

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 5, 2014

Enclosed with this memorandum are the following items:

- 9-1 Notice regarding the City of Rye September 11<sup>th</sup> Commemoration to be held on Thursday, September 11, 2014 at 7:00 p.m. at the Locust Avenue Firehouse.
- 9-2 Legal Department Update from the Corporation Counsel dated September 5, 2014.
- 9-3 Information from the New York State Public Service Commission regarding the Lifeline Discount Telephone Service Program.
- 9-4 Notice from Verizon FiOS regarding a TV programming change to be effective on or after November 17, 2014.
- 9-5 Meeting notice for the week of September 8, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



**City of Rye  
September 11<sup>th</sup>  
Commemoration Ceremony**

**Thursday, September 11<sup>th</sup>  
7:00 p.m. - 8:00 p.m.**

**beginning at the  
Locust Avenue Firehouse**



**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: September 5, 2014

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

This matter is fully submitted before the Appellate Division, Second Department. We are waiting for an oral argument date.

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

The City's reply brief was served and filed. This matter is now fully submitted to the Appellate Division, Second Department. We are waiting for an oral argument date.

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

This matter is now fully submitted before the Appellate Division, Second Department and we are waiting for an oral argument date.

**181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al**

**The return date for the motion has been adjourned to October 24, 2014.**

**LITIGATION**

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

DEC staff has targeted a tentative date of September 10, 2014 to file a "notice of complete application" in the Environmental Notice Bulletin. If the NOCA is published on September 10, 2014, it will trigger a 15 calendar day public review process. **A site visit was conducted this week by the City's engineering consultant.**

**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.

**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 co-defendant Calgi Construction has filed for bankruptcy. As a result, the trial has been adjourned.

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

All outstanding discovery is due on September 8, 2014.

RVIN REYES, et al v. CITY OF RYE, RYE GOLF CLUB, RM STAFFING & EVENTS, INC., MORRIS YACHT AND BEACH CLUB, INC. and SCOTT YANDRASEVICH, Jointly and Severally

Plaintiffs' motion to conditionally certify a Fair Labor Standards Act Collective Action and Authorize Notice to be Issued to All Persons Similarly Situated was granted. A pre-trial conference is scheduled for September 12, 2014.

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

The matter is now fully submitted and we are waiting for a decision.

P. STEPHEN LAMONT v. KRISTEN K. WILSON, et al

Plaintiff has indicated that he intends on filing a motion for permission to file a Second Amended Complaint. **Oral argument on Defendants' request for permission to file a motion to dismiss is calendared for September 17, 2014.**

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350  
[www.dps.ny.gov](http://www.dps.ny.gov)

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*Secretary*

August 29, 2014

Dear Consumer Leader:

I am writing to ask your help in raising awareness of the Lifeline Discount Telephone Service Program and encouraging eligible consumers to enroll. Lifeline Discount Telephone Service is a program designed to make basic telephone service more affordable for income-eligible consumers.

Consumers qualify for Lifeline by participating in one of a number of federal assistance programs OR by having income at or below 135% of the federal poverty guidelines. Last year, the Federal Communications Commission updated its rules governing program eligibility and non-duplication of support to improve program efficiency and ensure those that need support can receive it.

September 8-14, 2014 has been designated as National Lifeline Awareness Week. The New York State Department of Public Service (DPS) is joining other state agencies, local human service organizations, and local telephone companies to promote Lifeline Awareness Week and focus attention on this important program.

We ask you to join us in raising awareness of this important program by posting a link on your organization's website to the Lifeline page on our [www.AskPSC.com](http://www.AskPSC.com) consumer website. We can provide posters to assist you in educating your constituents about the program. If you would like posters or have any questions about the Lifeline Program or **Lifeline Awareness Week**, please contact:

Lorna Gillings at (518) 474-1788 or at [lorna.gillings@dps.ny.gov](mailto:lorna.gillings@dps.ny.gov)  
Yvonne Super at (518) 408-1061 or at [yvonne.super@dps.ny.gov](mailto:yvonne.super@dps.ny.gov)

Thank you for your assistance.

Sincerely,

  
for Erin O'Dell-Keller  
Manager  
Outreach and Education



## **FiOS® TV Programming Changes**

On or after November 17, 2014, "CBS Sports Network" SD (channel 94) and HD (channel 594) will no longer be available to Sports Package and Sports Pass subscribers. The channels will continue to be available to subscribers to the Ultimate HD and Extreme HD packages.