

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 14, 2014

Enclosed with this memorandum are the following items:

- 2-5 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, February 18, 2014 beginning at 6:00 p.m. at Rye Town Hall.
- 2-6 Legal Department Update from the Corporation Counsel dated February 14, 2014.
- 2-7 Meeting notice for the week of February 18, 2014 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
Joseph Sack, 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, 2/18/2014 @ 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: 11/19/2013, 1/21/2014
4. Comments from the Public
5. Draft 2014 Budget & Fee Schedule
6. Correspondence
 - Letter from Former Mayor Doug French
 - Friends of Rye Town Park re: Middle Beach Ramp
7. Old Business
 - Pending Rye City Appeal of CERT case
 - Capital Fund allocation process
8. New Business

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: February 14, 2014

CLAIMS

A notice of claim has been filed by Richard Santoro of 9 Griffon Place. The notice states that a sewer back-up occurred at his home on February 4th due to a blockage in a City sewer. 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 23rd.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

This matter is now fully submitted before the Appellate Division, Second Department and we are waiting for an oral argument date.

LITIGATION

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 trial has been adjourned until February 27, 2014.

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

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

The City was granted an extension until March 5th to respond to the Summons and Complaint.

RYE POLICE ASSOCIATION v. CITY OF RYE

By Order of Justice Alan D. Scheinkman this case has been transferred back from the Commercial Division to the Chief Clerk for reassignment.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn