

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 14, 2014

Enclosed with this memorandum are the following items:

- 3-5 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, March 18, 2014 at 6:00 p.m. at Rye Town Hall.
- 3-6 Notice regarding an American Heart Association Heart Walk, sponsored in part by a team in honor of City of Rye Building Inspector Vinny Tamburro, to be held on Sunday, May 4, 2014 beginning at 9:00 a.m. at Harriman State Park in Stony Point.
- 3-7 Legal Department Update from the Corporation Counsel dated March 14, 2014.
- 3-8 Meeting notice for the week of March 17, 2014 is available on the City website [www.ryeny.gov](http://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, 3/18/2014 @ 6:00PM**

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

### **Tentative Agenda:**

1.    **Roll Call**
2.    **Pledge of Allegiance**
3.    **Approval of Minutes: 12/17/2013, 3/3/2014**
4.    **Comments from the Public**
5.    **Security Cameras Draft RFP**
6.    **Draft 2014 Budget & Capital**
7.    **Correspondence –**
8.    **Old Business**
  - Park Development/Management RFP**
  - New Dumpster solution**
  - Capital Fund allocation process**
9.    **New Business**

# American Heart Association Heart Walk

When: May 4<sup>th</sup>, 2014

Where: Lake Welch Beach, Harriman State Park

800 Kanawauke Road, Stony Point, NY 10980

Registration: 9:00 am Walk Start: 10:30 am



Two and a half years ago my family lost our father at the age of 48 to a massive heart attack. He was not only a husband and father but a friend to all. His family was his greatest pride. Vinny's death not only changed the lives of his family but also his coworkers, fellow firefighters, friends and the community. Donating to this cause will not only mean the world to my family but it will also prevent other families from losing a loved one to heart disease.

<http://heartwalk.kintera.org/rocklandny/teamvinny>

**CITY OF RYE  
MEMORANDUM**

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

**CLAIMS**

**A notice of claim has been filed by Allstate a/s/o of Eric Degraw. The notice claims that Mr. Degraw's parked automobile was damaged by a City snow vehicle. 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. We are waiting for an oral argument date.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE**

**The City's reply brief was served and filed. This matter is now fully submitted to the Appellate Division, Second Department. We are waiting for an oral argument date.**

**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 mediation scheduled for February 24, 2014 was adjourned pending further discussion between Harrison and the City regarding the exchange of CAD data.

**BASSETT v. CITY OF RYE**

The Court denied the City's motion and reinstated the original jury verdict.

**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)

This trial has commenced in front of Honorable Mary Smith, J.S.C. The parties are currently discussing possible settlement options. If a settlement is not reached by March 17, 2014, the trial will recommence.

BUTLER v. PLANNING COMMISSION

A unanimous Second Department bench found that the Defendants (the Mathisson's and the Planning Commission) established their prima facie entitlement to judgment as a matter of law and that the hand drawn front yard setbacks on the filed map were NOT deed restrictions. Essentially, the Planning Commission acted within its authority to modify these setbacks as part of an amended subdivision application.

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 co-defendant Calgi Construction has filed for bankruptcy. As a result, the trial has been adjourned.**

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

**Depositions are scheduled for the week of March 17, 2014.**

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

**Plaintiffs have agreed to extend the time for all defendants to answer or otherwise move to April 4, 2014.**

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