

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 3, 2014

Enclosed with this memorandum are the following items:

- 1-1 Notice regarding a Special Rye City School District Board of Education Meeting to be held on Tuesday, January 7, 2014, beginning at 7:30 p.m. in the Rye City School District Central Administration Building.
- 1-2 Letter from Dan Ahouse, Cablevision Area Director of Government Affairs, dated December 27, 2013 regarding the removal of FOX College Sports Channels effective January 30, 2014.
- 1-3 Legal Department Update from the Corporation Counsel dated January 3, 2014.
- 1-4 Meeting notice for the week of January 6, 2014 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@ryeschools.org

December 27, 2013

FOR IMMEDIATE RELEASE

January 7, 2014 Special Board of Education Meeting

The Rye City School District Board of Education will meet on Tuesday, January 7, 2014 beginning at 7:30 PM in the Rye City School District Central Administration Building, 411 Theodore Fremd Avenue, Suite 100S, Rye New York 10580.

It is expected that the Board will adjourn immediately into 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.



DAN AHOUSE
AREA DIRECTOR, GOVERNMENT AFFAIRS
dahouse@cablevision.com
914-378-4533

December 27, 2013

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

Re: Channel Removal: **FOX College Sports Channels**

Dear Mayor French:

Please let this letter serve to provide notice that **FOX College Sports Channels:** Pacific (Ch. 404), Central (Ch. 405) and Atlantic (Ch. 406) will no longer be available on the Cablevision channel line-up effective, January 30, 2014.

Customers will be notified on air and through bill messaging of the elimination of the FOX College Sports Channels. In addition, customers can always find the most current pricing and packaging information on Cablevision's consumer website www.optimum.com.

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

Sincerely,

A handwritten signature in black ink that reads "Dan Ahouse". The signature is written in a cursive, flowing style.

Dan Ahouse

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: January 3, 2014

CLAIMS

A notice of claim has been filed by Cathy Donovan of 66 Milton Road. The notice states that two tires on Ms. Donovan's automobile were damaged when she hit a pothole on Boston Post Road. The claim has been forwarded to our insurance carrier.

A notice of claim has been filed by Letitia Gordon of Mamaroneck. The notice states that a tire on Ms. Gordon's automobile was damaged when it hit a pothole on Boston Post Road. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

This matter is fully submitted before the 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

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

On January 2nd the City sent its proposed issues for mediation to ALJ Richard Wissler. There is a mediation and site visit scheduled for January 9th in Harrison.

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

Oral arguments were held in the Appellate Division, Second Department. The bench was very interested in the timing of the decisions from lower court Justices Lorenzo and Lefkowitz. It appeared that all four judges understood the City's arguments. Judge Cohen, who has a municipal background, took the lead.

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.

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. A summons and complaint was served by plaintiff seeking judgment in the amount of \$42,239.96.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn