

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 1, 2013

Enclosed with this memorandum are the following items:

- 11-1 Notice regarding a Rye City School District Board of Education Meeting to be held on Tuesday, November 12, 2013 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 11-2 Legal Department Update from the Corporation Counsel dated November 1, 2013.
- 11-3 An update from the Rye City School District regarding the current construction project.
- 11-4 Meeting notice for the week of November 4, 2013 is available on the City website www.ryeny.gov under Calendar.



The Rye City School District
411 Theodore Fremd Avenue, Suite 100S
Rye, New York 10580

Tel: (914) 967-6100 Ext. 6278 Fax: (914) 967-6957

 Elaine Cuglietto
District Clerk
cugliete@ryeschools.org

October 28, 2013

FOR IMMEDIATE RELEASE

November 12, 2013 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, November 12, 2013 beginning at 8:00 PM in the Rye Middle School Multipurpose Room, 3 Parsons Street, Rye, NY 10580.

Prior to the meeting, at 7:00 p.m., the Board will tour Osborn Elementary School.

The Board will then meet in Executive Session for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are fiscal, special education, personnel and business items that ordinarily come before the Board.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak during the public hearing.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 1, 2013

CLAIMS

In September I reported to you that Ken McComb of 27 Grace Church Street had filed a notice of claim in connection with damage to the side-view mirror of his parked car caused by a City fire vehicle. Our insurance company has settled the claim for the amount of \$927.11.

A notice of claim has been filed by Malene Jimenez of Port Chester. The notice states that Ms. Jimenez' automobile was damaged when it was in collision with a city vehicle. The claim has been forwarded to our insurance carrier.

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

The City of Rye has filed its brief with the Appellate Division, Second Department.

LITIGATION

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

Kristen K. Wilson
Corporation Counsel

KKW/dfn



CONSTRUCTION UPDATE

The 2013-14 school year is now well underway and the five interior Rye High School science rooms that were completed over the summer have been in full use by busy and hardworking classes! The ongoing construction at Rye High School/Middle School continues to move smoothly and as planned. The District is pleased to share the following progress photos and highlights from the month of September:

- The locker room reconstruction is nearing completion! Fixtures, lockers, tile, and other items have been installed. Flooring is currently being installed, which is the final phase of the locker room work.
- Exterior work for the new science wing is going well. Excavation is near completion, and footings and foundation work continue on schedule. More foundation walls have been installed and additional concrete has been poured since the time of the last update.



Lockers and fixtures have been installed in the locker room. Flooring installation, the final step, is underway.



Exterior footings and foundation work continue. The new science wing construction is moving on schedule.

For any questions, please contact Assistant Superintendent for Business Gabriella O'Connor at 914-967-6100 x6270.