

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: April 18, 2014

Enclosed with this memorandum are the following items:

4-13 Legal Department Update from the Corporation Counsel dated April 18, 2014.

4-14 Meeting notice for the week of April 21, 2014 is available on the City website 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: April 18, 2014

CLAIMS

Last week I reported that a notice of claim had been filed by Mauricio Gomez regarding damage to his parked vehicle caused by a City Vehicle. Our insurance carrier has settled the claim for the amount of \$1,621.28.

A notice of claim has been submitted by Sheila Quinn of 14 Rickbern Street. The notice states that sanitation workers mistakenly took a basketball set from the property. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

This matter is fully submitted before the Appellate Division, 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.

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

A notice of appeal has been filed.

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.

BUTLER v. PLANNING COMMISSION

The attorneys for the Butlers have filed a Notice of Motion for Permission to Appeal to the Court of Appeals. The return date of the motion is April 28th at the Court of Appeals in Albany.

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 have been completed; additional paper discovery is on-going.

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 25, 2014.

RYE POLICE ASSOCIATION v. CITY OF RYE

The City has filed a Verified Answer and Counterclaim and Memorandum of Law in opposition to the Petition filed by the Rye Police Association.

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

A Notice of Petition and Memorandum of Law have been served on the City commencing an Article 78 proceeding against the Zoning Board of Appeal. The action seeks to rescind, annul and vacate a decision issued by the Zoning Board in connection with a variance application.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn