

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 7, 2014

Enclosed with this memorandum are the following items:

- 2-1 Notice regarding a Public Forum on the New York State Executive Budget for SFY 2014-2015 to be held on Thursday, February 13, 2014 from 9:30 a.m. to 1:00 p.m. at the Greenburgh Town Hall.
- 2-2 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, February 11, 2014 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 2-3 Legal Department Update from the Corporation Counsel dated February 7, 2014.
- 2-4 Meeting notice for the week of February 10, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

NEW YORK STATE LEGISLATURE  
WESTCHESTER ASSEMBLY DELEGATION

Notice of Public Forum



**SUBJECT:** To allow local organizations, elected officials, residents, and communities of Westchester County to provide input on priorities for, and impacts of, the Executive Budget for SFY 2014-2015.

**February 13, 2014  
9:30 AM – 1:00 PM**

Greenburgh Town Hall  
177 Hillside Avenue, Greenburgh NY 10607

**Contact:** Debra Lagapa at (914) 939-7028  
[lagapad@assembly.state.ny.us](mailto:lagapad@assembly.state.ny.us)

*Persons who wish to testify* should so indicate on the reply form attached. The Westchester Delegation will accommodate as many witnesses as possible. Persons wishing to attend or testify at this forum should complete and return the reply form as soon as possible, but **no later than the morning of Wednesday, February 12<sup>th</sup>**. It is important that the reply form be fully completed and returned so that persons may be notified in the event of postponement or cancellation of the forum. To the extent possible, the Delegation will try to accommodate any individuals wishing to testify who have not pre-registered, but are present at the forum.

We also encourage the submission of written comments, which will be fully considered by the delegation and be made part of its record. **Written comments may be emailed as an attachment in any common format to the Westchester Delegation in care of:**

Debra Lagapa at [lagapad@assembly.state.ny.us](mailto:lagapad@assembly.state.ny.us)

Witnesses are asked to keep oral presentations to *no more than five minutes in length*. In preparing the order of witnesses, the Westchester delegation will attempt to accommodate individual requests to speak at particular times in view of special circumstances. This request should be made on the attached reply form or to the

delegation staff as soon as possible. If you are testifying, please submit **fifteen (15) copies** of any prepared statement at the forum registration table.

Accommodations will be provided for individuals with disabilities, upon reasonable request, to afford such individuals access and admission to the forum.

**NY STATE LEGISLATURE  
Westchester Assembly Delegation  
Public Forum Reply Form**

Persons wishing to present testimony at the February 13 public forum are requested to complete this reply form and return by mail, fax or email to:

Debra Lagapa  
Assemblyman Steve Otis  
222 Grace Church Street, Suite 305  
Port Chester, NY 10573  
(914) 939-7028  
(914) 939-7167 (fax)  
[lagapad@assembly.state.ny.us](mailto:lagapad@assembly.state.ny.us)

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

I will require assistance and/or handicapped accessibility information. Please specify the type of assistance needed:

\_\_\_\_\_



## **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*

February 4, 2014

**FOR IMMEDIATE RELEASE**

### **February 11, 2014 Board of Education Meeting**

The Rye City School District Board of Education will meet Tuesday, February 11, 2014 beginning at 8:00 PM in the Rye Middle School Multipurpose Room, 3 Parsons Street, Rye, NY 10580.

Prior to the meeting, the Board will meet in Executive Session at Rye Middle School Multipurpose Room 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 as well as a curriculum presentation, discussion of particular Strategic Goals and discussion of the 2014-2015 School Calendar.

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: February 7, 2014

**CLAIMS**

A notice of claim has been filed by Gianfranco Iavarone of Mamaroneck. The notice states that a tire on Mr. Iavarone's automobile was damaged when it hit a pothole in the City of Rye. The claim has been forwarded to our insurance carrier.

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

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**

The Assessor and the Board of Assessment Review filed their Appellate Brief and record on appeal with the Appellate Division, Second Department on January 23<sup>rd</sup>.

**WESTCHESTER JOINT WATER WORKS v. CITY OF RYE**

The City of Rye has filed its brief with the Appellate Division, Second Department. **This matter is now fully submitted before the Appellate Division, Second Department and we are waiting for an oral argument date.**

**LITIGATION**

**RYE POLICE ASSOCIATION v. CITY OF RYE**

A Notice of Petition and Verified Petition has been served on the City on behalf of the Rye Police Association. The action seeks to vacate or modify the recent Arbitration Award. The papers have been forwarded to our insurance carrier and our carrier has denied coverage.

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

A site walk with Administrative Law Judge Wissler (serving as mediator), DEC permit and wetland staff, DEC counsel, and intervening parties took part in a site walk on January 9, 2014. After the site walk, a confidential mediation session took place at Harrison Town Hall. Another mediation session is tentatively scheduled for mid 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)

**The non-jury trial has commenced in front of Honorable Mary Smith, J.S.C.**

BUTLER v. PLANNING COMMISSION

Oral arguments were held in the Appellate Division, Second Department. The bench was very interested in the timing of the decisions from lower court Justices Lorenzo and Lefkowitz. It appeared that all four judges understood the City's arguments. Judge Cohen, who has a municipal background, took the lead.

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

Omni's counsel filed an Order to Show Cause asking to be relieved as counsel due to nonpayment of legal bills totaling close to \$50,000. Currently, the trial is still 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. **Depositions are scheduled for the beginning of March.**

RVIN REYES, et al v. CITY OF RYE, RYE GOLF CLUB, RM STAFFING & EVENTS, INC., MORRIS YACHT AND BEACH CLUB, INC. and SCOTT YANDRASEVICH, Jointly and Severally

A summons and complaint has been filed on behalf of current and former staff at Whitby Castle pursuant to the Fair Labor Standards Act and the New York Labor Law. The papers have been forwarded to our insurance carrier.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn