

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 26, 2014

Enclosed with this memorandum are the following items:

- 9-13 Legal Department Update from the Corporation Counsel dated September 26, 2014.
- 9-14 Meeting notice for the week of September 29, 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: September 26, 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**

The Appellate Division, Second Department, reversed the lower court and found that the City of Rye did have standing to seek dismissal of the proceedings based on a failure to comply with RPTL 708(3) and found that the City's records clearly showed that some of the property was located within the Rye Neck Union Free School District's property.

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

The return date for the motion has been adjourned to October 24, 2014.

**LITIGATION**

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

A site visit was conducted by the City's engineering consultant.

**CASPI v. CITY OF RYE**

The City's motions for summary judgment were granted and the City, Commissioner Connors and Lt. Verille were dismissed from the case. The motion for summary judgment against Officer Anfuso was denied and Plaintiff's cause of action for failure to intervene remains. Summary judgment was also denied as to Officers Rosace and Compagnone.

**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

**This matter will be certified on October 15, 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

A conference was held on September 12, 2014 in front of Judge Roman. The matter was referred to Magistrate Davison for all discovery. Plaintiffs' counsel has indicated that he would move for class certification by January 15, 2015.

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

**Hon. Barry E. Warhit issued an Opinion, Decision and Order of the Court remanding the matter back to the Board of Zoning Appeals for a more detailed decision. All parties are ordered to appear before Judge Warhit on October 28, 2014 for a conference.**

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

Defendants' were granted permission to file a motion to dismiss. Plaintiff has until October 10, 2014 to file any amended complaint(s).

ALAN KACHALSKY v. THE CITY OF RYE, NEW YORK and the RYE CITY POLICE DEPARTMENT and P.O. ED BALLS

A summons and complaint was served on the City this week claiming false arrest, violations of civil rights under both the Federal Civil Rights Act and the New York State Constitution, negligent training on the part of the Police Department and Assault and Battery. Plaintiff is seeking both compensatory and punitive damages. A notice of claim had previously been served in connection with this matter.

CHITTENDEN v. COMPAGNONE

Chittenden filed a motion for default judgment. Compagnone filed his answer and moved to dismiss for failure to serve a notice of claim on the City. **The Motion is returnable on September 26, 2014.**

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn