

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 29, 2014

Enclosed with this memorandum are the following items:

- 8-17 Reminder to *Please Drive Safely* as the Rye Schools will re-open on Thursday, September 4, 2014.
- 8-18 Legal Department Update from the Corporation Counsel dated August 29, 2014.
- 8-19 Information from Westchester County regarding the annual public hearing to be held by the Westchester County Department of Senior Programs and Services to be held on Friday, September 19, 2014 from 9:00 a.m. to 12:00 p.m. at the Westchester County Center in White Plains.
- 8-20 Meeting notice for the week of August 25, 2014 is available on the City website www.ryeny.gov under Calendar.

SCHOOL'S 
OPEN
Drive Carefully!



**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: August 29, 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.

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

The return date for the motion has been adjourned to September 2, 2014.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The Town/Village of Harrison has requested a brief adjournment of the administrative hearing as Harrison plans on submitting a revised application to the DEC for review. **DEC staff has targeted a tentative date of September 10, 2014 to file a "notice of complete application" in the Environmental Notice Bulletin. If the NOCA is published on September 10, 2014, it will trigger a 15 calendar day public review process.**

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. A compliance conference was held on Tuesday August 26, 2014. **All outstanding discovery is due on September 8, 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' 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.

There is a pre-motion hearing calendared for September 17, 2014. **Plaintiff has also indicated that he intends on filing a motion for permission to file a Second Amended Complaint.**

MARLENE JIMENEZ a/k/a MARLENE JIMENEZ TORRICO v. CITY OF RYE and DANIEL CAMACHO JR.

A summons and complaint was served on the City seeking damages in connection with injuries suffered by the plaintiff as a result of her automobile being in collision with a City vehicle in October 2013. A notice of claim had previously been filed in December 2013.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Barbara Woller (914) 813-6412

FOR IMMEDIATE RELEASE: August 27, 2014

PUBLIC HEARING FOR COUNTY SENIORS DEPARTMENT SET FOR SEPT. 19

Westchester County's Department of Senior Programs and Services (DSPS) will hold its annual public hearing and advocacy speak-out on **Friday, Sept. 19 at the Westchester County Center, 198 Central Ave., White Plains, from 9 a.m. to 12 noon.**

The hearing provides a venue for individuals to learn about and speak out on concerns that affect Westchester seniors and their families. Registration is not required to attend or speak at the meeting.

DSPS will also unveil its 2015 update to the 2012-2016 Four-Year Plan on the Older Americans Act and the New York State Community Service for the Elderly Program funds.

The plan describes the department's goals and objectives, as well as provides an overview of reporting requirements and proposed funding strategies for the upcoming year. A formal RFP process for prospective service providers will follow in the fall. Selected providers will be announced at Phase Two of the public hearing process in December.

The plan will be available starting Monday, Sept. 15 at the DSPS office in the County Office Building at 9 S. First Ave., 10th Floor, Mount Vernon. It will also be distributed at the public hearing.

Written comments must be sent by Friday, Oct. 3 to Rose Pasquale, Westchester County Department of Senior Programs and Services, 10th Floor, 9 S. First Ave., Mount Vernon, NY. 10550.

The public hearing is also the regular meeting for the Aging Network, the Council on Seniors and the Older Americans Act Advisory Council.