

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Eleanor M. Militana, Interim City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 5, 2015

Enclosed with this memorandum are the following items:

- 6-1 Notice from FiOS® TV regarding a programming change.
- 6-2 Legal Department Update from the Corporation Counsel dated June 5, 2015.
- 6-3 Meeting notice for the week of June 8, 2015 is available on the City website www.ryeny.gov under Calendar.



FiOS® TV Channel Changes

On or after September 18, 2015, HERE TV will move from channel 445 to channel 955.

Attention customer in the Albany viewing area:

On May 30, 2015, the content provider removed "Live Well" programming on channel 466, therefore the channel was removed from the FiOS TV channel lineup.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: June 5, 2015

CLAIM

A Notice of Claim has been filed by Wolfgang Tretter of Purchase. The notice states that two tires of Mr. Tretter's automobile were damaged when the car hit a pothole on Purchase Street. The claim has been forwarded to our insurance carrier.

SETTLEMENT

On May 8th I notified you that the City had received a demand from John Turi seeking \$20,000 in compensation from the City and Police Department for violation of his civil rights when he was pulled over in Saratoga, NY by a City auxiliary police officer in 2014. Our insurance carrier has informed us that they have settled the claim for the amount requested.

TAX CERTIORARI

CARROLL v. CITY OF RYE

The Second Department denied appellant Carroll's motion for leave to reargue or, in the alternative, for leave to appeal to the Court of Appeals.

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

Oral argument took place in front of the following judges: Mastro, J.P., Skelos, Dickerson and LaSalle.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

City of Rye's opposition brief will be filed and served on Monday April 27, 2015.

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

I appeared at a court conference with Judge Tolbert and his law clerk on April 21, 2015. Motions for summary judgment are still pending.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A conference call with the Administrative Law Judge and the parties took place on April 15, 2015 to discuss the status of the appeals and to see if the parties wanted to continue to hold the trial in abeyance pending the Commissioner's Interim Decision. We still are waiting for a decision from the Commissioner and the parties all agreed to continue to hold the trial in abeyance for at least the next 45 days.

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.

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 Notice of Verified Amended Article 78 Petition and Memorandum of Law were served. This is the third time that Petitioners have served papers regarding this matter. The return date is June 19, 2015. Petitioners are asking for the Supplemental Finding of the Zoning Board of Appeals filed on April 16, 2015 to be rescinded. The Zoning Board of Appeals granted the necessary three area variances to construct a single family home.

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

Plaintiff has requested a conference to address his request to file a Second Amended Complaint.

CHITTENDEN v. COMPAGNONE

I appeared at a compliance conference and depositions were scheduled.

CITY OF RYE v. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Travelers filed a notice of removal of the matter to federal court.

NOTICE OF DANGEROUS CONDITION

The City received a copy of a "Notice of Dangerous Condition" regarding any future bow and arrow or other permitted deer hunting.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel