

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 23, 2015

Enclosed with this memorandum are the following items:

- 1-14 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, January 27, 2015 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 1-15 Legal Department Update from the Corporation Counsel dated January 23, 2015.
- 1-16 Notice from Verizon regarding FiOS® TV Channel and programming changes.
- 1-17 Notice from Verizon regarding FiOS® TV for Business.
- 1-18 Meeting notice for the week of January 20, 2015 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*

January 20, 2015

FOR IMMEDIATE RELEASE

January 27, 2015 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, January 27, 2015 beginning at 8:00 PM in the Rye Middle School Multipurpose Room, 3 Parsons Street, Rye, NY 10580.

Prior to the meeting, the Board will meet in Executive Session at Rye Middle School Multipurpose Room 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.

On the agenda are business and personnel items that normally come before the Board. In addition, there will be a presentation on the continued enhancements to the ELA curriculum and also the new Spanish Grade 8 Curriculum Revisions.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak at designated times.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: January 23, 2015

CLAIMS

A notice of claim has been filed by Ardeleen Heckers of Mamaroneck. The notice states that Ms. Heckers suffered injuries when she fell in the street in front of 66 Purchase Street. The claim has been forwarded to our insurance carrier.

A notice of claim has been filed by Antonio Alba of 104 Maple Avenue. The notice states that Mr. Alba, who is a volunteer firefighter, was responding to an alarm when his car slid on an icy road and hit a parked car. The claim has been forwarded to our insurance carrier.

A notice of claim has been filed by Barbara J. De Gregoriis of Palisade Road. The notice states that a break in a City sewer main caused a back-up into her basement. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

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)

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.

ROBERT BUTLER AND PAULA BUTLER v. CITY OF RYE PLANNING COMMISSION, DANIEL MATHISSON AND HELENE MATHISSON

Petitioners have filed a Petitioner for a Writ of Certiorari with the United States Supreme Court presenting the following question: “Under the Contract Clause of the U.S. Constitution, Article I, Section 10, Clause 1, may a local legislative commission, for the individual benefit of the lot owner and not part of its general police power, modify a building set-back line embodied in a subdivision map considered a deed restriction that has been observed and relied upon by property owners in the subdivision for more than 40 years?”

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 **has been adjourned to April 6, 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

Plaintiffs’ counsel served an amended complaint.

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

A motion to dismiss was filed and served by Respondents asking the court to dismiss the Amended Notice of Petition/Petition commenced against the respondents based on the Supplemental Findings and Decision rendered by the Zoning Board of Appeals.

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, constituting the PLANNING COMMISSION OF THE CITY OF RYE, PANKAJ GUPTA and 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 Changes

FiOS Premium Content Rate Increase: To continue to bring you the best programming TV has to offer, at times we need to raise our rates. On or after 30 days from the date of this bill, the rate for FiOS premium entertainment will increase up to \$2 per month for each of the following products: HBO, Cinemax, EPIX, Showtime, Starz!, Fully Loaded Entertainment Pack, HBO/Cinemax, Movie Package Extreme HD, Movie Package Ultimate HD, Showtime Starz Ent Pack with EPIX, and Showtime Starz Entertainment Pack.

This rate increase does not apply to a premium entertainment channel if (1) the premium channel is part of your FiOS bundle, or (2) you have a current promotion on the premium channel. If you are not sure which premium content is part of your FiOS TV bundle, or if you would like to review all of your current services, visit myverizon.com and select "Account" and then "View Bill"

FiOS TV Broadcast Fee: Effective on or after 30 days from the date of this message, Verizon FiOS TV customers will be assessed a FiOS TV Broadcast fee of \$1.99 per month. This monthly fee helps cover a portion of the costs currently charged by local programming providers to Verizon for basic tier programming channels and is subject to change.

Regional Sports Network Fee: At Verizon, we strive to bring you the best entertainment experience. In an effort to manage our rising programming costs, on or after 30 days from the date of your bill, we are increasing the Regional Sports Network Fee to \$3.99 per month. This monthly fee helps to cover the high costs Verizon pays to Regional Sports Networks to deliver professional and collegiate sports programming in each local team's territory. Verizon offers alternative packages that do not include Regional Sports Networks and are not subject to this fee.

Set Top Box Rate Increase: To continue providing you with quality service and product innovation, on or after 30 days from the date of your bill, the monthly rate for FiOS High Definition and Standard Definition Set Top Boxes will increase \$1 per box, including Set Top Boxes that are part of an equipment package. This rate increase will not apply to Set Top Boxes that are subject to an equipment promotional offer. If you would like to review your current services and equipment options, please visit myverizon.com

Set Top Box Rate Increase – Equipment Package: To continue providing you with quality service and product innovation, on or after 30 days from the date of your bill, the monthly rate for your FiOS TV equipment will increase by \$1 per piece of equipment in your TV Equipment Package. If you would like to review your current services and equipment options, please visit myverizon.com



P.O. Box 153009
Irving, TX 75015-3009

IMPORTANT INFORMATION REGARDING YOUR VERIZON FiOS TV SERVICE

Dear Valued Customer,

Thank you for your business with Verizon. We work hard to deliver the best in entertainment service that brings enjoyment to our customers.

Verizon FiOS TV for Business delivers:

- Brilliant picture quality delivered in high definition, rain or shine
- Up to 135 high definition channels and 420 digital channels
- 24/7 technical support that's always there when you need it

Technology is moving fast and we continue to make investments in our network. To continue to provide your business with quality entertainment service, we need to raise our rates at times. Please note that on or after April 1, 2015, the price of your Verizon FiOS TV for Business service will increase by \$5.00 per month.

We know that as a small business owner, you are concerned about managing your expenses. Call us today at 1.888.478.7860 for an account review and ensure that you have the best services for your business and your budget.

Thank you for your business.

We look forward to continuing to serve you.

Sincerely,

Your Verizon Team

The FiOS logo, with "Fi" in a smaller font and "OS" in a larger, bold font, all in red.