

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 28, 2013

Enclosed with this memorandum are the following items:

- 6-13 Notice regarding *A Celebration of Our Nation's 237th Birthday* to be held on Thursday, July 4, 2013 at 10:30 a.m. on the porch of the Rye Free Reading Room.
- 6-14 Legal Department Update from the Corporation Counsel dated June 28, 2013.
- 6-15 Meeting notice for the week of July 1, 2013 is available on the City website www.ryeny.gov under Calendar.



Leaders of Tomorrow
and the
Rye Free Reading Room
Present

A CELEBRATION OF OUR NATION'S 237TH BIRTHDAY

Thursday July 4th, 2013

10:30 AM

**Selected Speeches and the
Reading of the Declaration of Independence**

On the Porch of the Rye Free Reading Room

**Followed by Patriotic Singing and the Unfurling of the
American Legion's Historic American Flag
On the Village Green**

Special Thanks to the Rye Recreation Department

**For more information Call Doug Carey 914-305-1721
or send an email message to Rye1904@yahoo.com**



**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: June 28, 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)

A conference call is scheduled for July 8 at 10 a.m. to discuss: 1) whether the Town wants to proceed with the project; and 2) if yes, what pre-discovery information is needed; and 3) to schedule deadlines for discovery and the trial.

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

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.

SMALL CLAIMS

MADEO MULTI-MEDIA/NICK MADEO v. RYE GOLF CLUB

A small claims petition was commenced in White Plains Small Claims Court on June 20, 2013. The parties met with an arbitrator and after an initial meeting, the matter was adjourned to July 18, 2013 at 9:30 a.m. for a final decision and/or trial.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn