

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 26, 2014

Enclosed with this memorandum are the following items:

- 11-13 Notice from Rye Recreation regarding the 38th Annual Turkey Run to be held on Saturday, November 29, 2014 beginning at 9:00 a.m. at Rye Recreation.
- 11-14 Notice from the Rye Chamber of Commerce regarding the annual Mistletoe Magic event to be held on Sunday, November 30, 2014 from 12:00 to 3:00 p.m. on Purchase Street.
- 11-15 Legal Department Update from the Corporation Counsel dated November 26, 2014.
- 11-16 Meeting notice for the week of December 1, 2014 is available on the City website www.ryeny.gov under Calendar.

Turkey Run



Rye Recreation's Turkey Run is Saturday November 29.

Registration is now open!

Join 1,000+ of your neighbors in Rye Recreation's 38th Annual Turkey Run this Saturday, November 29th.

Paws Walk @ 9:00 AM

1 Mile Race @ 9:30 AM

3.1 and 5 Mile Races @ 10:00 AM

Check in at Rye Recreation begins Saturday at 8:00 AM



Rye Chamber of Commerce



Mark your calendars!

Mistletoe Magic
Sunday, November 30th

12:00 - 3:00pm
Purchase Street

Start your shopping in downtown Rye as Purchase Street welcomes the holiday season. Music and Merriment from Noon until 3PM

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: November 26, 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

Opposition papers were served on November 14, 2014.

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

The return date for the motion has been adjourned.

LITIGATION

JOHN CASTELHANO as President of the RYE PROFESSIONAL FIRE FIGHTERS ASSOCIATION, LOCAL 2029, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO v. CITY OF RYE BOARD OF FIRE WARDENS, PETER COTTER, MICHAEL BILLINGTON, RICHARD BARBER, JOSEPH CARLUCCI, JOHN FALLON, ARCADIO OCASIO, RICHARD CADIGAN, PETER ANFUSO, JAMES BURKE, JOHN ALFANO and BRIAN GILMARTIN in their individual capacities as members of the City of Rye Board of Fire Wardens

A verified complaint has been served by the City's Professional Fire Fighters against the Board of Fire Wardens seeking reimbursement of their share of the 2013-2014 foreign fire insurance monies and the appointment of Local 2029 as the receiver of the monies payable under Section 9104 and 9105 of the Insurance Law.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A conference all 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

A settlement conference was held 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

Defendants' Motion to Dismiss must be served on or before November 26, 2014.

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

Routine calendar with no unusual dispositions.

Respectfully submitted,

Handwritten signature of Kristen K. Wilson in cursive script.

Kristen K. Wilson
Corporation Counsel

KKW/dfn