

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members  
FROM: Scott D. Pickup, City Manager  
SUBJECT: Enclosures - Council Packet  
DATE: January 20, 2012

Enclosed with this memorandum are the following items:

- 1-12 Notice regarding an event sponsored by The Committee to Save the Bird Homestead entitled *Two Decades of Amazing Fossil Discoveries* to be held at the Meeting House on Saturday, January 28, 2012 at 3:00 p.m.
- 1-13 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, January 24, 2012 at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 1-14 Legal Department Update from the Corporation Counsel dated January 20, 2012.
- 1-15 Letter from Robert Hoch, Director of Cablevision Government Affairs, dated January 18, 2012 regarding a fee change for unreturned/replacement Cablevision equipment.
- 1-16 Meeting notice for the week of January 30, 2012 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

The Committee to Save the Bird Homestead Presents

# Barnum Brown and R. T. Bird:

## Two Decades

*of*

## Amazing

## FOSSIL

## DISCOVERIES

a lecture

by

Paleontologist

Lowell Dingus, Ph.D.

of the

American Museum of Natural History

at the Meeting House

624 Milton Road, Rye

*Saturday,*

*Jan. 28*

*3pm*

**Admission: \$5.00**



*Seating is limited*

*To reserve, contact*

*admin@birdhomestead-meetinghouse.org*

*or 914-967-0383*



**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*

January 18, 2012

FOR IMMEDIATE RELEASE

**January 24, 2012 Board of Education Meeting**

The Rye City School District Board of Education will meet Tuesday, January 24, 2012 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet in 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.

On the agenda are fiscal, special education, personnel and business items that ordinarily come before the Board. In addition, the Board will consider action on a revised bond referendum and the related resolutions to scheduling an election and discuss policy revisions to the 6000 Policy Series dealing with Fiscal Management.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak during the public hearing on the budget.

**CITY OF RYE  
MEMORANDUM**

**TO:** Honorable Mayor and Rye City Council  
**FROM:** Kristen K. Wilson, Corporation Counsel  
**SUBJECT:** Litigation Update  
**DATE:** January 20, 2012

**TAX CERTIORARI**  
**WESTCHESTER JOINT WATER WORKS (WJWW)**

The City filed an affirmation in further support of its motion to dismiss WJWW petition and to address questions raised in Judge LaCava's December 19, 2011 Decision and Order. Judge LaCava asked the City and Rye Neck Union Free School District to address specific questions he had with respect to whether WJWW properly joined parties. Rye Neck Union Free School District also filed papers.

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

The City's appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings is still pending.

**BASSETT v. CITY OF RYE**

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Notice of Appeal was filed within the required time after Notice of Entry was served.

**CASPI v. CITY OF RYE**

A Conference was held before Magistrate Judge Yanthis on October 27<sup>th</sup>. The discovery deadline was extended to February 24, 2012 and dates for the depositions of the individual officers have been scheduled. Defendants were notified that Plaintiff has requested the depositions of non-party police officers.

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

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

**SHEW v. CITY OF RYE**

A Notice of Appeal to the Appellate Division, Second Department has been filed on behalf of Paul Shew seeking to overturn the Decision and Order rendered by Hon. Gerald E. Loehr in this case.

**MOLLOY v. PLANNING COMMISSION**

Petitioner's time to perfect their appeal has expired.

**PANETTA v. PLANNING COMMISSION**

In a two-page Decision and Order issued on December 16, 2011 Judge Colangelo has upheld his earlier Decision as having dismissed the entire action brought by Petitioner and denied his request for a preliminary conference in the matter.

**RUNES v. BOARD OF ASSESSMENT REVIEW and CITY ASSESSOR**

An Article 78 Petition has been filed by Richard Runes of 3 Kirby Lane North seeking to overturn the April 12, 2011 decision of the small claims hearing officer, JHO Luke M. Charde, Jr. who determined that the assessment on Mr. Runes' property was supported by the evidence put forth by the City.

**BUTLER v. PLANNING COMMISSION**

The City served and filed the following documents: Certified Record of Proceedings; Verified Answer with Affirmative Defenses; Memo of law in opposition; and affirmation in opposition. The Petitions will have an opportunity to reply to these papers.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn



ROBERT HOCH, DIRECTOR  
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[RHOCH@CABLEVISION.COM](mailto:RHOCH@CABLEVISION.COM)

January 18, 2012

VIA FACSIMILE & USPS  
914-967-4604

The Honorable Douglas French, Mayor  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580-2996

Re: **Unreturned/Replacement Equipment Fee Decrease**

Dear Mayor French:

Please let this letter serve to provide notice that the fee change for Unreturned/Replacement Equipment for Cablevision customers in your community will go into effect February 15<sup>th</sup> instead of June 1<sup>st</sup>. To recap, fees for Unreturned/Replacement Equipment will decrease on that date as follows:

Equipment	From	To
Digital Cable Box	\$140.00	\$120.00
Remote Control	3.60	3.00
CableCard	50.00	40.00

Customers will be notified of this change through bill messaging. In addition, customers can always find the most current billing information on Cablevision's consumer website [www.optimum.com](http://www.optimum.com).

As always if you have any questions, please feel free to contact me.

Sincerely,

Robert Hoch