 percent rate on curbside recycling, followed by Bronxville (29 percent), Rye Brook (28 percent), Hastings-on-Hudson (27 percent), and New Castle (27 percent).
- **Rye City and the City of White Plains:** These municipalities produced comprehensive solid waste and recycling informational material for their residents. The City of Rye provides residents with a comprehensive recycling informational packet. The City of White Plains provides residents with a comprehensive and user-friendly recycling Web site.
- **Town of Cortlandt:** For hosting the Northern Tier Recyclables Transfer Station since 2001, where Buchanan, Cortlandt, Croton, Ossining (town and village), Yorktown, Peekskill and Cortlandt Manor bring their paper and commingled recyclables directly rather than piecemeal to the county's Material Recovery Facility (MRF) in Yonkers, saving time, money, and greenhouse gas emissions.

### *Community and School Based*

- **Stefanie Simmons of Eastchester Middle School:** For thought provoking research into closed landfill management and investigating process improvements to benefit Westchester County. Stefanie Simmons is a 5<sup>th</sup> grader in Mr. Marshall's class from Eastchester Middle School. She visited the closed Croton Landfill to interview Westchester's Supervisor of Landfills and created an extensive project on the topic.
- **Croton-Harmon High School Advanced Placement Environmental Science Class Students:** Teacher Laurel Cardellicho and her students Douglas Mangano, Jesse Attias, Alana Matzkin, and Maggie Pozenel for thought provoking research into closed landfill management and investigating process improvements to benefit Westchester County.
- **Peekskill Middle School Environmental Club:** Advisers Elizabeth Damiano, Scott Tabone, and their club for examining the effect development has on the Hudson River

Estuary Watershed and how these activities have altered the local water quality and ecosystems.

- **Hastings High School Students:** Ms. Melissa Shandroff and her class for advancing and demonstrating their knowledge of five environmental topics: soils, aquatics, and forestry, wildlife and current environmental issues by participating in New York State's Envirothon, which encourages students to learn about the natural environment and to become good stewards of the land.
- **In Memoriam- Pete Seeger and Sloop Clearwater:** Clearwater was founded by Pete Seeger. Today, Hudson River Sloop Clearwater, Inc. and the iconic sloop *Clearwater* are carrying forward Pete Seeger's legacy by partnering with Hudson Valley schools and community leaders to raise the bar of environmental education and encouraging youth to become involved as active stewards of their environment and the Hudson River.
- **Bob Walters of the Science Barge and the Beczak Environmental Education Center:** For dedicated leadership and service to Beczak and the Science Barge, both located in Yonkers.
- **Super Kids-Super Sharing:** The National Football League in collaboration with many Westchester schools and groups for promoting recycling and reuse practices and principles while helping others. The project puts books, sports equipment and school supplies into the hands of local children in need and helps promote the goal of 'recycling' items for new uses.
- **Arc of Westchester's Art Gallery 265:** For reusing and diverting otherwise waste materials to create art, including excess materials from the NFL's Super Bowl XLVIII. The art pieces are unique creative contributions by individuals with developmental disabilities.
- **Operation Prom:** For practicing waste reduction and reuse of textiles to help teenagers in the county. The program helps teens from low-income households and those who live in shelters or group homes. The Department of Social Services plays a vital role by connecting young women and men in their care. Boys submit an application for a free tuxedo waiver from the Men's Wearhouse while Girls pick out a dress at the County Center.

### *Business Green Initiatives*

- **Stop & Shop Food Rescue Initiative:** For implementing trailblazing food recovery initiatives in Westchester's retail grocery industry. Stop & Shop has been a part of the Food Bank for Westchester's food recovery program for several years and was one of the first major grocery retailers to sign on.
- **Stone Barns Center for Food and Agriculture:** For implementing a successful composting and educational operation, and providing locally sourced food.
- **White Plains Linen in partnership with Wheelabrator Westchester:** For initiating a first-of-its-kind renewable energy partnership in Peekskill, enabling the County's largest commercial laundry operation to reduce its carbon footprint by 90 percent.

### *Westchester Winners of the New York State Department of Environmental Conservation Recycling Calendar Poster Contest*

- DeAndre Banks, 1<sup>st</sup> Place, Cross Hill Academy, Yonkers
- Jeffrey Fukushima, 2<sup>nd</sup> Place, Paideia School 15, Yonkers
- Malcolm Cole, 3<sup>rd</sup> Place, The Clear View School, Briarcliff Manor
- Lavone Mott, Runner-up, Cross Hill Academy, Yonkers

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: May 9, 2014

**CLAIMS**

**A notice of claim has been filed by Christopher Repetto of 47 Centre Street. The claim is seeking reimbursement for plumbing costs incurred by the claimant as a result of a backup in a City sewer line. It has been forwarded to our insurance carrier.**

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

This matter is fully submitted before the Appellate Division, Second Department. We are waiting for an oral argument date.

**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's reply brief was served and filed. This matter is now fully submitted to the Appellate Division, Second Department. We are waiting for an oral argument date.

**WESTCHESTER JOINT WATER WORKS v. CITY OF RYE**

This matter is now fully submitted before the Appellate Division, Second Department.

**LITIGATION**

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

**A brief conference call was held on May 2, 2014 at 3:00 P.M. A follow up call is currently calendared for May 22, 2014.**

**BASSETT v. CITY OF RYE**

A notice of appeal has been filed.

**CASPI v. CITY OF RYE**

Motions for summary judgment were denied without prejudice and will be refiled at the completion of briefing as part of the bundling rule. As a result, once the motion is fully briefed, all papers will be submitted to the Court for review at one time.

**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.

**BUTLER v. PLANNING COMMISSION**

Parties have submitted letters to the Court of Appeals responding to the Petitioner/Appellee's Motion for Leave to Appeal.

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

The City has served its Answer with Affirmative Defenses.

OMNI CONTRACTING V. CITY OF RYE

The co-defendant Calgi Construction has filed for bankruptcy. As a result, the trial has been adjourned.

AMERICAN LEISURE ACTIVITIES OF NEW YORK CITY INC. v. CITY OF RYE

Depositions have been completed; additional paper discovery is on-going.

RVIN REYES, et al v. CITY OF RYE, RYE GOLF CLUB, RM STAFFING & EVENTS, INC., MORRIS YACHT AND BEACH CLUB, INC. and SCOTT YANDRASEVICH, Jointly and Severally

The City has filed its answer with affirmative defenses. **Plaintiffs filed an amended complaint and have requested that the City of Rye consent to class certification.**

RYE POLICE ASSOCIATION v. CITY OF RYE

The City has filed a Verified Answer and Counterclaim and Memorandum of Law in opposition to the Petition filed by the Rye Police Association.

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

A Notice of Petition and Memorandum of Law have been served on the City commencing an Article 78 proceeding against the Zoning Board of Appeal. The action seeks to rescind, annul and vacate a decision issued by the Zoning Board in connection with a variance application.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn

# earthday

WESTCHESTER 2014

a celebration of green, sustainable living

New  
Location!

**Sunday, May 18, 2014, 10 a.m. to 3 p.m.**  
**Croton Point Park, Croton-on-Hudson**

- Live music and entertainment with Annie and the Natural Wonder Band and Solar Punch
- FREE "Green Raffle"
  - Mulching mowers
  - Adult and children's bicycles
  - Tickets for Playland and county pools
- Free games and fun activities for children
- The best in fresh, local produce at the Earth Day Farmers Market
- Westchester County 2014 Earth Day Awards
- "Green" exhibit showcasing practical ways to save money and make your home, business or school green and healthy
- Rain Barrel/Compost Bin Sale  
Reserve your bin or barrel by May 15 to get a FREE kitchen scrap collector bucket or water conservation wheel (advance payment not required)  
Reserve at: [westchestergov.com/compostbins](http://westchestergov.com/compostbins)

[www.facebook.com/westchestergovrecycling](http://www.facebook.com/westchestergovrecycling)



*Free admission and parking. Walk, cycle, take Metro North or carpool.*

*Presented by Westchester County's departments of Environmental Facilities and Parks.*

[westchestergov.com](http://westchestergov.com) | (914) 813-5425 | @wcrecycling

