

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: July 6, 2012

Enclosed with this memorandum are the following items:

- 7-1 Notice regarding two Rye City School District Board of Education Planning meetings to be held on Wednesday, July 18, 2012 and Monday, July 23, 2012 beginning at 6:00 p.m. at the Wainwright House on Stuyvesant Avenue.
- 7-2 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated June 29, 2012 regarding the relocation of the Playboy Channel.
- 7-3 Legal Department Update from the Corporation Counsel dated July 6, 2012.
- 7-4 Meeting notice for the week of July 9, 2012 is available on the City website [www.ryeny.gov](http://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*

*Elaine Cuglietto*  
*District Clerk*  
*cugliete@ryeschools.org*

July 3, 2012

FOR IMMEDIATE RELEASE

**July 18, 2012 and July 23, 2012**  
**Board of Education Planning Meetings**

The Rye City School District Board of Education will hold its annual planning meetings Wednesday, July 18, 2012 and Monday, July 23, 2012 beginning at 6 p.m. at the Wainwright Houses on Stuyvesant Avenue in Rye. At these meetings, the Board will discuss its way of work, set goals for the coming school year, and discuss committee priorities for the 2012-2013 school year.

Immediately after the meeting is called to order on July 18, 2012, the Board will adjourn into Executive Session to discuss the employment of current and prospective employees. At the end of the Planning Session, will be fiscal, special education, personnel and business items that need Board of Education approval.



Robert Hoch, Director  
Government Affairs  
(914) 378-4515 phone  
(914) 909-2123 fax  
[RHOCH@CABLEVISION.COM](mailto:RHOCH@CABLEVISION.COM)

June 29, 2012

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

Dear Mayor French:

Please let this letter serve as notice that effective August 8, 2012, Cablevision will be relocating the Playboy Channel from its current location on channel 94 to its new channel location 530.

Customers will be notified of this channel change through bill and on air messaging. In addition, customers can find the new and most current channel line-ups on Cablevision's consumer website [www.optimum.com](http://www.optimum.com).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Hoch". The signature is fluid and cursive, with a small flourish at the end.

Robert Hoch

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: July 6, 2012

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

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

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE**

A Notice of Motion with supporting Affidavit and Memorandum of Law has been served on the City. The action seeks Summary Judgment restoring Petitioners' tax exempt status pursuant to RPTL Section 406. The City's opposition papers are due July 11, 2012.

**LITIGATION**

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

The City and its consultants met with the Town/Village of Harrison and its consultants to discuss the discrepancies in the hydrologic analyses performed in 2010. The City is waiting to hear back from Harrison as to whether Harrison will provide certain data to the City for verification of the flood storage capacity at the Project Home Run site.

**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**

Depositions of City police officers and Lt. Falk and Commissioner Connors have taken place.

**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.

**PANETTA v. PLANNING COMMISSION (appeal)**

The Petitioner/plaintiff perfected his appeal to the Appellate Division, Second Department against the Planning Commission.

**PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)**

A discovery schedule has been agreed upon by both parties.

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

On June 5, 2012, Judge Lorenzo issued an Amended Decision and Judgment finding that the Title Policy issued to the Mathissons did put the property owners on notice of the more restrictive setbacks. The Judge also found that the Mathissons never informed the Planning Commission of this knowledge. Based on the "new" evidence of Mathisson's Title Insurance Policy, the Judge determined that the Planning Commission's modification of the front yard setback was an abuse of discretion. The Mathisson's have filed a Notice of Appeal with the Appellate Division, Second Department.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The Board of Managers at the Ives at Rye commenced an action seeking a declaratory judgment that the judgment entered in a separate *in rem* foreclosure proceeding is void and of no effect because the City allegedly failed to follow the proper notice proceedings set forth in RPTL Section 1125(1)(a).

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn