

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 8, 2014

Enclosed with this memorandum are the following items:

- 8-5 Notice from County Legislator Catherine Parker regarding *Superhero Day* to be held on Sunday, August 10, 2014 at Playland Park in Rye.
- 8-6 Legal Department Update from the Corporation Counsel dated August 8, 2014.
- 8-7 Meeting notice for the week of August 11, 2014 is available on the City website www.ryeny.gov under Calendar.

WESTCHESTER COUNTY BOARD OF LEGISLATORS

7th District Legislator

**CATHERINE
PARKER**

Chair, Committee on Environment and Energy



Dear Neighbor,

Kids of all ages can have fun meeting iconic characters from comics and screen during **Superhero Day** on **Sunday, August 10**, at Playland Park in Rye.

Marvel's Avengers and Spider-Man are sure to save the day with two action-packed shows at **4 p.m. and 7 pm**. Join your favorite characters – **Spider-Man, Thor, Hulk and Iron Man** -- as they **parade** through the park at **5:30 p.m.** Shows are free with Playland admission for standing room only or lawn seating. Limited reserved seating is available through <http://www.eventbrite.com/> or at the park on the day of the shows.

Park rides will be open from noon until 10 p.m. Parking is \$7 on Sunday.

Playland Park is located on Playland Parkway in Rye. Go to ryeplayland.org or call (914) 813-7010.

Sincerely,

Catherine F. Parker

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: August 8, 2014

SETTLEMENTS

On July 25th I reported that Hillary Southard had filed a notice of claim regarding damages caused to her automobile when a tree limb fell on it while it was parked in a City lot. Our insurance carrier has settled the claim for \$7,795.26.

On August 1st I reported that a subrogee claim had been filed by MetLife on behalf of Maria and Marcelo Delmar for damage caused to their automobile by a City vehicle. Our insurance carrier has settled this claim for \$3,600.93.

CLAIMS

A notice of claim was filed against the City in error by Frances Cepeda of Port Chester. The claimant is seeking damages for a fall on a street in Port Chester. The claim was denied.

A notice of claim has been filed by Marco Valsania of 68 Hill Street. The claim seeks reimbursement for medical expenses incurred by the claimant as a result of a fall on a City sidewalk. 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 and we are waiting for an oral argument date.

181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al

The return date for the motion has been adjourned to August 18, 2014.

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. The next call with the mediator is scheduled for mid-July and a tentative adjudicatory hearing has been scheduled for the third week of September.

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.

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' motion to conditionally certify a Fair Labor Standards Act Collective Action and Authorize Notice to be Issued to All Persons Similarly Situated was granted. A pre-trial conference is scheduled for September 12, 2014.

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

The matter is now fully submitted and we are waiting for a decision.

P. STEPHEN LAMONT v. KRISTEN K. WILSON, et al

Defendants appeared before Hon. Nelson Roman in Federal Court, S.D.N.Y., on Wednesday July 23, 2014 to address Plaintiffs' request for a preliminary injunction. On Thursday July 24, 2014, Judge Roman rendered an Order: 1) denying Plaintiffs' application seeking an order activating his membership; 2) denying Plaintiffs' motion to strike Defendants' opposition papers; and 3) denying the motion to intervene.

BUTLER v. MATHISSION et al.

Butlers filed a second motion for leave to appeal to the Court of Appeals. The return date is August 18, 2014.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn