

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 9, 2012

Enclosed with this memorandum are the following items:

- 3-6 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, March 13, 2012 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 3-7 Legal Department Update from the Corporation Counsel dated March 9, 2012.
- 3-8 Letter from Lincoln V. Janus, Verizon Franchise Manager, dated March 6, 2012 regarding a rate change for Verizon customers.
- 3-9 Meeting notice for the week of March 12, 2012 is available on the City website www.ryeny.gov under Calendar.



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

W Elaine Cuglietto
District Clerk
cugliete@ryeschools.org

March 7, 2012

FOR IMMEDIATE RELEASE

March 13, 2012 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, March 13, 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. For Presentation/Discussion, the administration will provide information on the 2012-13 budget.

At approximately 9:00 p.m. with the closing of the election polls, the Board will adjourn to hear the Capital Project Bond Referendum vote results.

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: March 9, 2012

CLAIMS

A notice of claim has been filed by Andrew Kovacic of Port Chester. The notice states that Mr. Kovacic's automobile was damaged by a DPW vehicle when it was parked outside of 5 Walker Avenue. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

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

LITIGATION

CAROLINE WILLIFORD, an infant under the age of 18 years and VIRGINIA L. McGRANE, her mother v. CITY OF RYE, CHRIST'S CHURCH OF RYE, et al

A summons and complaint was served on the City this week in connection with this matter that stems from a child slipping and falling on the ice on the sidewalk in front of Christ's Church Nursery School on Boston Post Road. A notice of claim was previously filed in April 2011. The complaint has been forwarded to our insurance carrier.

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 revised schedule for completion of depositions in this matter is as follows: parties depositions will be completed by June 15; non-party witnesses' depositions completed by July 13 and expert depositions July 20.

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.

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 Planning Commission was served with a 44 page reply memorandum of law in further support of Petitioners' petition. This matter is now fully submitted before Judge Colangelo in Westchester County.

SILVESTER v. CITY OF RYE, ET AL

The City filed an answer with affirmative defenses and cross-claims against the defendants. We are in the process of discovery.

McKEEVER v. CITY OF RYE

This case was tried in front of Judge Latwin this past week. Counsel for City of Rye moved to essentially close our motion to dismiss on the grounds that Plaintiff failed to state a claim and did not provide proof that the City was on notice of the allegedly decayed/dangerous tree. Judge Latwin gave Plaintiff until April 9, 2012 to submit papers addressing the issue of prior notice and otherwise reserved decision.

CITY COURT

PEOPLE v. SCHWARTZ

The Court of Appeals dismissed Appellant's appeal for failure to timely perfect his appeal. Notice of Entry was served this week.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn

Lincoln V. Janus
Franchise Manager
Verizon Video



205 N. Michigan, Floor 7
Chicago, IL 60101
312-260-3506
lincoln.v.janus@verizon.com

Via E-Mail

March 6, 2012

Dear Municipal Official:

This is to inform you of a rate change due to rising costs, effective on or after April 23, 2012, for Verizon's FiOS TV Set Top Box Equipment as described in the below table and attached sample customer notice.

DVR Set Top Box	\$	16.99
High Definition Set Top Box	\$	6.99
Standard Definition Set Top Box	\$	6.99

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Lincoln V. Janus".

Lincoln V. Janus

Dear Valued Customer:

We would like to thank you for being a customer and for your continued support. We understand the primary reason you are a Verizon FiOS customer is because of the exceptional TV programming and technology we offer. And since launching this product, we have continuously upgraded our services to earn your loyalty.

The best is yet to come. We are working right now to build a more exciting product, with even more TV channels in HD and new equipment in the home to allow you to view your favorite programs on all your screens.

We hope you understand that to continue to bring this level of programming and technology to you, from time to time we need to modify our rates. With this in mind, the rates below will go into effect on or after April 23.

Equipment (Set Top Box)	Current Monthly Price*	New Monthly Price
DVR -Record and play programs on just one TV - Pause and rewind live TV	\$15.99	\$16.99
High Definition - Watch both SD and HD channels & programming -Access over 35,000 Video on Demand movies & shows each month	\$5.99	\$6.99
Standard Definition -Watch SD channels & programming -Access over 35,000 Video on Demand movies & shows each month	\$5.99	\$6.99

Your monthly invoice will automatically reflect the appropriate charges for the equipment you have. You should see the changes within 1-2 billing cycles after the new pricing goes into effect.

If you would like to review your account and determine if you can bundle your equipment, or have any questions, please log on to myverizon.com or give us a call at 1.877.330.8386.

Thank you for choosing Verizon as your entertainment provider. We appreciate your loyalty and look forward to providing you with great service for years to come.

Sincerely,

Verizon

* If you currently have a promotional offer on your SD or HD STB, your rate will increase from \$4.99 to \$6.99. For DVRs with promotions, your rate will increase from \$12.99 to \$16.99.