

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 14, 2014

Enclosed with this memorandum are the following items:

- 11-4 Notice regarding the Fifty-Fourth Rye Interfaith Thanksgiving Service to be held on Sunday, November 23, 2014 beginning at 3:00 p.m. at the Rye Presbyterian Church located at 882 Boston Post Road.
- 11-5 Legal Department Update from the Corporation Counsel dated November 14, 2014.
- 11-6 Meeting notice for the week of November 17, 2014 is available on the City website www.ryeny.gov under Calendar.



Please join us for the
Fifty-Fourth Rye Interfaith
Thanksgiving Service
Sunday, November 23, 2014

3:00 PM

Rye Presbyterian Church
882 Boston Post Road, Rye, New York



Reception hosted by the Rye Women's Interfaith
Committee will follow the service in the Assembly Hall.

Food and monetary donations will be given to
Caritas PC (Holy Rosary Soup Kitchen and Food Pantry).

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 14, 2014

TAX CERTIORARI

CARROLL v. CITY OF RYE

Oral argument was held on Monday November 10, 2014 in front of the Appellate Division, Second Department.

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

WJWW has filed a motion to renew/reargue the matter before the Appellate Division, Second Department and simultaneously sought leave to file an appeal with the Court of Appeals. Opposition papers are due on November 14, 2014.

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)

A conference call was held on November 13, 2014 to discuss the scheduling for appeals by DEC staff and the T/V of Harrison. In addition, the ALJ gave parties until December 5, 2014 to respond to issues raised by the City of Rye pertaining to the proposed amended negative declaration issued by DEC staff.

CASPI v. CITY OF RYE

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

The matter is calendared for a settlement conference on November 17, 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

I appeared at the preliminary conference to discuss the case and a potential scheduling order. Plaintiff Lucille Chittenden's attorney failed to make an appearance. After several attempts to contact Plaintiff's counsel, the nonappearance was noted and a new conference date was scheduled.

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

People v. Generation Mortgage –

The City's Building Department issued violations for failure to maintain property and for an unsafe structure. The structure has since been demolished and the property has been cleaned up. The matter was resolved with the parties agreeing to a \$7,500 fine.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn