

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 21, 2014

Enclosed with this memorandum are the following items:

- 2-8 Notice regarding a Rye City School District Board of Education Meeting to be held on Tuesday, February 25, 2014 beginning at 8:00 p.m. in the Rye Middle Multipurpose Room.
- 2-9 Legal Department Update from the Corporation Counsel dated February 21, 2014.
- 2-10 Meeting notice for the week of February 24, 2014 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

February 14, 2014

FOR IMMEDIATE RELEASE

February 25, 2014 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, February 25, 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 Strategic Priorities update and a discussion on 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 21, 2014

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)

The date of the next mediation session is scheduled for February 24th.

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 has received 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