

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 10, 2014

Enclosed with this memorandum are the following items:

- 10-3 Notice regarding the Edith Read Fall Fest to be held on Saturday, October 18, 2014 from 12:00 p.m. to 5:00 p.m. at the Edith G. Read Wildlife Sanctuary.
- 10-4 Legal Department Update from the Corporation Counsel dated October 10, 2014.
- 10-5 Notice regarding the Hudson Valley Honor Flight honoring American Veterans to be held on Saturday, October 18, 2014 at 7:45 a.m. at the Westchester Airport.
- 10-6 Notice regarding Oktober Fest to be held on Sunday, October 19, 2014 from 12:00 p.m. to 6:00 p.m. at the Port Chester Hall and Beer Garden.
- 10-7 Meeting notice for the week of October 14, 2014 is available on the City website www.ryeny.gov under Calendar.



SATURDAY, OCTOBER 18

NOON – 5PM

To benefit the

Edith G. Read Wildlife Sanctuary

Join us and discover a hidden jewel of Rye. Nestled behind Playland on the Long Island Sound, this 179-acre county park offers wooded trails, a nature center with educational programs and glorious views!

FALL FEST 2014

- TWO BY TWO ZOO: "hands on" animal program
- BIRDS OF PREY: raptor & falconry demo by James Eyring of Pace University
- MR. HABITAT: "a cross btwn Chuck Berry & Smokey the Bear... entertaining & educational"
- LIVE MUSIC: jazz with the Joe Corsello Quartet & Hudson Crossing bluegrass
- KIDS' CORNER: interactive booths sponsored by Westchester Childrens' Museum, Rye Arts Center, Clay Art Center, Rye Free Reading Room, Rye Historical Society, The Osborn Home, Rye School of Dance, and Friends of Read
- KAYAK DEMOS WITH LL BEAN (must be 8 & older)
- BEES 'N' BUGS: discussions with experts "in the field"
- PUMPKIN PATCH, FACE PAINTING, CAPTURE THE SOUND, ARTS & CRAFTS & much more!
- REFRESHMENTS for sale

\$10 adults \$5 for children (5 and up)

(free family admission with purchase of \$50 Annual Family Membership)

FREE PARKING - SORRY, NO DOGS

RAIN OR SHINE - CASH/CHECKS ONLY

www.friendsofreadwildlifesanctuary.org

L.L.Bean

Westchester
gov.com

Robert P. Astorino
Westchester County Executive

WESTCHESTER COUNTY
PARKS
WESTCHESTER COUNTY

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 10, 2014

CLAIMS

A notice of claim has been filed by Aimee Dimierco of Port Chester. The notice states that Ms. Dimierco's automobile was damaged by a City lawn mower when it was parked in the lot behind the Rye Arts Center. 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

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)

The T/V of Harrison filed an amended application with the NYSDEC. There is a comment period that has a deadline of October 6, 2014. A request for an extended comment period has been made.

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. **A notice of Removal to Federal Court, SDNY was filed and served.**

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. Judge Mary Smith denied Plaintiff's motion and has ordered the parties in for a conference on November 10, 2014.

DOUGLAS E. LIMAN v. NICK EVERETT, MARTHA MONSERRATE, LAURA BRETT, BARBARA CUMMINGS, HUGH GREECHAN, PETER OLSEN, ALFRED VITIELLO, constituting the PLANNING COMMISSION OF THE CITY OF RYE, PANKAJ GUPTA and EMILY GUPTA, PAM McGUIRE and EUGENE McGUIRE

The City was served with an Article 78 proceeding seeking to vacate and nullify actions taken by the Planning Commission in approving a development project proposed by Applicants

Pankaj and Emily Gupta. The petition seeks an Order annulling the Planning Commission's Resolution granting a Wetland and Watercourse Permit to the applicants.

CITY COURT

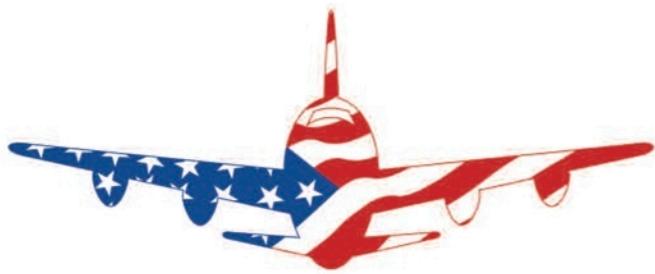
Routine calendar with no unusual dispositions.

Respectfully submitted,

A handwritten signature in black ink that reads "Kristen K. Wilson". The signature is written in a cursive, flowing style.

Kristen K. Wilson
Corporation Counsel

KKW/dfn



HUDSON VALLEY

HonorFlight



HONORING AMERICAN VETERANS



CALLING ALL PATRIOTS

COME CHEER ON THE GREATEST GENERATION AS THEY DEPART ON HUDSON VALLEY HONOR FLIGHT'S SIXTH FLIGHT TO WASHINGTON D.C. ON OCTOBER 18, 2014!



SEND-OFF CEREMONY - 7:45 AM

Landmark Aviation West at

Westchester Airport - 67 Tower Road -

Hanger T, White Plains, NY 10604

WELCOME HOME RECEPTION - 9 PM

Westchester Community College

75 Grasslands Road, Valhalla, NY 10595

ALL ARE WELCOME TO HONOR OUR HEROES AND GIVE THEM THE SEND OFF AND WELCOME HOME THAT MANY OF THEM NEVER RECEIVED BUT THEY SO RIGHTFULLY DESERVE!

DO YOU KNOW A VETERAN? CALL 845-391-0076 OR VISIT HVHONORFLIGHT.COM FOR APPLICATIONS AND MORE INFORMATION.



**Newmark Grubb
Knight Frank**

HVHF WILL FLY OUT AGAIN APRIL 2015!

Reserve Your Tickets to Oktoberfest!

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

OCTOBER 19TH • 12-6PM

OKTOBER FEST

AT PORT CHESTER HALL

**\$20 /
PERSON**



INCLUDES
2 STEINS OF BEER
PRETZEL NECKLACE
LIVE DJ

◆ ◆ *plus* ◆ ◆

TRADITIONAL GERMAN FAIRE
DRINKING SONGS
SEASONAL BEERS INCLUDING
OKTOBERFEST LAGER & HEFEWEIZEN

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