

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 21, 2013

Enclosed with this memorandum are the following items:

- 6-9 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, June 25, 2013 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 6-10 Legal Department Update from the Corporation Counsel dated June 21, 2013.
- 6-11 Notice from Verizon regarding an upcoming change to FiOS® TV programming. On or after August 17, 2013, “Fuel TV” on channel 198 becomes “Fox Sports 2” featuring a mix of thrill-seeking sports, including UFC and motocross.
- 6-12 Meeting notice for the week of June 24, 2013 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

Elaine Cuglietto

District Clerk

cugliete@ryeschool.org

June 18, 2013

FOR IMMEDIATE RELEASE

June 25, 2013 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, June 25, 2013 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.

Following acknowledgements and the Report of the Superintendent, the Board will conduct a hearing of the public on non-agenda items.

At the conclusion of this meeting, the Board will adjourn this Regular Meeting and conduct its July 1 Annual Reorganization Meeting which will begin with the election of the Board President and Vice President for the 2013-2014 school year.

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: June 21, 2013

CLAIMS

A notice of claim was filed by Judy Walsh of 6 Captains Lane. The notice states that the tires of her automobile were damaged when the car struck a pot hole on Milton Road. The claim has been forwarded to our insurance carrier.

**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

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

An Interim Decision from Commissioner Martens was rendered addressing the issues that the City of Rye and other interested parties raised regarding the May 29, 2009 Rulings on Issues and July 15, 2011 Supplemental Rulings (the "Rulings"). The Commissioner upheld the Decisions of the ALJ and the matter is proceeding to an adjudicatory hearing.

BASSETT v. CITY OF RYE

The Appellate Division, Second Department issued a decision reversing the lower court decision of Judge Berliner that set aside the jury verdict and remitted the matter back to him to consider whether a new trial should be granted.

CASPI v. CITY OF RYE

A schedule for summary judgment motions has been calendared by the Court. Defendants must submit motions for summary judgment on or before July 31, 2013. Plaintiff must serve opposition papers by September 16, 2013 and the Reply must be served by October 14, 2013. This is a bundle motion so the Court will receive all documents on October 14, 2013.

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)

I attended a settlement conference on June 6, 2013. The next conference is on July 18, 2013.

BUTLER v. PLANNING COMMISSION

The City's reply brief was filed and served on June 10, 2013. This matter is fully submitted.

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

The City has served its Answer with Affirmative Defenses.

SMALL CLAIMS

MADEO MULTI-MEDIA/NICK MADEO v. RYE GOLF CLUB

A small claims petition was commenced in White Plains Small Claims Court on June 20, 2013. The parties met with an arbitrator and after an initial meeting, the matter was adjourned to July 18, 2013 at 9:30 a.m. for a final decision and/or trial.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



Dear Municipal Official:

This is to notify you of an upcoming change to FiOS® TV programming. On or after August 17, 2013, "Fuel TV" on channel 198 becomes "Fox Sports 2" featuring a mix of thrill-seeking sports, including UFC and motocross. Customers will be notified by means of the attached bill message that will run in the July bill cycle.

Access to the FiOS® TV channel lineup is available 24/7 by visiting us online at verizon.com/fiostvchannels.

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Should you or your staff have any questions, please contact either Linc Janus on 312-260-3506 or me.

Sincerely,

Rich Hillstrom
205 North Michigan Av., 7th Floor
Chicago, IL. 60601



FiOS® TV Channel and Programming Changes

Fuel TV to FOX Sports 2

On or after August 17, 2013, channel 198 “Fuel TV,” becomes “FOX Sports 2” featuring a mix of thrill-seeking sports, including UFC and motocross.