

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 18, 2015

Enclosed with this memorandum are the following items:

- 9-11 Notice regarding a Rye City School District Board of Education meeting to be held on Monday, September 21, 2015 at 7:00 p.m. in the Rye City School District Central Administration Building.
- 9-12 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, September 29, 2015 at 7:30 p.m. in the Rye Middle School Multipurpose Room.
- 9-13 Legal Department Update from the Corporation Counsel dated September 18, 2015.
- 9-14 Meeting notice for the week of September 21, 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*

September 10, 2015

FOR IMMEDIATE RELEASE

**September 21, 2015 Special Board of Education Meeting**

The Rye City School District Board of Education will meet on Monday, September 21, 2015 beginning at 7:00 P.M. in the Rye City School District Central Administration Building, 411 Theodore Fremd Avenue, Suite 100S, Rye New York 10580

It is expected the Board will adjourn immediately into Executive Session 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.



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September 10, 2015

FOR IMMEDIATE RELEASE

**September 29, 2015 Board of Education Meeting**

The Rye City School District Board of Education will meet **Tuesday, September 29, 2015 beginning at 7:30 PM** in the Rye Middle School Multipurpose Room.

Prior to the meeting, beginning at 7:00 p.m. 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.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: September 18, 2015

**CLAIMS**

**No new claims were filed this week.**

**TAX CERTIORARI**

**MICHAEL ROTH v. CITY OF RYE**

Petitioner has served a Notice of Verified Petition and Petition against the City of Rye challenging the Decision of J.H.O. Maher's dated February 20, 2015 which upheld the City Assessor's original assessment. Petitioner alleges that J.H.O Maher's decision is irrational. **The city is in receipt of Petitioner's reply papers. The return date is September 14, 2015.**

**CARROLL v. CITY OF RYE**

The Second Department denied appellant Carroll's motion for leave to reargue or, in the alternative, for leave to appeal to the Court of Appeals.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE**

Oral argument took place in front of the following judges: Mastro, J.P., Skelos, Dickerson and LaSalle. We are still waiting for a decision.

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

I appeared at a court conference with Judge Tolbert and his law clerk on April 21, 2015. Motions for summary judgment are still pending.

**WJWW v. CITY OF RYE**

Briefs are due in the Court of Appeals on September 24, 2015.

**LITIGATION**

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

The DEC Commissioner rendered a decision in which he partially upheld and partially reversed the ALJ's interim decision. The DEC Commissioner upheld the ALJ's decision finding that the negative declaration was rational and based on the record before it. In addition, the Commissioner reversed the ALJ's decision and found that Harrison's application did meet the standards under the Freshwater Wetland Act.

**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 trial has been calendared to commence in November 2015.

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

**The parties appeared before Hon. Nelson Roman. Plaintiffs anticipate making a Rule 23 motion. A motion schedule was established. City of Rye served responses to interrogatories. Next status conference is calendared for November 20, 2015. A court ordered mediation is scheduled for Tuesday September 22, 2015.**

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

The City filed its answer and the Third Certified Record of Proceedings. Co-Respondents filed and served their answering papers.

CHITTENDEN v. COMPAGNONE

The non-party deposition of Sergeant Charlie Hunter took place on August 14, 2015. Additional non-party depositions and other outstanding discovery will take place over the next several weeks. **I attended a compliance conference today - Friday September 18, 2015. The next compliance conference will be held on October 21, 2015.**

CITY OF RYE v. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

The City served its Complaint on Travelers. Travelers has answered the Complaint and discovery is taking place. **An initial conference was held before Judge Seibel and a short discovery schedule was set, with fact discovery to be completed by December 11, 2015, and expert discovery to be completed by March 11, 2015.**

NOTICE OF DANGEROUS CONDITION

The City received a copy of a "Notice of Dangerous Condition" regarding any future bow and arrow or other permitted deer hunting.

CHITTENDEN v. WILSON, et. al.

**Petitioner commenced an Article 78 Proceeding seeking records pursuant to the Public Officer's Law. The return date is October 13, 2015.**

CITY COURT

**No unusual dispositions in prosecuting Vehicle and Traffic law matters and City Code violations.**

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/kkw