

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 13, 2014

Enclosed with this memorandum are the following items:

6-5 Legal Department Update from the Corporation Counsel dated June 13, 2014.

6-6 Meeting notice for the week of June 16, 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: June 13, 2014

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 and we are waiting for an oral argument date.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A further conference call was held on May 22, 2014 to discuss the status of the City's consultant's review of the pending wetland application.

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 Court of Appeals dismissed the Butler's motion for leave to appeal upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

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

Motions for summary judgment have been filed.

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 filed an amended complaint and have requested that the City of Rye consent to class certification.

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

People v. Alan Kachalsky

On June 6, 2014 the People successfully tried a case against Alan Kachalsky for failing to come to a complete stop at a stop sign while exiting the MTA parking lot onto Peck Avenue.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn