

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 25, 2013

Enclosed with this memorandum are the following items:

- 10-15 Notice from the American Legion Rye Post #128 regarding the Annual Veterans Day Observance to be held on Monday, November 11, 2013 beginning at 10:30 a.m. on the Village Green.
- 10-16 Legal Department Update from the Corporation Counsel dated October 25, 2013.
- 10-17 Notice from the Rye City School District regarding a Public Forum on Common Core Curriculum issues to be held on Monday, October 28, 2013 from 4:00 to 7:00 p.m. at the Port Chester Middle School.
- 10-18 Meeting notice for the week of October 28, 2013 is available on the City website www.ryeny.gov under Calendar.



RYE POST #128
P.O. Box 128
Rye, New York 10580

Post 128 cordially invites everyone to attend the annual Veterans' Day Observance which will be held on the Village Green beginning at 10:30 a.m. on Monday, November 11, 2013.

A brief ceremony will be held in honor of those who served in our Nation's wars.

Thank you for your continued support. We look forward to seeing everyone on the 11th.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 25, 2013

TAX CERTIORARI

CARROLL v. CITY OF RYE

The Record on Appeal and City's appellate brief were filed on Monday, September 23, 2013 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 Notice of Appeal has been filed in connection with this matter.

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. The appeals will be fully submitted by early October. **The City of Rye has filed its brief with the Appellate Division, Second Department.**

LITIGATION

DENVER BOSTON and RENATE BOSTON v. THE CITY OF RYE

A summons and complaint was served on the City this week on behalf of Denver and Renate Boston claiming personal injuries and loss of consortium as a result of a fall by Denver Boston on a metal plate at the intersection of Purchase Street and Smith Street in March of this year. A notice of claim was previously filed. The complaint has been forwarded to our insurance carrier.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The Town/Village of Harrison filed responses and objections to the City's discovery requests. Harrison also responded to the discovery demands of the other interested parties. The City will be asking for the Administrative Law Judge to rule on some of Harrison's objections.

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

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.

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.

OMNI CONTRACTING V. CITY OF RYE

The trial date has been calendared for March 3, 2014.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



October 25, 2013

Public Forum on October 28 to Address Common Core

New York State Education Commissioner John King will lead a Public Forum on Common Core Curriculum Issues on Monday, October 28 from 4-7 p.m. at Port Chester Middle School, located at 113 Bowman Avenue in Rye Brook. **The Forum is open to the public, school officials, parents, and teachers.** Rye City School District Superintendent Dr. Frank Alvarez and Board of Education President Mrs. Laura Slack, along with other members of the Board, will be attending and participating in this meeting.

Commissioner King, who will be joined by New York State Assemblyman Steve Otis and Regent Harry Phillips, will discuss the Common Core and related matters.

The workshop is being hosted in order to give those active in education an opportunity to speak directly to Commissioner King regarding issues involving the Common Core Curriculum. Before the Commissioner speaks, individuals will have the opportunity to make statements during a 90 minute period. Those that wish to do so must sign up in advance between 3:30-4 p.m. in the lobby outside of the Port Chester Middle School auditorium. Speakers will be called to the podium and will be allowed 2 minutes at the microphone.

"It is my hope that this will provide an opportunity to share concerns with policymakers at the Board of Regents and the State Education Department," stated Assemblyman Otis.