

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 4, 2011

Enclosed with this memorandum are the following items:

- 3-1 Notice from Metro North Railroad regarding the introduction of new rail cars and the train schedule resuming a regular schedule effective Monday, March 7, 2011.
- 3-2 Notice from the Rye Chamber of Commerce regarding the "SHOP RYE" event taking place on Saturday, March 5, 2011.
- 3-3 Legal Department Update from the Corporation Counsel dated March 4, 2011.
- 3-4 Letter from Lincoln V. Janus, Verizon Franchise Manager, dated February 17, 2011 regarding a rate change for the FiOS TV Premier Service.
- 3-5 Meeting notice for the week of March 7, 2011 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

# To Our New Haven Line Customers

## Initial M8s Debut on the New Haven Line This AM!

### New Haven Line Resumes Regular Schedule Monday, March 7.

The first M8s made their debut on our New Haven Line today (Tuesday, March 1): a train consisting of eight M8 cars went into revenue service this morning.

The appearance of the M8s comes just before New Haven Line service resumes operating on its regular schedule on Monday, March 7. (Schedules will be available on [www.mta.info/mnr](http://www.mta.info/mnr) and, beginning March 7, in Grand Central Terminal.) Regular Waterbury Branch train service will also resume on this date.

We want to extend our appreciation and thanks for your patience during the period we were forced to implement a reduced schedule due to winter's impact on our aging fleet.

The M8 has been engineered with many of the same technological advances improving service reliability that are featured in our M7 fleet operating on our Hudson and Harlem lines. These include:

- Critical solid state computer-controlled components located within the car body (instead of under the car) so that inclement weather is less likely to affect their operation.
- Redundant systems, including dual roof-mounted HVAC units, providing greater reliability and ease of maintenance.
- Prominent external destination signs and Public Address speakers improving customer communication.
- Third rail and catenary power systems allowing for future operation on Shore Line East and to Penn Station.

While the M8's technology is complex, what you will notice at first is its interior amenities, many of which were developed after extensive input from customer focus groups. The cars feature roomier, high-back contoured seats with individual headrests, curved arm rests, and nearby convenience outlets. There are larger windows and brighter lighting, as well as wider wind panels at the vestibules for better climate control and safety. The cars are also equipped with an intercom system that can be used to contact the crew in emergencies. Other features include LED displays that show the next stop and automated audio announcements. The color scheme features vibrant red, the historical color of the New Haven Railroad, predecessor to Metro-North.

The M8s went through over a year of rigorous testing to ensure a high quality car for the next 30 years. Just about everything — acceleration, braking, clearance, signal system compatibility, wheel climb on tracks, etc. — was placed through the proverbial wringer. In addition, the first group of cars were also subjected to a 4,000-mile, simulated revenue service test to assure system reliability and safety.

Each subsequent M8 car will receive a series of evaluations to demonstrate their individual reliability and conformance to design.

This is just the beginning of the roll out process. During the Spring, a total of 26 M8s will be in service. By the end of the year, approximately 80 M8s will be in service. While this is good progress, it is still less than half the car requirement for full New Haven Line service, which means we will still be using a portion of our old fleet for next winter and beyond.

Afterwards, we will roll out 10 M8 cars per month. We plan to have the entire order in house by 2013. (We have a total of 342 M8 rail cars on order, with options for up to another 38.)

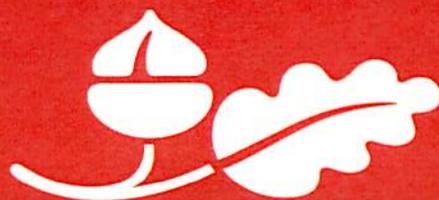
We know you can't wait for M8s to be in service, and we can't wait for you to take a ride in one. We think you will find they were well worth the wait.

For more info on the M8s visit [www.mta.info/mnr](http://www.mta.info/mnr).



3/7/11





# SHOP RYE

Come into town and spend \$50 on the 5th of March  
and support your local merchants

Brought to you by the Rye Chamber of Commerce  
[www.ryechamberofcommerce.com](http://www.ryechamberofcommerce.com)

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: March 4, 2011

**SETTLEMENTS**

In the February 18<sup>th</sup> Litigation Update, I reported that a notice of claim had been filed by Melissa Freilich for damages caused to her automobile. We have been notified by our insurance carrier that they have settled the claim for \$3,764.

**TAX CERTIORARI MATTERS**

City Assessor Noreen Whitty reports reaching settlements on the following commercial properties:

Purchase Street Management – 31-33 Purchase Street – The settlement covers assessment years 2003 – 2010. The resulting reductions in assessment are: 12.5% for 2003-2005; 15% for 2006-2008 and 20% for 2009-2010. The refunds are as follows: \$10,512 (City); \$11,782 (County) and \$31,333 (School).

LoPrinzi LLC – 80 Theodore Fremd Avenue – The settlement covers assessment years 2009 and 2010. The resulting reductions in assessment are: 39% in 2009 and 32% in 2010. The refunds are as follows: \$8,338 (City); \$6,409 (County) and \$16,664 (School).

Hansa Office Condominiums – 150 Purchase Street. – The settlement covers assessment years 2008 – 2010. The resulting reductions in assessment are: 30% in 2008 and 33% in 2009 and 2010. The refunds are as follows: \$24,453 (City); \$21,717 (County) and \$58,044 (School).

By law the assessments on these properties will be frozen for three years.

**LITIGATION**

**IVA SUNEGOVA v. CITY OF RYE POLICE DEPARTMENT, et al**

Plaintiff commenced a federal action against the City of Rye Police Department, the Village of Rye Brook, the Rye Brook Police Department and a few individuals alleging various violations of her civil rights, among other things. Plaintiff was arrested after an undercover responded to an ad for adult companionship. In a 45 page “conditional sanctions order”, United States Magistrate Judge Smith rendered a decision ordering Plaintiff to comply with certain discovery requests by specific dates. The Decision goes into much detail reviewing the blatant disregard that Plaintiff has shown regarding discovery. The next court conference is April 28, 2011. Joseph Maria, Esq. is handling this matter for the City.

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

No new developments.

SCHUBERT V. CITY OF RYE, ET AL.

No new developments.

R.B. CONWAY V. CITY OF RYE

No new developments.

DELLI PAOLI V. ZONING BOARD OF APPEALS

We received a Decision and Order dated March 2, 2011 from Judge Susan Cacace remanding the application for a variance back to the Board of Zoning Appeals for further review and consideration.

SHEW v. CITY OF RYE

No new developments.

MOLLOY v. PLANNING COMMISSION

No new developments.

PANETTA v. PLANNING COMMISSION

No new developments.

SCHUBERT v. PLANNING COMMISSION, et al

No new developments.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn

Lincoln V. Janus  
Franchise Manager  
Verizon Video



205 N. Michigan Ave., Floor 7018E  
Chicago, IL. 60601  
312-260-3506  
lincoln.v.janus@verizon.com

Feb. 17, 2011

Dear Municipal Official:

This is to inform you of a rate change due to rising costs effective April 1, 2011, for Verizon's FiOS TV Premier Service as described in the attached customer notices. Customers subscribed to the Premier package with a monthly rate of \$42.99 will increase to \$52.99, and Premier customers with a monthly rate of \$47.99 will increase to \$57.99. Affected customers will receive written notice by March 2, 2011.

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 as your Verizon cable TV contract administrator.

Sincerely,

A handwritten signature in black ink that reads "Lincoln V. Janus". The signature is written in a cursive, flowing style.

Lincoln V. Janus