

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

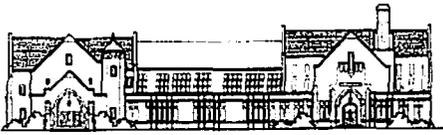
FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: July 18, 2013

Enclosed with this memorandum are the following items:

- 7-13 Notice from the Rye City School District regarding the 2013 Fall night game schedule.
- 7-14 Legal Department Update from the Corporation Counsel dated July 18, 2013.
- 7-15 Meeting notice for the week of July 22, 2013 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



HOME OF THE  
**GARNETS**  
 THE RYE HIGH SCHOOL  
 RYE, NEW YORK 10580

**ROBERT CASTAGNA**  
 Director of Health,  
 Physical Education and Athletics  
 914-967-6100 Ext. 1242  
 Fax: 914-925-1076  
 Email: castagnr@ryeschools.org

July, 2013

Dear Rye High School Neighbor:

In accordance with the Board of Education policy on the Use of Permanent Field Lights at John Nugent Stadium, I am informing you of the 2013 fall night game schedule. Should there be any changes or additions to this schedule, you will be notified as soon as possible.

Saturday, 9/07	Varsity Football	7:00 p.m.
Friday, 9/20	Varsity Field Hockey	7:00 p.m.
Saturday, 9/21	Varsity Boys Soccer	7:00 p.m.
Friday, 9/27	Varsity Football	7:00 p.m.
Friday, 10/04	Varsity Field Hockey	7:00 p.m.
Saturday, 10/05	Varsity Girls Soccer	7:00 p.m.
Friday, 10/11	Varsity Football	7:00 p.m.
Saturday, 10/12	Varsity Girls Soccer	7:00 p.m.

If you have any questions and/or concerns, please do not hesitate to call me at (914) 967-6100, ext. 1241.

Sincerely,

Rob Castagna

- cc: Dr. Frank Alvarez, Superintendent  
 Ms. Patricia Taylor, Principal, RHS  
 Dr. Ann Edwards, Principal RMS  
 Ms. Julia Chung, Asst. Principal, RHS  
 Mr. William Connors, Police Commissioner  
 Lieutenant Falk, Rye Police  
 Ms. Sally Rogol, Rye Recreation  
 Mr. Rolf Koehler, Security, RHS  
 Ms. Melissa Puterio, Athletic Trainer

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: July 19, 2013

**CLAIMS**

A notice of claim has been filed by Angela Runco of Harrison. The notice states that Ms. Runco's automobile was damaged when she backed into a golf cart that was not visible when she pulled out of a parking space. The claim has been forwarded to our insurance carrier.

**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**

In a Decision, Order and Judgment, Judge Tolbert granted Petitioners' motion for summary judgment finding that the use of a portion of Rye Town Park as a restaurant (Seaside Johnnys) is currently being held for a public use. As a result, the previously existing tax exemption for this portion of Rye Town Park will be reinstated. **A Notice of Appeal has been filed.**

**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. A conference call was held on Monday July 8, 2013 during which Harrison indicated it was proceeding with "Project Home Run" and a discovery schedule was established for all parties. A further conference call will take place during the weeks of August 5 or 12 to discuss the progress of discovery. **All parties have filed and served discovery demands/requests on the parties. Over the next several weeks, documents will be exchanged.**

**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 (declaratory judgment/42 U.S.C. 1983 claim)

**I attended a settlement conference on July 18, 2013. A trial date has been calendared for February 4, 2014.**

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

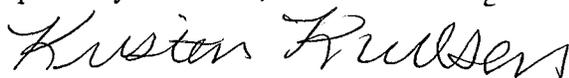
MADEO MULTI-MEDIA/NICK MADEO v. RYE GOLF CLUB

A small claims petition was commenced in White Plains Small Claims Court on June 20, 2013. **On July 18, 2013, the parties met with an arbitrator to finish discussing the matter. The arbitrator will be rendering a written decision within thirty (30) days.**

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn