

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 28, 2014

Enclosed with this memorandum are the following items:

- 3-12 Legal Department Update from the Corporation Counsel dated March 28, 2014.
- 3-13 Meeting notice for the week of March 31, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: March 28, 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 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)**

A Settlement Agreement has been entered into whereby the vacant parcel of land that is the subject of this litigation will be merged with an adjacent parcel owned by the Petitioner, thereby creating a single taxable and buildable lot. The Settlement Agreement and a Stipulation and Order Discontinuing Action with Prejudice have been executed by attorneys for both parties and filed with the County Clerk.

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 currently being conducted.

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.

LUCILLE CHITTENDEN v. FRANCO COMPAGNONE

A Summons with Notice was served upon Franco Compagnone by Lucille Chittenden alleging \$1 Million in damages.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn