

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members
FROM: Frank J. Culross, City Manager
SUBJECT: Enclosures - Council Packet
DATE: January 22, 2010

Enclosed with this memorandum are the following items:

- 1-12 Memorandum from the Westchester County Board of Legislators dated January 20, 2010 regarding a meeting to be held on January 25th to discuss a proposed amendment to the "Right of First Refusal" Legislation.
- 1-13 Litigation Update from the Corporation Counsel dated January 22, 2010.
- 1-14 Notice from the Rye Historical Society announcing a new exhibit entitled *Remembering Edith Read: Rye's Environmental Champion*.
- 1-15 Notice regarding a 2010 United States Census Road Tour Coming to Port Chester on January 26th at 3:00 p.m.
- 1-16 Minutes of the Board of Appeals meeting held on December 10, 2009.
- 1-17 Letter from Lincoln V. Janus, Verizon Franchise Manager, dated January 19, 2010 regarding a change in Fios channels.
- 1-18 Meeting notice for the week of January 25, 2010.

FJC/emm
Encs.

**MEMORANDUM**

TO: Westchester County Municipal Officials
Westchester Municipal Officials Association

CC: cc. Board of Legislators
Kevin Plunkett, Deputy County Executive
George Oros, Chief of Staff
Robert Meehan, County Attorney
Susan Gerry, Esq.

FROM: John Nonna, Westchester County Legislator
Chair, Committee on Legislation

DATE: January 20, 2010

RE: Legislation Committee Meeting to Discuss Proposed Amendment to the
Right of First Refusal

On Monday, January 25 at 1:30 PM, the Legislation Committee will be discussing a proposed amendment to the "Right of First Refusal" Legislation (Laws of Westchester County §209.101(8)).

The amendment is intended to comply with Paragraph 25(c) of the Stipulation and Settlement and Dismissal entered in U.S. ex rel. Anti-Discrimination Center v. Westchester (the "Stipulation") in which the County agreed to "amend County law to eliminate a municipality's right of first refusal with respect to Fair and Affordable Housing land purchases by the County."

The amendment confirms and clarifies that furthering *fair and affordable housing* is a county purpose and that county-owned land sold to further this purpose is not subject to a municipality's right of first refusal. In other words, county property sold for affordable housing purposes is not "surplus" property within the meaning of §209.101(8)). [Click here to read the proposed legislation.](#)

The meeting will convene in the conference room on the 8th floor of the Michaelian Office Building, 148 Martine Avenue, White Plains, NY 10601 and is open to the public. I wanted to reach out to you individually to provide you the opportunity to attend this meeting since this amendment affects every municipality in the County.

If you have any questions regarding this meeting or legislation please contact my Committee Coordinator Melanie Montalto at 995-8620 or MelanieM@westchesterlegislators.com, or my Committee Counsel Betsy DeSoye at 995-3277 or BetsyD@westchesterlegislators.com.

Thank you.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Interim Corporation Counsel
SUBJECT: Litigation Update
DATE: January 22, 2010

LITIGATION

BIZZOCO v. CITY OF RYE

The attorney representing our insurance carrier has informed me that the Appellate Division, Second Department has upheld the lower Court Judgment which dismissed the Plaintiff's Complaint in this matter upon a Jury Trial. The case stems from a claim filed by plaintiff in connection with injuries sustained in a fall in a City park in 2004.

OSBORN v. CITY OF RYE

The Appellate Division, Second Department has calendared the oral argument for February 4, 2010 at 10:30 a.m. in Brooklyn, New York. I will coordinate with the School District attorneys prior to the oral argument.

COLALUCCI V. VILLAGE OF RYE BROOK (Bowman Avenue Litigation)

No new developments

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

Town/Village of Harrison submitted revised plans to the New York State Department of Environmental Conservation (DEC). The plans have been forwarded to Laura Tessier for her review. Comments are due by January 28, 2010 if the City wishes to comment prior to Harrison responding to DEC Staff's memo outlining some outstanding information.

151 PURCHASE STREET ASSOCIATES V. CITY OF RYE, ET AL.

No new developments

SCHUBERT V. CITY OF RYE, ET AL.

No new developments

R.B. CONWAY V. CITY OF RYE

Preliminary conference was held in front of Hon. Alan Scheinkman on January 15, 2010. Discovery must be completed by April 29, 2010. A Trial Readiness Conference will be held on April 30, 2010.

DELLI PAOLI V. ZONING BOARD OF APPEALS

No new developments

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Interim Corporation Counsel

KKW/dfn

RYE HISTORICAL SOCIETY
One Purchase Street
Rye, NY 10580

FOR IMMEDIATE RELEASE

Press Contact:

Sheri Jordan
(914) 967-7588

sjordan@ryehistoricalsociety.org

RYE HISTORICAL SOCIETY PRESENTS NEW EXHIBIT
REMEMBERING EDITH READ: RYE'S ENVIRONMENTAL CHAMPION

Rye, NY (January 12, 2010): Born in 1904, the year Rye, NY became a village, and living a remarkable 102 years, Edith Gwynne Read left behind an indelible impression on her community and a lasting legacy protecting Rye's natural environment. The Rye Historical Society has announced a new exhibit, *"Remembering Edith Read: Rye's Environmental Champion"*, that explores her life and work. The public is invited to the opening reception at the Square House Museum on Sunday, February 7, 2010, from 3-5 p.m. which will include a staged reading of Read's own words at 4 p.m. The exhibit will remain on view until May 14, 2010. The Square House Museum is located at 1 Purchase Street, Rye, NY.

During her lifetime, there were few significant issue regarding conservation in Rye that did not benefit from Read's participation. Whether it was the creation of the Rye Nature Center, early efforts at flood control, creation of a wildlife sanctuary near Playland, ensuring proper oversight of the Marshlands, or fighting a proposed bridge to Oyster Bay, Edith Read was there. In her commitment to open spaces and habitat preservation, she was indeed ahead of her time.

Many of her accomplishments were years in the making, and it was through force of character, persistence and determination, that success would eventually come. The exhibit also explores her early life in Rye, her family and her nonprofit work that formed the backdrop to this amazing life, and documents her many achievements. Items on display include a large oil portrait of Read as a young woman and her wedding dress.

About her life, Edith Read once said, "That's how it all happened and now I've got an eagle eye out to save every bit of open space that I possibly can." Read died in 2006 but her legacy endures.

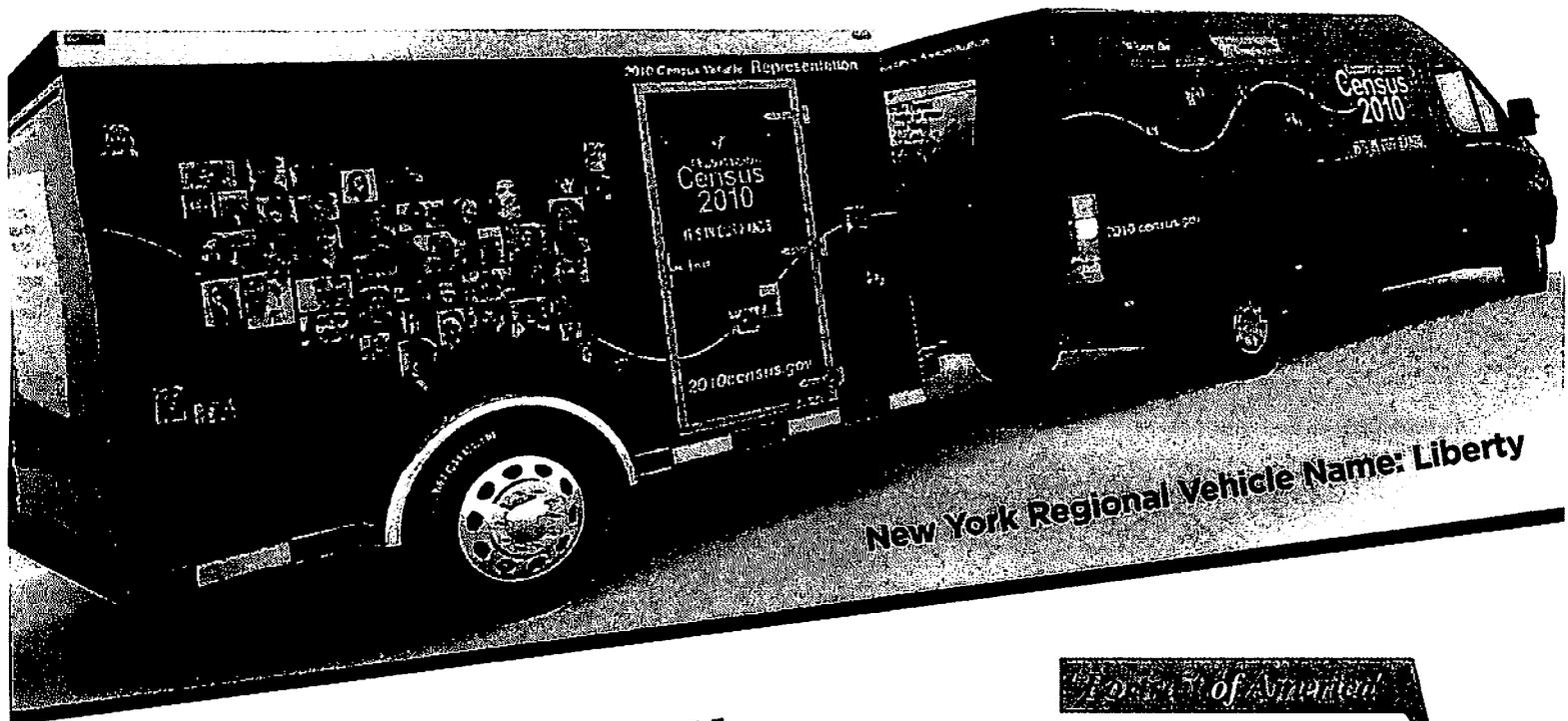
The Square House Museum is open Tuesday through Friday from 9:00 am to 4:00 pm and Saturday from 10:00 am to 3:00 pm. For more information, please call the Rye Historical Society at (914) 967-7588 or visit our website, www.ryehistoricalsociety.org.

THE 2010 CENSUS ROAD TOUR IS COMING TO YOUR NEIGHBORHOOD!

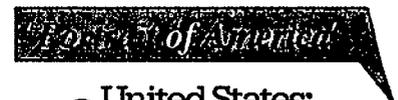
Follow us on Twitter: @10Liberty
Check out pictures on Flickr.com/Census2010
Join us on Facebook.com/Census2010
View videos on YouTube.com/Census2010

ON-SITE ROAD TOUR EXPERIENCE

- ▲ Learn about the 2010 Census and how it can benefit your community
- ▲ Contribute your voice and picture to the 2010 Census "Portrait of America"
- ▲ Hear and see local artists
- ▲ See a sample 2010 Census form
- ▲ Engage with local community leaders and 2010 Census partners



JANUARY 26, 2010 @ 3 P.M.
Stop & Shop (Kings St & Westchester Ave)
15 Waterfront Pl, Port Chester, NY
FREE AND OPEN TO THE PUBLIC



United States
**Census
2010**

IT'S IN OUR HANDS

2010census.gov

MINUTES of the regular meeting of the
Board of Appeals of the City of Rye held in City
Hall on December 10, 2009 at 8:00 P.M.

PRESENT:

SCOTT BEECHERT
TAMARA MITCHEL
ANTHONY PISCIONERE
MAUREEN POWERS
ALAN WIENER

ABSENT: Mr. Nivelle and Mr. Weil

Andrew Ball, City Council Liaison, (Absent)
Vincent Tamburro, Building Inspector (Absent)

The following application was adjourned to the January 14, 2009 meeting:

#09-62
Pilates Studio of Rye
621 Milton Rd.
153.11-1-43

The following applications were heard at this hearing and a decision was rendered:

#09-59
Joseph & Vickie Cox
21 Park St.
146.19-1-39

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Beechert, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Piscionere, Mrs. Powers, Mr. Wiener
NAYS: None
ABSENT: Mr. Nivelle, Mr. Weil

#10-01
Tony & Grace Spring
3 Fordham Rd.
146.18-3-66

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Wiener, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mrs. Powers Mr. Wiener
Mr. Weil
NAYS: None
ABSENT: None

#10-02
Donald & Chiann Roveto
49 Parkway Dr.
146.14-1-74

In accordance with the Findings and Decision proposed by Mr. Piscionere, seconded by Mr. Weil, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mrs. Powers Mr. Wiener
Mr. Weil
NAYS: None
ABSENT: None

#10-04
Michael Cavanagh
223 Grace Church St.
146.08-1-29

In accordance with the Findings and Decision proposed by Mr. Wiener, seconded by Mr. Piscionere, the Board voted to adopt the Findings and Decision by the following vote:

ROLL CALL:

AYES: Mr. Beechert, Ms. Mitchel, Mr. Nivelles, Mr. Piscionere, Mrs. Powers Mr. Wiener
Mr. Weil

NAYS: None

ABSENT: None

Legal notice pertaining to the above stated public hearings was published in the City's official newspapers and notice of said public hearings was mailed to the owners of property in the immediate vicinity of the property of the petitioners.

Said Findings and Decisions, which will be filed with the respective applications, are made a part of these minutes, representing the majority vote of the members of the Board present.

Dawn F. Nodarse
Secretary,
Board of Appeals

TO: Christian K. Miller, City Planner, e-mail
Vincenzo Tamburro, Building Inspector, e-mail
Noreen P. Whitty, City Assessor e-mail

Received

JAN 21 2010

City Manager's Office
Rye, New York

Lincoln V. Janus
Franchise Manager
Verizon Video



1415 W 22nd St., Tower Floor
Oak Brook, IL 60523
630-645-3801
lincoln.v.janus@verizon.com

January 19, 2010

City Manager Frank J. Culross
Rye City Hall
1051 Boston Post Road
Rye, NY 10580

Dear City Manager Culross:

This is to inform you of a program related change to Verizon's FiOS TV service as fully described in the attached sample customer notices. Customers will receive both onscreen and written notice.

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me at 630-645-3801 or email lincoln.v.janus@verizon.com.

Sincerely,

A handwritten signature in black ink that reads "Lincoln V. Janus".

Lincoln V. Janus
Franchise Manager
Verizon Video Solutions



Message Center Notice

Short Title: Programming Update

Long Title: ION Worship Network Removed

FiOS TV Customers:

Please be advised that effective January 31, 2010, the ION Worship Network, currently located on channel 494 in the FiOS TV lineup will be removed. Access to this channel will cease at the programmer's request.

You can access your local lineup at anytime day or night by visiting us at www.verizon.com/fiosstvchannels and entering your home zip code.

We strive to keep our customers informed of all updates and expansions of the FiOS TV channel lineup.

Thanks for being a loyal FiOS TV customer.

**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: January 15, 2010

Meetings scheduled to be held during the week of January 25, 2010.

MONDAY, JANUARY 25, 2010

*Board of Architectural Review
8:00 P. M.
Council Chambers
Mayor's Conference Room*

WEDNESDAY, JANUARY 27, 2010

*City Manager – Orientation
9:00 A. M.
Rye Golf Club*

*Rye Golf Club Commission
7:00 P. M.
Whitby Castle Board Room*

cc: News Media
Kerry Donahue