

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members  
FROM: Frank J. Culross, City Manager  
SUBJECT: Enclosures - Council Packet  
DATE: May 7, 2010

Enclosed with this memorandum are the following items:

- 5-1 Invitation from the Committee to Save the Bird Homestead to a *Bird and Wildflower Walk* to be held on Saturday, May 8, 2010 at 2:00 pm at the Bird Homestead at 600 Milton Road.
- 5-2 Litigation Update from the Corporation Counsel dated May 7, 2010.
- 5-3 Letter from Lincoln V. Janus, Verizon Franchise Manager, dated May 3, 2010 regarding programming changes to Verizon's FIOS TV service.
- 5-4 Meeting notice for the week of May 10, 2010 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

FJC/emm  
Encs.

**The Committee to Save the Bird Homestead**

**invites you to a guided**

**Bird and Wildflower Walk**

**Saturday, May 8**

**2:00 pm**

**Bird Homestead  
600 Milton Road  
Rye, NY**

**Megan Aitchison, assistant curator of Marshlands Conservancy, will lead the walk at low tide when wading birds can be seen foraging. The grounds also attract spring migrants. She will discuss the botanical characteristics of any wildflowers in bloom.**

**Free Admission**

**The walk will last about one hour. Participants should bring binoculars, if they have them, and meet at the Bird Homestead, 600 Milton Road, at 2:00 pm. For further information contact [preservehistory@earthlink.net](mailto:preservehistory@earthlink.net) or 914-967-0383.**

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Interim Corporation Counsel  
SUBJECT: Litigation Update  
DATE: May 7, 2010

**CLAIMS**

A notice of claim has been served on the City by Teodora Beary of 20 Indian Hill Road. The notice states that on April 26, 2010, Ms. Beary's parked automobile was damaged by a City vehicle. The claim has been forwarded to our insurance carrier.

**LITIGATION**

**OSBORN v. CITY OF RYE**

No new developments.

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

No new developments.

**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**

Depositions of Robert Conway and Michael Ludwig took place this past week in City Hall. Depositions will continue next week.

**DELLI PAOLI V. ZONING BOARD OF APPEALS**

No new developments.

**SHEW v. CITY OF RYE**

No new developments.

**MOLLOY v. PLANNING COMMISSION**

Motion papers have been filed on behalf of Raymond Tartaglione seeking permission of the Court to intervene as a party-respondent in this action, which seeks to set aside a Planning Commission Resolution denying petitioners' application for a Wetland and Watercourse permit.

**TOWNSEND v. BOARD OF APPEALS**

Appellees have requested a one week enlargement of time to submit their reply brief to the Appellate Division, Second Department.

**PANETTA v. PLANNING COMMISSION**

No new developments.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

*Kristen K. Wilson*

Kristen K. Wilson  
Interim Corporation Counsel

KKW/dfn

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

May 3, 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 programming related changes to Verizon's FiOS TV service. Certain premium package subscribers are receiving the same channel on two different channels in the channel lineup – identical programming only at different start times. On or after June 21, 2010, customers subscribing to one of our Premium Packages that includes Cinemax and/or the Movie Channel will see one of these identical programming channels removed from the channel lineup for the following: Action Max HD, Thriller Max HD, TMC Xtra HD, and TMC HD. However, subscribers will continue to have access to all of the same programming by tuning into the equivalent channel locations as described in the below chart.

The Movie Channel and Cinemax Channels	Channels to be removed on or after 06/21/2010	Channels that will remain as is
Action Max HD	925	924
Thriller Max HD	927	926
TMC Xtra HD	888	887
TMC HD	886	885

Affected customers will receive a written notice of this change (see attached notice) by May 19, 2010, via mail. There will also be on channel and Message Center notices from May 18, 2010 through June 30, 2010.

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](mailto:lincoln.v.janus@verizon.com).

Sincerely,

Lincoln V. Janus  
Franchise Manager  
Verizon Video Solutions