

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 27, 2013

Enclosed with this memorandum are the following items:

- 11-18 Notice from the Rye, Rye Brook & Port Chester League of Women Voters regarding a forum entitled *Detroit is Bankrupt – Could it Happen Here?* to be held on Thursday, December 5, 2013 at 7:30 p.m. in the Rye Middle School Multi-Purpose room.
- 11-19 Notice from the Rye Golf Club regarding the *Brunch with Santa* event to be held at the Rye Golf club on Sunday, December 15, 2013 from 11:30 a.m. to 3:00 p.m.
- 11-20 Legal Department Update from the Corporation Counsel dated November 27, 2013.
- 11-21 Consumer Alert from Westchester County Legislator Judy Myers regarding phone and email scams from individuals claiming to be from the Internal Revenue Service (IRS) or the New York State Department of Taxation and Finance.
- 11-22 Meeting notice for the week of December 2, 2013 is available on the City website www.ryeny.gov under Calendar.



RYE, RYE BROOK
& PORT CHESTER
LEAGUE OF
WOMEN VOTERS®

Issue Forum

Detroit is Bankrupt. Could it Happen Here?

**Come Join Us at a Forum on
Current New York State and Municipal
Financial Conditions**

Our Featured Panelists

Elizabeth Lynam - Vice President & Director of State Studies,
Citizens Budget Commission

E. J. McMahon – President, Empire Center for Public Policy

James A. Parrott - Deputy Director and Chief Economist,
Fiscal Policy Institute

Richard Ravitch - Former Lt. Governor of New York.
Co-Chair, State Budget Crisis Task Force

Our panelists, with their diverse viewpoints, will focus on the key aspects of New York State and municipal fiscal management and policy in the context of business, union, taxpayer, political and legal constraints and priorities.

Thursday, December 5th at 7:30 pm
Rye Middle School – Multi-Purpose Room
3 Parsons Street, Rye

Contact: Rye, Rye Brook & Port Chester League of Women Voters
(914) 698-7166 LWV.Rye.RyeBrook.PortChester@gmail.com



SUNDAY, DECEMBER 15, 2013

BRUNCH WITH SANTA

DANISH-ROLLS-MUFFINS-BAGELS

SMOKED FISH

CAESAR SALAD

WAFFLES WITH TOPPINGS

SCRAMBLED EGGS

SAUSAGE, CORNED BEEF, APPLE SMOKED BACON

HOME FRIES

OMELETS TO ORDER STATION

CHEF'S SELECTION OF CHICKEN, SEAFOOD, BEEF AND PASTA ITEMS

VEGETABLES

FRUIT AND ASSORTED DESSERTS

SEATING'S FROM 11:30 AM TO 3:00 PM

SANTA VISITS 12:30 PM TO 2:30 PM

ADULT BUFFET \$29.50 PP PLUS TAX

CHILD BUFFET \$16.50 PP PLUS TAX

RESERVATIONS ARE REQUIRED

914-777-2053

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 27, 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

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

LITIGATION

WILBOURN CONSTRUCTION, LLC v. ELQ INDUSTRIES, INC., FIDELITY AND DEPOSIT COMPANY OF MARYLAND, AND CITY OF RYE

The City, as one of several defendants, was served with a Summons and Complaint and Notice of Pendency this week by Wilbourn Construction, LLC. The plaintiffs claim that they are owed money in connection with work performed as a subcontractor on the Central Avenue Bridge project. The papers have been forwarded to our insurance carrier.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A conference call was held with the Administrative Law Judge (ALJ), who asked if the parties were amenable to trying mediation on the discovery disputes. An initial meeting will be held in mid-December with another ALJ who would act as a mediator over these disputes. If and when the disputes are resolved, the matter would proceed to the Adjudicatory Hearing in January or February.

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.

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

In August I reported to you that a notice of claim had been served on the City claiming breach of contract on the part of the City. A summons and complaint was served by plaintiff seeking judgment in the amount of \$42,239.96.

CITY COURT

PEOPLE v. CHITTENDEN

Trial in front of sitting Judge Hansbury commenced. At the time this document was prepared, the trial had not concluded.

Respectfully submitted,

Kristen K. Wilson
Corporation Counsel

KKW/dfn



Dear Neighbor,

Please be aware of phone and email scams from individuals claiming to be from the Internal Revenue Service (IRS) or the New York State Department of Taxation and Finance. Scammers posing as IRS or Tax Department officials are threatening New Yorkers with fines, deportation, arrest, and other penalties if they do not immediately pay a claim of owed taxes.

The scams are being conducted primarily over the phone, with a caller instructing recipients to immediately submit payment for back taxes supposedly owed to the IRS or State through wire transfers or a pre-loaded debit card. In some cases these calls have been accompanied by a fake IRS e-mail sent to support the claim. If victims appear hesitant or unwilling to comply, the caller turns hostile by threatening police arrest or the loss of one's home. If the victim does not respond to these threats, the scammer may have others call the victim pretending to be from a government entity such as a local law enforcement agency.

In addition, some of the recent scams have been specifically targeting immigrants in New York State and coercing them with threats of deportation.

Many of the scam calls have been reported as coming from the 530 area code. Alternatively, through telephonic 'spoofing' techniques, the actual phone numbers of the IRS, the New York State Department of Motor Vehicles, and local police departments may also register on the caller's ID screen, appearing to legitimize the fraudulent activity. Scammers have also used fake names and IRS badge numbers, and may be able to recite the last four digits of a victim's Social Security Number.

In order to help consumers avoid falling victim to this scam, the New York State Department of State's Division of Consumer Protection provides the following tips and information:

- The State Tax Department and the IRS always make first contact by letter with a phone number you can contact to verify that it was sent by the agency.
- Neither agency will request personal or financial information via email.
- Hang up the phone immediately if someone claiming to be from the Tax Department or IRS unexpectedly calls and threatens police arrest, deportation or license revocation.

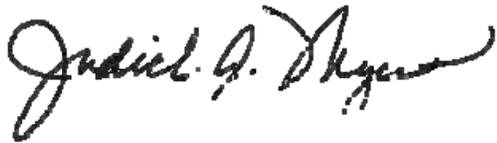
Contact the authorities.

To report fraudulent activity to New York State authorities, contact the State Tax Department at (518) 435-8523 or the New York State Department of State's Division of Consumer Protection at (518) 474-8583. New Yorkers can also [file a complaint online](#).

The New York State Office for New Americans, whose mandate is to reduce exploitation of New Americans, has also instructed all of its 27 Opportunity Centers throughout the state to alert consumers about this scam and advise them to hang up the phone if they receive any calls of this nature. The New Americans Multi-Lingual Information Hotline can be reached at (800) 566-7636 for further assistance.

To report fraud to the IRS call (800) 829-0433.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith A. Hyman". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.