

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: April 19, 2013

Enclosed with this memorandum are the following items:

- 4-11 Notice regarding a Rye City School District Board of Education Meeting to be held on Tuesday, April 23, 2013 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 4-12 Legal Department Update from the Corporation Counsel dated April 19, 2013.
- 4-13 Notice from Verizon regarding a change to the FiOS® TV Channel Lineup.
- 4-14 Meeting notice for the week of April 22, 2013 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*

April 15, 2013

FOR IMMEDIATE RELEASE

**April 23, 2013 Board of Education Meeting**

The Rye City School District Board of Education will meet **Tuesday, April 23, 2013** beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet at 7:00 PM 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.

In addition, the Board will consider the 2013-2014 BOCES Administrative Budget and Vote for three BOCES Trustees.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak at designated times.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: April 19, 2013

**TAX CERTIORARI**  
**CARROLL v. CITY OF RYE**

A Notice of Appeal in this matter was filed in the Appellate Division, Second Department.

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

A settlement conference was held with Judge Tolbert's clerk and legal secretary.

**WESTCHESTER JOINT WATER WORKS v. CITY OF RYE**

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

**LITIGATION**

**LOUIS JEANETTE and LYNNE JEANETTE v. JOSEPH A. VERILLE and CITY OF RYE**

**A summons and complaint was served this week in connection with injuries suffered by Mr. Jeanette and loss of services by Mrs. Jeanette as the result of an accident with a City-owned vehicle in April, 2012. A notice of claim was previously served. The complaint has been forwarded to our insurance carrier.**

**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 Appeal has been perfected and we are waiting for notice of oral argument.

**CASPI v. CITY OF RYE**

An expert has been retained on behalf of the defendants. A few remaining depositions have to be scheduled.

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)

In a unanimous decision, the Appellate Division, Second Department, upheld the Planning Commission's decision and found that its determination that Howard Place did not provide reasonable access to a street which was suitably improved had a rational basis and was not arbitrary and capricious.

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

Discovery is complete and the Note of Issue has been filed.

BUTLER v. PLANNING COMMISSION

The Planning Commission and co-respondents Mathissons filed the appellate briefs in the Appellate Division, Second Department.

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

The City has served its Answer with Affirmative Defenses.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn

## Important FiOS TV Programming Information

Dear Valued Verizon Customer,

At Verizon, we recognize that providing the most current FiOS® TV programming information goes a long way in delivering the best entertainment experience to our customers. That's why we want to notify you of upcoming changes to the FiOS TV channel lineup in your area.

**On or after June 1, 2013**, Cinemax® will make changes to two channels:

- @MAX (channels 429SD and 929HD), which currently features contemporary movies, will become MAX Latino, a Spanish language version of the Cinemax main channel (420SD and 920 HD), with hit movies, original series, and more; and
- WMAX (channels 428SD and 928HD), which currently features movies for women, will become MovieMAX, a movies-only channel with a wide selection of recent Hollywood hits, blockbusters, classics, and more

You can find the most current FiOS TV Channel Lineup, which displays the programs available to you, at [verizon.com/fiostvchannels](http://verizon.com/fiostvchannels).

We thank you for your business and look forward to continuing to provide you with the very best entertainment services.

Sincerely,

Your Verizon Team