

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 13, 2013

Enclosed with this memorandum are the following items:

- 12-6 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, December 17, 2013 at 6:00 p.m. at Rye Town Hall.
- 12-7 Legal Department Update from the Corporation Counsel dated December 13, 2013.
- 12-8 Meeting notice for the week of December 16, 2013 is available on the City website www.ryeny.gov under Calendar.



*Rye Town Park
95 Dearborn Ave.
Rye, NY 10580
914 967-0965*

RYE TOWN PARK COMMISSION **MEETING NOTICE**

Commission Members

Joseph Carvin-President
Douglas French, Mayor-City of Rye
Neil Pagano, Mayor-Village of Port Chester
Paul Rosenberg, Mayor-Village of Rye Brook
Benedict Salanitro, Commissioner
Laura Brett, Commissioner

DATE & TIME: Tuesday, 12/17/2013 @ 6:00PM

**PLACE: Rye Town Hall
 10 Pearl Street, 3rd Floor
 Port Chester, NY 10573**

Tentative Agenda:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: 10/15/2013, 11/19/2013**
- 4. Comments from the Public**
- 5. Capital Committee Update – Frank Fish**
- 6. Financial & Operations Reports**
- 7. Discussion Item - Trash Dumpsters vs Trash Compactor**
- 8. Correspondence**
- 9. Old Business/New Business**

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: December 13, 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. **This matter is fully submitted before the 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)

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. If and when the disputes are resolved, the matter would proceed to the Adjudicatory Hearing in January or February. **A mediation session will be held on January 9, 2014 in Harrison between ALJ Richard Wissler and the parties.**

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

Oral Arguments in connection with this matter have been scheduled for December 19th in the Appellate Division, Second Department.

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. The City filed its answer to the complaint with affirmative defenses and counter-claims.

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 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 and our carrier denied coverage. I have filed a notice of appearance and requested an enlargement of time to answer until December 24, 2013. The request was granted.**

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn