

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 15, 2013

Enclosed with this memorandum are the following items:

- 11-9 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, November 19, 2013 beginning at 6:00 p.m. at Rye Town Hall.
- 11-10 Legal Department Update from the Corporation Counsel dated November 15, 2013.
- 11-11 Notice from the Westchester County regarding and ElderServe Community Workshop entitled "Your Time to Care" to be held on Monday, December 9, 2013 from 10:00 a.m. to 1:00 p.m. at the Yorktown Senior Center.
- 11-12 Notice from Verizon regarding FiOS® TV Channel and Programming Changes to be effective on or after December 2, 2013.
- 11-13 Meeting notice for the week of November 18, 2013 is available on the City website [www.ryeny.gov](http://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, 3<sup>rd</sup> 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: November 15, 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**

The City of Rye has filed its brief with the Appellate Division, Second Department

**LITIGATION**

**AMERICAN LEISURE ACTIVITIES OF NEW YORK CITY INC. v. CITY OF RYE**

In August I reported to you that a notice of claim had been served on the City claiming breach of contract on the part of the City. This week a summons and complaint was served by plaintiff seeking judgment in the amount of \$42,239.96.

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

A conference call is scheduled for November 18, 2013 at 1:30 p.m. to discuss discovery objections. In addition, the ALJ has requested that the parties consider mediation as a possible option.

**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.

OMNI CONTRACTING V. CITY OF RYE

The trial date has been calendared for March 3, 2014.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

*Kristen K. Wilson*

Kristen K. Wilson  
Corporation Counsel

KKW/dfn

ElderServe Safe Center Presents  
A Mid Central Livable Communities Workshop  
Project Lifesaver Open Enrollment Day

“Your Time to Care”



Monday, December 9, 2013  
10:00am-1:00pm  
Yorktown Senior Center  
1974 Commerce St. Yorktown, Heights NY

Please join us for a screening of “Your Time to Care” a video about wandering...what it is and what to do about it. It’s a great opportunity to learn more about the Westchester County Project Lifesaver Program for persons with Alzheimer’s disease/ Dementia and a tendency to wander; a service in the community that can assist you in this journey.

*This program is free and open to the public!*

\*In order to complete enrollment, potential participants and their caregivers must be present.

RSVP: [Cjohnson@hebrewhome.org](mailto:Cjohnson@hebrewhome.org) or call 914 365-1983 by Dec.5, 2013



Sponsored by The Hebrew Home for Aged at Riverdale, ElderServe Safe Center for Seniors, The Yorktown Senior Center, Westchester County Department of Senior Programs and Services, and International Project Lifesaver, The Mid-Central Livable Communities Region, New York State Office for Aging and the United States Department of Health and Human Service.



## **FiOS® TV Channel and Programming Changes**

On or after December 2, 2013, the following changes will be made to FiOS TV Programming:

- “Encore Drama,” on channels 358 and 359\*, will become “Encore Black” featuring movies and popular TV Series for African American viewers
  - “Encore Love,” on channels 352 and 353\*, will become “Encore Classic” featuring iconic movie titles and classic TV series for the baby-boomer
- \*programming shown at Pacific Standard Time

On or after December 31, 2013, channel 143 will be removed from the FiOS TV Channel line-up as the content provider will discontinue “SOAPnet” programming effective December 31, 2013.

The following programming change applies only to WWE Classics On Demand package subscribers. On or after January 31, 2014, the content provider will no longer make WWE Classics On Demand programming available on FiOS TV. The WWE Classics On Demand package and the associated charges will be removed from your account once this service is no longer available.