

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 2, 2015

Enclosed with this memorandum are the following items:

- 10-1 Notice regarding the Edith Read Fall Fest to be held on Saturday, October 17, 2015 from 12:00 p.m. to 5:00 p.m. at the Edith G. Read Wildlife Sanctuary.
- 10-2 Notice regarding a special Rye City School District Board of Education meeting to be held on Monday, October 5, 2015 beginning at 10:00 a.m. in the Rye City School District Central Administration Building.
- 10-3 Legal Department Update from the Corporation Counsel dated October 2, 2015.
- 10-4 Notice from Verizon regarding the removal of the Outdoor Channel from FiOS® TV effective immediately.
- 10-5 Meeting notice for the week of October 5, 2015 is available on the City website www.ryeny.gov under Calendar.



SATURDAY, OCTOBER 17

NOON – 5PM

To benefit the

Edith G. Read Wildlife Sanctuary

Join us and discover this hidden jewel of Rye in all it's Fall glory! Nestled behind Playland on the Long Island Sound, this beautiful county park offers wooded trails, a nature center, fun programming and glorious views.

FALL FEST 2015

- THE NATURE OF THINGS: “hands on” animal program
- BIRDS OF PREY: raptor & falconry demo 2-3pm
- LIVE MUSIC: Arcadia Jazz, Joe Corsello Quartet and Mr. Habitat
- BEES ‘n’ BUGS: displays by experts “in the field”
- KIDS’ CORNER: Interactive arts and crafts sponsored by Westchester Childrens’ Museum, Rye Arts Center, Rye School of Dance, Brava Dance and many more: Capture the Sound, Tossed and Found, Faces of Nature, bird house painting and pansy plantings
- ORIENTEERING & KAYAK DEMOS
- Longford’s Icecream, Wendy’s Weenies, Caffeé Bon
- FACE PAINTING, PUMPKIN PATCH, INFLATABLES and much more!

\$10 per person (3 and under free)

(free family admission with purchase of \$50 Annual Family Membership)

FREE PARKING - SORRY, NO DOGS

COME RAIN OR SHINE - We got ya covered

CASH/CHECKS ONLY

www.friendsofreadwildlifesanctuary.org

Westchester
gov.com

Robert P. Astorino
Westchester County Executive



NATIONALLY ACCREDITED
PARKS
WESTCHESTER COUNTY



The Rye City School District

411 Theodore Fremd Avenue, Suite 100S

Rye, New York 10580

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Elaine Cuglietto

District Clerk

cugliete@ryeschools.org

September 30, 2015

FOR IMMEDIATE RELEASE

October 5, 2015 Special Board of Education Meeting

The Rye City School District Board of Education will meet on Monday, October 5, 2015 beginning at 10:00 A.M. in the Rye City School District Central Administration Building, 411 Theodore Fremd Avenue, Suite 100S, Rye New York 10580 for a brief business meeting.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 10, 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.

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. Next status conference is calendared for November 20, 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. Another compliance conference was held this week and Plaintiff still owes Defendant outstanding discovery documents. **A Notice To Admit was served on September 30, 2015. Plaintiff has twenty days to answer or otherwise respond. The next Conference is calendared for 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.

Mr. Chittenden commenced an Article 78 Proceeding against Kristen Wilson, Marcus Serrano and others alleging violations of the Public Officers Law.

BALLANTONI v. CITY OF RYE, CONSOLIDATED EDISON, and PERSICO CONTRACTING AND TRUCKING, INC.

Plaintiffs served the City of Rye, Consolidated Edison and Persico Contracting with a Summons and Verified Complaint alleging that the City was negligent in performing construction work in and around 81 High Street and created a dangerous condition. Plaintiff fell and sustained injuries. The matter is venued in Westchester County Supreme Court.

JACQUELINE FITZPATRICK v. CITY OF RYE, CONSOLIDATED EDISION and WESTCHESTER COUNTY

Plaintiff served the City with a Summons and Complaint alleging that the City, Consolidated Edison and Westchester County were negligent in maintaining Highland Road near Mendota Avenue. On December 11, 2014, Plaintiff tripped and fell while crossing Highland Road and sustained a shoulder fracture and other bruising. The matter is venued in Westchester County Supreme Court.

CITY COURT

50 Cowles Avenue - A violation was issued to the contractor who had exceeded the thirty (30) calendar day mechanical rock removal limit. **The matter was adjourned until October 8, 2015 for disposition. A tentative settlement has been reached.**

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/kkw



My Verizon Support

Important Information.

We are committed to providing our customers with the best TV experience while keeping our prices low. Each year, the cost of content increases substantially, and in order to prevent those costs from being reflected on your bill, it is sometimes necessary to remove channels from our lineup. We have decided not to renew our contract for the Outdoor Channel and have discontinued broadcasting it. We are sorry for any inconvenience this may cause.

We encourage you to explore similar content, available on History Channel (channel 128 & 628), Destination America (channel 168 & 668), Nat Geo Wild (channel 132 & 632) and the Discovery Channel, (channel 120 & 620).

Thank You.

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