

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 11, 2013

Enclosed with this memorandum are the following items:

- 10-7 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, October 15, 2013 beginning at 6:00 p.m. at Rye Town Hall.
- 10-8 Legal Department Update from the Corporation Counsel dated October 11, 2013.
- 10-9 Notice from Rich Hillstrom, Verizon Franchise Service Management, regarding upcoming FiOS TV channel position and programming changes.
- 10-10 Meeting notice for the week of October 15, 2013 is available on the City website www.ryeny.gov under Calendar.



*Rye Town Park
95 Dearborn Ave.
Rye, NY 10580
914 967-0965*

RYE TOWN PARK COMMISSION **MEETING NOTICE**

Commission Members

Joseph Carvin-President

Douglas French, Mayor-City of Rye

Neil Pagano, Mayor-Village of Port Chester

Paul Rosenberg, Mayor-Village of Rye Brook

Benedict Salanitro, Commissioner

Laura Brett, Commissioner

DATE & TIME: Tuesday, 10/15/2013 @ 6:00PM

**PLACE: Rye Town Hall
10 Pearl Street, 3rd Floor
Port Chester, NY 10573**

Tentative Agenda:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: 9/17/2013**
- 4. Comments from the Public**
- 5. Financial & Operations Reports**
- 6. Correspondence**
- 7. Old Business/New Business**

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 11, 2013

TAX CERTIORARI
CARROLL v. CITY OF RYE

The Record on Appeal and City's appellate brief were filed on Monday, September 23, 2013 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 Notice of Appeal has been filed in connection with this matter.

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. The appeals will be fully submitted by early October.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The Town/Village of Harrison filed responses and objections to the City's discovery requests. Harrison also responded to the discovery demands of the other interested parties. The City will be asking for the Administrative Law Judge to rule on some of Harrison's objections.

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

Motions for summary judgment were denied without prejudice and will be refiled at the completion of briefing as part of the bundling rule. As a result, once the motion is fully briefed, all papers will be submitted to the Court for review at one time.

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 (declaratory judgment/42 U.S.C. 1983 claim)

I attended a settlement conference on July 18, 2013. A trial date has been calendared for February 4, 2014.

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.

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 upcoming FiOS TV channel position and programming changes as described below.

On or after October 28, 2013 –

- Channel 108, “ABC News Now” will be removed from the FiOS TV Extreme HD and News & Information-Good packages
- For customers in the FiOS TV Ultimate HD Package, Channel 108, “ABC News Now” becomes “Fusion” and will feature programming about current events that are relevant for U.S. Hispanic customers

On or after December 10, 2013 –

- Music Choice channels currently positioned between 1800 – 1849 will be realigned. The new channel positions will be available on the FiOS TV Channel Guide
- Music Choice Dance Electronica will be renamed Music Choice Dance/EDM
- Music Choice Retro Rock will be renamed Music Choice Rock Hits
- Music Choice True Country will be renamed Music Choice Country Hits
- Music Choice Classic Alternative will be discontinued and removed from the channel lineup

On or after January 7, 2014 –

- “TV Land” moves from channel 244 (SD) to channel 241 (SD) in the Ultimate HD, Extreme HD, Prime HD and Essentials packages
- “Palladia” moves from channel 711 (HD) to channel 715 (HD) in the Ultimate HD, Extreme HD, and Essentials packages

Customers will be notified of the above changes by means of the bill messages that will run in the November bill cycle.

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