

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 20, 2015

Enclosed with this memorandum are the following items:

- 2-6 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, February 24, 2015 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 2-7 Notice regarding a *Coping with Deer Workshop* sponsored by the Federated Conservationists of Westchester County to be held on Sunday, March 8, 2015 beginning at 3:00 p.m. at Mercy College in Dobbs Ferry.
- 2-8 Legal Department Update from the Corporation Counsel dated February 20, 2015.
- 2-9 Meeting notice for the week of February 23, 2015 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



## **The Rye City School District**

*411 Theodore Fremd Avenue, Suite 100S  
Rye, New York 10580*

*Tel: (914) 967-6100 Ext .6278 Fax: (914) 967-6957*

*Elaine Cuglietto  
District Clerk  
cugliete@ryeschools.org*

February 12, 2015

FOR IMMEDIATE RELEASE

### **February 24, 2015 Board of Education Meeting**

The Rye City School District Board of Education will meet Tuesday, February 24, 2015 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 fiscal, special education, personnel and business items that ordinarily come before the Board as well as the discussion of the Superintendent's Recommended Budget for the 2015- 2016 school year.

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



# Coping with Deer

**Join us for a workshop discussing the many difficulties associated with deer management - and how to handle them.**

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**When:** Sunday, March 8th at 3:00pm

**Where:** Mercy College- Dobbs Ferry  
Main Hall, Large Lecture Room



**Speakers for the program will include:**

**Dr. Mike Rubbo** (Director of Conservation Science, Teatown Lake Reservation): environmental impacts of deer in Westchester County

**Mayor Peter Swiderski** (Mayor, Hastings-on-Hudson): effects of deer on Lyme disease and automobile accidents; deer control measures considered by the Hastings government; reasons for the adoption of the immuno-contraception program; current status of that program-successes and challenges.

**Ms. Melissa Shandroff** (Science teacher, Hastings High School) and her A.P. science students: an ongoing experiment comparing areas of Hillside Woods accessible and inaccessible to deer; plan and implementation of the study; results achieved so far; results expected by year-end.

**Sponsored by:**

The League of Women Voters of the Rivertowns

**Co-Sponsors:**

Federated Conservationists of Westchester County  
Hudson River Audubon Society  
Teatown Lake Reservation

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: February 20, 2015

**CLAIMS**

**In May of 2014 I informed you that a notice of claim had been filed by Matteo and Maria Monteleone of Ardsley, New York claiming personal injuries on the part of Matteo Monteleone as a result of a fall in the parking lot behind 36 Purchase Street and loss of services on the part of Maria Monteleone. Our insurance carrier has informed us that the claimants have withdrawn their case against the City.**

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

Carroll has filed and served a “Notice of Combined Motion to Reargue, or, In the Alternative, For Leave to Appeal to The Court of Appeals.” **The City has filed its opposition papers and the matter is now fully submitted.**

**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**

This motion is fully submitted.

**LITIGATION**

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

The expedited appeals of ALJ O’Connell’s October and December decisions are fully submitted. A conference call was held and all parties agreed to hold the adjudicatory hearing in abeyance until the Commissioner renders a decision on the appeals from ALJ O’Connell’s interim decisions.

**CASPI v. CITY OF RYE**

**Defendants served and filed its opposition papers on February 17, 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 date for a hearing on damages was calendared for March 13, 2015. A Notice of Appeal has been filed appealing the decision on Summary Judgment.

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 new discovery schedule was discussed and agreed upon by the parties.

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

A motion to dismiss was filed and served by Respondents asking the court to dismiss the Amended Notice of Petition/Petition commenced against the respondents based on the Supplemental Findings and Decision rendered by the Zoning Board of Appeals.

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

The Defendants' Motion to Dismiss is fully submitted.

CHITTENDEN v. COMPAGNONE

**I appeared at the second preliminary conference and a discovery schedule was agreed upon by counsel.**

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.

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

The Preliminary Conference calendared for February 19, 2015 has been adjourned based on recent settlement discussions.

ROBERT BUTLER AND PAULA BUTLER v. CITY OF RYE PLANNING COMMISSION, DANIEL MATHISSON AND HELENE MATHISSON

Petitioners have filed a Petitioner for a Writ of Certiorari with the United States Supreme Court presenting the following question: “Under the Contract Clause of the U.S. Constitution, Article I, Section 10, Clause 1, may a local legislative commission, for the individual benefit of the lot owner and not part of its general police power, modify a building set-back line embodied in a subdivision map considered a deed restriction that has been observed and relied upon by property owners in the subdivision for more than 40 years?” **The City filed its opposition brief today.**

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kristen K. Wilson".

Kristen K. Wilson  
Corporation Counsel

KKW/dfn