

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 4, 2015

Enclosed with this memorandum are the following items:

- 9-1 Notice regarding a September 11th Day of Service and Remembrance to be held by the City beginning at 4:30 p.m. on the Village Green on Friday, September 11th.
- 9-2 Legal Department Update from the Corporation Counsel dated September 4, 2015.
- 9-3 Notice from FiOS[®] TV regarding the removal of the Sportsman Channel effective September, 2015.
- 9-4 Meeting notice for the week of September 8, 2015 is available on the City website www.ryeny.gov under Calendar.

The City of Rye *and*



Host a September 11th Day of Service and Remembrance

All are welcome and invited to volunteer!!

Where: The Village Green

When: Friday, September 11th; 4:30 p.m. to 5:45 p.m.

What: Different Projects for all ages

Thanking First Responders - volunteers will make thank you cards which will be attached to rice krispie treats and given to local First Responders.

Book Drive - volunteers can donate new and gently used board and picture books which will be used by Open Door Family Medical Center.

Support Deployed Military- volunteers will write thank you letters to deployed military. Letters will be sent to Operation Gratitude, a national nonprofit that sends care packages overseas and includes letters in every box. The letters are the highlight of every package.

Create Math Games - volunteers will cut out pieces to make math games for kindergarteners and first graders.



The September 11th Commemorative Ceremony will be held from 6:00 p.m. to 7:00 p.m. beginning at the Locust Avenue Fire House.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: September 4, 2015

CLAIMS

No new claims were filed this week.

TAX CERTIORARI

MICHAEL ROTH v. CITY OF RYE

Petitioner has served a Notice of Verified Petition and Petition against the City of Rye challenging the Decision of J.H.O. Maher's dated February 20, 2015 which upheld the City Assessor's original assessment. Petitioner alleges that J.H.O Maher's decision is irrational. **The City filed its opposition papers along with the certified record.**

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. We are still waiting for a decision.

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)

The DEC Commissioner rendered a decision in which he partially upheld and partially reversed the ALJ's interim decision. The DEC Commissioner upheld the ALJ's decision finding that the negative declaration was rational and based on the record before it. In addition, the Commissioner reversed the ALJ's decision and found that Harrison's application did meet the standards under the Freshwater Wetland Act.

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 trial has been calendared to commence in November 2015.

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

The parties appeared before Hon. Nelson Roman. Plaintiffs anticipate making a Rule 23 motion. A motion schedule was established. Next status conference is calendared for November 20, 2015.

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

The City filed its answer and the Third Certified Record of Proceedings. Co-Respondents filed and served their answering papers.

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

Judge Roman rendered an Opinion and Order granting Defendants' motion to dismiss.

CHITTENDEN v. COMPAGNONE

The non-party deposition of Sergeant Charlie Hunter took place on August 14, 2015. Additional non-party depositions and other outstanding discovery will take place over the next several weeks.

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

The City served its Complaint on Travelers. Travelers has answered the Complaint and discovery is taking place.

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.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/kkw



Important INFORMATION



We are committed to providing our customers with the best TV experience while keeping our prices low. Each year, the cost of content increases substantially, and in order to prevent those costs from being reflected in your bill, it is sometimes necessary to remove channels from our lineup. We have decided not to renew our contract for Sportsman Channel due to its low viewership, and have discontinued broadcasting it. We are sorry for any inconvenience this may cause.

We encourage you to explore similar content, available on the History Channel (channel 128 & 628), Destination America (channel 168 & 668), Nat Geo Wild (channel 132 & 632) and the Discovery Channel, (channel 120 & 620).

Your Verizon Team

Quick Links:

[Sign In](#)
[Forgot Password?](#)
[Customer Service](#)

Ensure Verizon emails reach your inbox by adding verizon-notifications@verizon.com to your "safe" email list. Your email or Internet provider can provide instructions on how it works.

This email has been sent from an auto-notification system that cannot accept incoming email.

© 2015 Verizon