

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 6, 2015

Enclosed with this memorandum are the following items:

- 3-1 Notice from FiOS<sup>®</sup> regarding upcoming programming changes to the TV channel lineup.
- 3-2 Legal Department Update from the Corporation Counsel dated March 6, 2015.
- 3-3 Meeting notice for the week of March 9, 2015 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



## **FiOS® TV Programming Changes**

Dear Valued Verizon Customer,

We are writing to notify you about certain upcoming programming changes to your Verizon FiOS TV channel lineup. On or after April 16, 2015, the following channels will be removed from the FiOS® TV Extreme package you are currently subscribed to:

Fox College Sports Atlantic – Channel 300  
Fox College Sports Central – Channel 301  
Fox College Sports Pacific – Channel 302

Should you wish to continue viewing these channels, you may upgrade to the Verizon Ultimate HD package or purchase our Sports Pass at [verizon.com/myverizon](http://verizon.com/myverizon).

Thank you for being a Verizon customer.

Sincerely,

Your Verizon Team

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: March 6, 2015

**CLAIMS**

**A notice of claim has been served on behalf of Jacqueline Fitzpatrick of Yonkers, New York. The notice states that Ms. Fitzpatrick suffered injuries as a result of hazardous conditions on Highland Road. The claim has been forwarded to our insurance carrier.**

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

The City has filed its opposition papers and the matter is now fully submitted.

**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**

This motion is fully submitted.

**LITIGATION**

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

The expedited appeals of ALJ O'Connell's October and December decisions are fully submitted. A conference call was held and all parties agreed to hold the adjudicatory hearing in abeyance until the Commissioner renders a decision on the appeals from ALJ O'Connell's interim decisions.

**CASPI v. CITY OF RYE**

**Judge Rakoff rendered an Order on February 23, 2015 reversing the prior summary judgment order which granted the City Defendants' motion. In the same Order, Judge Rakoff denied Plaintiff's motion for sanctions. Trial is calendared for 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 is 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 new discovery schedule was discussed and agreed upon by the parties.

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 second preliminary conference and a discovery schedule was agreed upon by counsel.

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 Preliminary Conference calendared for February 19, 2015 has been adjourned based on recent settlement discussions.

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

The City filed its opposition brief.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn