

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 17, 2012

Enclosed with this memorandum are the following items:

- 2-9 Notice from the Friends of Rye Town Park regarding a Spring Fundraiser, *Make A Splash*, to be held on Saturday, March 3, 2012 from 6:00 to 9:00 p.m. at the Coveleigh Club.
- 2-10 Legal Department Update from the Corporation Counsel dated February 17, 2012.
- 2-11 Letter from Lincoln Janus, Verizon Franchise Manager, dated February 15, 2012 regarding programming changes to Verizon's FiOS TV service.
- 2-12 Meeting notice for the week of February 21, 2012 is available on the City website www.ryeny.gov under Calendar.

Spring Fundraiser - March 3



Friends of Rye Town Park invite you to *Make A Splash*

We have chosen this as the theme for our Spring Fundraiser to call particular attention to the duck pond, one of the ongoing projects in Phase II of our master plan. Added improvements in pond maintenance, safety and aesthetics are on our list and slated to launch this season.

So, "Make A Splash" of support and join us in protecting this wonderful park centerpiece!

Saturday, March 3, 2012, 6 to 9 pm
Coveleigh Club • Rye, New York

Hors d'oeuvres • Light Fare • Wine • Silent Auction
\$85 per person

RSVP by February 27 via mail or online at <http://www.friendsofrtp.org/make-splash-0>

For additional information please contact **Kate Mastellone** at **914.967.1930**

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: February 17, 2012

TAX CERTIORARI
CARROLL v. CITY OF RYE

Post-trial briefs have been submitted and the Judge's site visit has occurred.

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 27th. 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

The Petitioner/Plaintiff filed a motion to amend the Court's Decision and Order of December 16, 2011 to reflect that those causes of action for a declaratory judgment and 42 U.S.C. sec. 1983 were severed.

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.

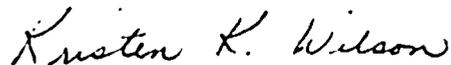
BUTLER v. PLANNING COMMISSION

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



Feb. 15, 2012

Dear Municipal Official:

This is to inform you of programming related changes to Verizon's FiOS TV for Business service as fully described in the attached sample customer notice. On or after March 30, 2012, the digital audio package from Music Choice, located on channels 1800-1845, will be removed from the Prime, Extreme HD and Ultimate HD programming packages for FiOS TV for **Business** customers and offered as a separate subscription.

Sincerely,

Lincoln Janus

Franchise Service Manager
Verizon Communications
205 North Michigan Ave.
Office 7018E
Chicago, IL. 60601
Office Phone: 312-260-3506
Cell: 847-732-0981



Dear FiOS TV Customer,

Thank you for being a loyal Verizon FiOS customer. We hope you are enjoying all the entertainment and excitement of your FiOS TV for Business services.

At Verizon we strive hard to provide the best experience for our customers by keeping you informed of programming and content-related changes that occur on our network.

Your FiOS TV subscription has included access to our digital audio package from Music Choice, located on channels 1800 -1845. We are writing to let you know that, due to the rising cost of providing quality premium programming, on or after March 30, 2012, access to the Music Choice channels will be discontinued from your programming package.

If you would like to continue to enjoy the music channels with your FiOS TV service, you can order the Music Choice package at the price of \$34.99/month by contacting us at 1.888.285.8375.

For a complete listing of all Verizon FiOS TV channels available in your area, visit **verizon.com/bizfiostvchannels**.

We thank you for being a FiOS TV customer and apologize in advance for any inconvenience this may cause.

If you have any questions about your FiOS TV account, please feel free to contact us at 1.888.285.8375, and a customer service representative will assist you.

We look forward to continuing to serve you.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Greene".

Stephen Greene
Customer Relationship Marketing