

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 16, 2015

Enclosed with this memorandum are the following items:

- 1-10 Notice regarding a Rye Town Park Commission meeting to be held on Tuesday, January 20, 2015 beginning at 6:00 p.m. at the Rye Neck High School Library Community Room
- 1-11 Legal Department Update from the Corporation Counsel dated January 16, 2015.
- 1-12 Notice from Verizon regarding FiOS® TV Channel and programming changes.
- 1-13 Meeting notice for the week of January 20, 2015 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

Joseph Sack, 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, 01/20/2015 @ 6:00PM

PLACE: Rye Neck High School Library Community Room
310 Hornidge Road
Mamaroneck, NY 10543

Tentative Agenda:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: 12/16/2014**
- 4. Comments from the Public**
- 5. Management Report**
- 6. Correspondence**
- 7. Old Business – Dog Sub-Committee Update**
- 8. New Business**

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: January 16, 2015

CLAIMS

A notice of claim has been filed by Ameriprise Auto & Home Insurance Company as subrogee of Camila Gaiga. The notice states that on November 7, 2014, their insured's vehicle was damaged by a City-owned vehicle. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

In a Decision and Order, the Appellate Division reversed the lower court's Judgment, denied Carroll's Petitions and dismissed the proceedings. The Appellate Division also awarded costs to the City. The Decision and Order validates the Assessor's assessment of Carroll's property, as well as her methodology for the assessment of new homes. The Appellate Division determined that Carroll failed to establish that (1) there was an unconstitutional selective reassessment of his property; (2) the City assessed newly constructed property at a higher percentage of market value than existing property; and (3) the Assessor overvalued his property. **Carroll has filed and served a "Notice of Combined Motion to Reargue, or, In the Alternative, For Leave to Appeal to The Court of Appeals." The return date is February 20, 2015 and our opposition papers must be served 7 days prior.**

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

Opposition papers were served on November 14, 2014.

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

The City's Cross-Motion for Summary Judgment and papers in opposition to Petitioner's motion for summary judgment were filed and served. The return date for the motion is January 30, 2015.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

On December 1, 2014, the T/V of Harrison filed an appeal with respect to ALJ O'Connell's October 31, 2014 memorandum regarding the September 15, 2014 negative

declaration. DEC staff has until December 5, 2014 to file its appeal/objections and ALJ O'Connell will issue a ruling during the week of December 15, 2014 or soon thereafter. **The Town/Village of Harrison, DEC Staff and the City of Rye have all submitted Expedited Appeals to Commissioner Martens. The Parties have filed appeals from different rulings. Replies are due on January 30, 2015.**

CASPI v. CITY OF RYE

This case has been transferred to Hon. Rakoff, U.S.D.J, S.D.N.Y. sitting in Manhattan. The trial date is currently February 9, 2015.

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

A date for a hearing on damages was calendared for March 13, 2015. A Notice of Appeal has been filed appealing the decision on Summary Judgment.

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

A conference was held on September 12, 2014 in front of Judge Roman. The matter was referred to Magistrate Davison for all discovery. **Plaintiffs' counsel served an amended complaint.**

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

I appeared before Hon. Barry Warhit on Wednesday October 29, 2014 per the Decision and Order. Judge Warhit subsequently amended his Decision and Order to be more specific and clear in that he intended to remand the ZBA's findings and decision back to the Board to be more specific and detail its findings based on the record before it.

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

The Defendants' Motion to Dismiss is fully submitted.

CHITTENDEN v. COMPAGNONE

I appeared at the preliminary conference to discuss the case and a potential scheduling order. Plaintiff Lucille Chittenden's attorney failed to make an appearance. After several attempts to contact Plaintiff's counsel, the nonappearance was noted and a new conference date was scheduled.

DOUGLAS E. LIMAN v. NICK EVERETT, MARTHA MONSERRATE, LAURA BRETT, BARBARA CUMMINGS, HUGH GREECHAN, PETER OLSEN, ALFRED VITIELLO,

EMILY GUPTA, PAM McGUIRE and EUGENE McGUIRE

The City was served with an Article 78 proceeding seeking to vacate and nullify actions taken by the Planning Commission in approving a development project proposed by Applicants Pankaj and Emily Gupta. The petition seeks an Order annulling the Planning Commission's Resolution granting a Wetland and Watercourse Permit to the applicants.

JOHN CASTELHANO as President of the RYE PROFESSIONAL FIRE FIGHTERS ASSOCIATION, LOCAL 2029, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO v. CITY OF RYE BOARD OF FIRE WARDENS, PETER COTTER, MICHAEL BILLINGTON, RICHARD BARBER, JOSEPH CARLUCCI, JOHN FALLON, ARCADIO OCASIO, RICHARD CADIGAN, PETER ANFUSO, JAMES BURKE, JOHN ALFANO and BRIAN GILMARTIN in their individual capacities as members of the City of Rye Board of Fire Wardens

The Defendants time to answer or otherwise move has been extended to February 13, 2015.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



FiOS® TV Channel and Programming Changes

On or after April 6, 2015:

Channel 187, Logo, and channel 1660, MTV tr3s, will be removed from the FiOS TV Preferred HD package.

Channels 1665 (SD) and 721 (HD), CMT, and channels 1707 (SD) and 741 (HD), TV Land, will be removed from the FiOS TV Mundo and FiOS TV Mundo Total packages.

The following change applies only to La Conexion, Spanish Language, Mundo, and Mundo Total package subscribers.

On or after December 31, 2014, channel 1701, La Familia Cosmovision, was removed from the FiOS TV channel line-up, and La Familia Cosmovision programming is no longer available from the content provider.