

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 31, 2014

Enclosed with this memorandum are the following items:

- 10-18 Notice regarding the 3<sup>rd</sup> NY Rising Public Meeting to be held on Monday, November 3, 2014 from 7:00 p.m. to 9:00 p.m. at the Rye City School District Middle School Multipurpose Room.
- 10-19 Notice from Westchester County Legislator Catherine Parker regarding a discussion on the future of Playland to be held on Monday, November 3, 2014 from 7:00 p.m. to 9:00 p.m. at the Rye Free Reading Room.
- 10-20 Legal Department Update from the Corporation Counsel dated October 31, 2014.
- 10-21 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, November 4, 2014 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 10-22 Letter from George Oros, Westchester County Chief of Staff, regarding the preparations undertaken by Westchester County to coordinate precautions and protocols regarding the Ebola situation.
- 10-23 Meeting notice for the week of November 3, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



# RYE'S FUTURE IS UP TO YOU!

City of Rye 3rd Public Engagement Event  
Monday, November 3, 2014 from 7 to 9 PM  
Rye Middle School Multipurpose Room

**Come to the 3rd public engagement event to help to define Projects, Programs, and Actions for Rye's NYRCR Plan.**

- What are your ideas to stop flooding in Rye?
- How can Rye be better prepared to handle another storm event in the future?
- What would a more resilient Rye look like?

Meeting sponsored by:

Rye Planning Committee and the NY Rising Community Reconstruction Program



The NY Rising Community Reconstruction Program, developed under Governor Cuomo's leadership, is providing your community with assistance to rebuild Rye better than before. As part of this process, we will be reaching out to you at four community meetings to solicit your input on how Rye can become stronger and better prepared for future storms.



**NY RISING**  
Community Reconstruction Program

For more information or to submit your comments and photos visit:  
[www.stormrecovery.ny.gov/nycrcr](http://www.stormrecovery.ny.gov/nycrcr)



Hello again!

Our next meeting on Playland is scheduled for **Monday, November 3rd, from 7-9 PM** at the **Rye Free Reading Room**. We will be discussing the data from the 2014 season, and also I will be taking an inventory of our collective vision for Playland. Lastly, I hope you will join me in welcoming the principals of Standard Amusement, Inc. on **Monday, November 17th**, again, at the **Rye Free Reading Room from 7-9 PM** to hear from one of the finalists of the County's RFP for the reinvention of Playland.

I look forward to seeing you at one or both of these meetings.

All the best,

*Catherine F. Parker*

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: October 31, 2014

**CLAIMS**

A notice of claim has been filed by Janice Passacantando of Marlborough, Connecticut. The notice states that on October 4, 2014 Ms. Passacantando's parked automobile was damaged when a limb from a City tree fell on it. The claim has been forwarded to our insurance carrier.

**SETTLEMENTS**

Earlier this month I reported to you that a notice of claim has been filed by Aimee Dimerco of Port Chester claiming her car was damaged by a City lawnmower when it was parked at the Rye Arts Center. Our insurance carrier has settled this matter for \$1,578.86.

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

The Appellate Division Second Department has scheduled the oral argument for Monday, November 10th at 10 a.m. in White Plains.

**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.

**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. **This case has been transferred to Hon. Rakoff, U.S.D.J, S.D.N.Y. sitting in Manhattan. The trial date is currently February 2, 2015.**

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

**I appeared before Hon. Barry Warhit on Wednesday October 29, 2014 per the Decision and Order. Judge Warhit subsequently amended his Decision and Order to be more specific and clear in that he intended to remand the ZBA's findings and decision back to the Board to be more specific and detail its findings based on the record before it.**

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

Plaintiff did not officially file and serve the Second Amended Complaint for which he had asked permission from Judge Roman. Defendants' Motion to Dismiss must be served on or before November 21, 2014.

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

A notice of Removal to Federal Court, S.D.N.Y. 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



## **The Rye City School District**

*411 Theodore Fremd Avenue, Suite 100S*

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*Elaine Cuglietto*

*District Clerk*

*cugliete@ryeschools.org*

FOR IMMEDIATE RELEASE

### **November 4, 2014 Board of Education Meeting**

The Rye City School District Board of Education will meet Tuesday, November 4, 2014 beginning at 8:00 PM in the Rye Middle School Multipurpose Room, 3 Parsons Street, Rye, NY 10580.

Prior to the meeting, the Board will meet in Executive Session at Rye Middle School Multipurpose Room for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are business and personnel items that normally come before the Board.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak at designated times.

Robert P. Astorino  
County Executive

George Oros  
Chief of Staff

October 27, 2014

Dear Mayor/Supervisor:

County Executive Robert P. Astorino wanted you to know that the County of Westchester, through the Executive's Office and the various departments, has been working closely with federal, state and appropriate agencies to coordinate precautions and protocols regarding the Ebola situation.

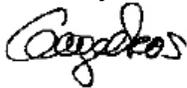
Some recent steps include:

1. Over the past several weeks at the direction of the County Executive key departments (Health, Emergency Services, Public Safety, Labs and Research, Community Mental Health, Parks, Public Works/Transportation) have been meeting to learn about Ebola and its origins, symptoms, precautions to avoid contagious contact, what to do if Ebola is suspected.
2. On Wednesday, all departments met with the County Executive staff to ensure the county has a coordinated response to situations as they may arise.
3. The Health Department has assembled much current valuable and accurate information that could be helpful to you and your constituents. Please visit the Department of Health Website at <http://health.westchestergov.com/>.
4. The Department of Emergency Services has been in contact with all the fire departments and ambulance corps in the County.
5. The Department of Emergency Services is also offering training for emergency responders regarding the proper procedures including how to correctly don protective gear.
6. The Department of Public safety has been in contact with all municipal police departments regarding proper protocols for any potential encounter with an Ebola carrier.
7. The Health Department will be meeting with emergency room professionals and hospital CEO's next week to further coordinate efforts.

The County Executive and the departments are all actively engaged with state and federal agencies and the County will update you periodically. For the latest information please visit the County's Health Department website at <http://health.westchestergov.com/>.

Thank you for your attention to this matter.

Sincerely,



George Oros

Office of the County Executive

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White Plains, New York 10601

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