

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 8, 2010

Enclosed with this memorandum are the following items:

- 1-1 Letter from Congresswoman Nita M. Lowey, dated January 1, 2010 regarding the 2011 Fiscal Year requests for Federal funding.
- 1-2 Letter from Douglas Elfner, Office of Consumer Policy, dated January 7, 2010 regarding a proposal by Con Edison to increase annual electric revenues by \$854.4 million.
- 1-3 Litigation Update from the Corporation Counsel dated January 8, 2010.
- 1-4 Announcement from the League of Women Voters regarding a Forum on Consolidation & Sharing Services to be held at the Rye Free Reading Room on Thursday, January 21, 2010 at 8:00 pm.
- 1-5 Letter from Adam E. Falk, Cablevision Vice President Government Affairs, dated January 5, 2010 regarding the elimination of HGTV and the Food Network channels.
- 1-6 Meeting notice for the week of January 11, 2010.

FJC/emm
Encs.



SUBCOMMITTEES:

CHAIRWOMAN,
STATE, FOREIGN OPERATIONS, AND
RELATED PROGRAMS

LABOR, HEALTH AND HUMAN SERVICES,
AND EDUCATION

HOMELAND SECURITY

Rita M. Lowey
Congress of the United States
18th District, New York

January 1, 2010

Received

JAN 04 2010

The Honorable Douglas H. French
Mayor
City of Rye
1051 Boston Post Road
Rye, New York 10580

City Manager's Office
Rye, New York

Dear Mayor French:

Congratulations on your new position as Mayor of the City of Rye. Now that you have taken office, I want to make sure that you are aware of my Federal Appropriations process. As you may know, I am privileged to be a member of the Appropriations Committee. In that role, I have successfully obtained federal grants for a wide range of local needs, including health care, transportation, education, homeland security and public safety, economic development and environmental protection. I believe we should continue to forge a federal-local partnership to address the many needs of our communities. As we begin planning for the 2011 Fiscal Year in the House of Representatives, I would like to invite you to submit applications for local projects for which you would like to seek federal funding. Please see page 2 of this letter for how to obtain the request forms.

We have recently completed the FY 2010 appropriation bills. If a project that your municipality submitted last January was not funded and is still a priority, feel free to resubmit it along with other, newer requests. I would also encourage you to consult with a variety of organizations in your municipality, including other elected officials and your own municipality's departments. After you have compiled your requests, each one will require the completion of a brief form. It is important that you then prioritize your requests before submitting them to me.

Please bear in mind that many federal grants require a local match. If you have questions about whether matching funding is required for specific projects, whether projects are eligible for federal funding in general, or the timing of federal funding, I encourage you to contact Ben Craig, my Grants Coordinator, in my White Plains District Office. Also, please note that if Congress approves funding for a request in Fiscal Year 2011, the earliest funds would be accessible is late 2010. Please make sure, to the best of your abilities, that the requested funds would still be needed at that time. As the appropriations process progresses in 2010, my office may contact you requesting more details about these projects.

Page 2

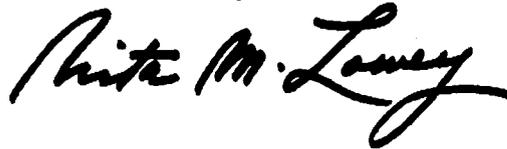
December 22, 2009

The deadline for submitting all requests is **Wednesday, January 20, 2010**. I strongly encourage you to send your requests in by that date. Requests received after that date may not receive full consideration. My office will send you a confirmation upon receipt of your submission.

Applicants are encouraged to submit grant applications electronically. Electronic forms can be received by sending an e-mail to Ben at Ben.Craig@mail.house.gov with "FY11 Appropriations Request Form" in the subject line. To receive a hard copy of the form, please call Ben at 914-428-1707. Hard copies of forms should be returned to 222 Mamaroneck Avenue, Suite 310, White Plains, NY, 10605. Finally, because this process may be new to you, if you have questions please feel free to contact Ben, or Patricia Keegan, my District Director.

I look forward to continuing our partnership for the benefit of all the residents of our area.

Sincerely,

A handwritten signature in black ink that reads "Nita M. Lowey". The signature is written in a cursive, flowing style.

Nita M. Lowey
Member of Congress

NML:bc

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

GARRY A. BROWN
Chairman
PATRICIA L. ACAMPORA
MAUREEN F. HARRIS
ROBERT E. CURRY JR.
JAMES L. LAROCCA
Commissioners



PETER McGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

January 7, 2010

Dear Community Leader:

As you may be aware, in May 2009 Consolidated Edison Company of New York, Inc. (Con Edison) submitted a proposal to the New York State Public Service Commission (Commission) to increase annual electric revenues by \$854.4 million. Department of Public Service (DPS) Staff and several other parties evaluated the company's request and filed testimony opposing various aspects of the proposal. Subsequent discussions among the parties, which included DPS Staff, Con Edison, the City of New York, the New York Power Authority, the New York Energy Consumers Council, New York State Consumer Protection Board, the County of Westchester, the Pace Energy and Climate Center, Consumer Power Associates and several other parties resulted in a comprehensive Joint Proposal intended to resolve all contested issues. The Joint Proposal will come to the Commission for approval, and the Commission may grant or deny approval, or modify any portion of the Joint Proposal. The attached fact sheet includes additional information regarding the case.

The Commission recently announced that it will hold public statement hearings to hear the views of the public on the Joint Proposal. The dates, times and locations for the public statement hearings are as follows:

White Plains

Monday, January 11, 2010
The Greenburgh Town Hall
177 Hillside Avenue
Greenburgh, NY
4:30 p.m. and 6:30 p.m.

Manhattan

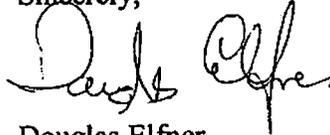
Wednesday, January 13, 2010
CUNY
The Graduate Center
365 5th Avenue (between 34th & 35th Street)
New York, NY

To speak at the hearings, it is not necessary to make an appointment in advance or present written material. Persons will be called to speak after completing a request card. Each hearing will remain open for two hours and will continue until everyone wishing to speak has been heard or other arrangements have been made. Disabled persons requiring any special accommodations should contact the Department of Public Service's Human Resources Management Office collect at (518) 474-2520 as soon as possible.

The public may submit comments by speaking at the public statement hearing, by calling the Commission's toll-free Opinion Line at 1-800-335-2120, by sending written comments via the "PSC Comment Form" in the "Consumer Assistance" file accessed through the Commission's Website at <http://www.dps.state.ny.us>, or by writing to Jaclyn A. Brillling, Secretary of the Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. Your comments should reference "Case 09-E-0428 Con Edison Electric Rates." All comments should be submitted or mailed and post marked no later than February 2, 2010. All comments received by the Commission will be placed in the official case file and subject to public inspection.

I would appreciate your assistance in making people in your area aware of the hearing, the comment period, and the ways they may comment on the case. Thank you for your assistance.

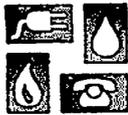
Sincerely,



Douglas Elfner
Director
Office of Consumer Policy

Attachment

NYS Department of



Public Service

Summary of Rate Case 09-E-0428

Electric Delivery Rates for
Consolidated Edison Company of New York, Inc.

**PSC Seeks
Public Comment**

In May 2009, Consolidated Edison Company of New York, Inc. filed a request with the New York State Public Service Commission (Commission) for approval to increase revenues for electric delivery service.

The Department of Public Service (DPS) Staff and several other parties, following their evaluation of the facts and circumstances of the company's request and testimony, filed a comprehensive Joint Proposal intended to resolve all contested issues.

The Commission is seeking comments from the public on the Joint Proposal.

This fact sheet includes:

- A review of the issues related to the Joint Proposal.
- Information on how to provide comments to the Commission. **The deadline to receive comments is February 2, 2010.**

BACKGROUND

On May 8, 2009, Consolidated Edison Company of New York, Inc. (Con Edison or the Company) formally asked the New York State Public Service Commission (Commission) to approve increases in revenues (the total amount of money collected from customers through the rates they pay) for electric delivery service.

Under New York State Law, the Commission must consider a utility's proposal and may adopt or reject it in whole or in part, or adopt changes not proposed by the Company.

Administrative Law Judges are presiding over the gathering of public comment and all evidence relating to the case.

SUMMARY OF RATE CASE

The company requested an additional \$854.4 million annually for electric delivery service. The proposed increase represents approximately 19.5% of annual delivery revenues.

Con Edison stated that the main reasons for the request include the need to fund ongoing infrastructure investment, increases in costs beyond the Company's control, higher operating expenses for new and ongoing programs, and increased financing costs. The increase would become effective on April 4, 2010. The Company also proposed an alternative three-year rate plan which offered levelized annual increases of \$695 million (15.9% delivery, 6% total bill) effective April 2010, 2011 and 2012.

The Department of Public Service (DPS) Staff and several other parties have evaluated the facts and circumstances of the Company's request, and filed testimony opposing various aspects of that proposal. Subsequently, DPS Staff, Con Edison, the City of New York, New York Power Authority, New York State Consumer Protection Board, New York Energy Consumers Council, Pace Energy and Climate Center, Consumer Power Associates, the County of Westchester, and several other parties filed a comprehensive Joint Proposal intended to resolve all contested issues. That Proposal includes levelized annual increases of approximately \$420 million (9.6% on delivery, 3.6% on total bill) effective April 2010, 2011 and 2012. The

Joint Proposal also reflects:

- Specific austerity measures in each of the three years in recognition of current economic conditions;
- Strict limitations on Con Edison's capital expenditures, consistent with findings of a recent Management Audit of the Company conducted on behalf of the Commission;
- Stronger incentives for the Company to effectively manage its costs;
- Provisions to share excess Company earnings, if any, with customers;
- Expanded assistance to Con Edison's low-income customers; and
- Enhanced incentives for the Company to provide high quality service.

The Joint Proposal is not opposed by any party actively participating in this PSC proceeding.

Under New York State Law, the Commission may adopt, modify or reject the Joint Proposal in whole or in part.

HOW TO COMMENT ON THE CASE

The Commission seeks public comments concerning Con Edison's proposals. Interested members of the public may comment as noted below. Your comments should refer to "Case 09-E-0428 – Consolidated Edison Company of New York, Inc. – Electric Rates"

1. **Write to:** Honorable Jaclyn A. Brillong, Secretary, NYS Public Service Commission, Three Empire State Plaza, Albany, NY 12223-1350.
2. **Submit comments electronically** by accessing the Department's Website – <http://www.dps.state.ny.us> – and filling in the electronic "Comment Form." Many libraries offer free internet access.
3. **Call the Department's Toll-Free Opinion Line** at 1-800-335-2120. This number is designed to take comments about pending cases from in-state callers, 24 hours a day. Callers should select English or Spanish and press "1" to leave comments.

All comments should be submitted or mailed and postmarked by no later than February 2, 2010. All public comments received by the Commission will be placed in the official case file and subject to public inspection. Persons interested in Consolidated Edison's rate filing may view it at the Commission's offices at Three Empire State Plaza, 14th Floor, Albany, New York and 90 Church Street, New York, New York (bring picture identification for a security check), or on the Commission's Website <http://www.dps.state.ny.us>.

NEXT STEPS

Taking into account all public comments, the Judges and the Commission's Advisory Staff will prepare further recommendations. The Commission will formally consider the case at one or more regularly scheduled public meetings. Following its discussion and deliberations at such meetings, the Commission will issue a written order.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Interim Corporation Counsel
SUBJECT: Litigation Update
DATE: January 8, 2010

LITIGATION

ANDREW DELLI PAOLI v. THE ZONING BOARD OF APPEALS

An Article 78 Petition was served on the City this week, seeking an Order and Judgment holding that the Zoning Board improperly denied petitioner's Amended Application and deeming the denial annulled; and ordering the Board of Architectural Review to approve the amended application. A copy of the petition is available for review in the Law Department.

151 PURCHASE STREET ASSOCIATES, LLC. v. CITY OF RYE, et al

A First Amended Complaint was received this week in connection with this matter seeking to overturn the February 25, 2006 Resolution of the Rye City Council adopting the Emergency Tenant Protection Act for the rental housing units at 131-151 Purchase Street, as well as monetary damages to be determined by the Court. As previously reported, the Appellate Division, Second Department issued a decision that: overturned the Lower Court's decision granting the City's motion to dismiss the petition of Highland Hall Apartments, LLC, and permitted the substitution of the new owner, 151 Purchase Street Associates, LLC, as plaintiff. A copy of the Amended Complaint is available for review in the Law Department.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Interim Corporation Counsel

KKW/dfn

LEAGUE OF
WOMEN VOTERS®

RYE, RYEBROOK
& PORTCHESTER



Issue Forum

Issue Forum: Consolidation & Sharing Services

It's all about Tax Dollars & Efficiency!

**Assemblyman & League Member George Latimer
To Moderate Roundtable on the Opportunities, Feasibility &
Consequences of Municipal Consolidation & Sharing Services**

This Discussion is being convened to increase the community's understanding of the pros and cons associated with this complex and often controversial topic that is being urgently debated at every level of government throughout New York State. A panel of local municipal officials will outline what has been done in the past, what is already being done and where we might go from here.

- **Frank Culross, City Manager, City of Rye**
- **Christopher Bradbury, Village Administrator
Village of Rye Brook**
- **Christopher Russo, Village Manager
Village of Port Chester**
- **Bishop Nowotnik, Confidential Secretary to Supervisor
Town of Rye**
- **Richard Slingerland, Village Manager
Village of Mamaroneck**

**Thursday, January 21st* at 8:00 pm
@ Rye Free Reading Room Community Room
1061 Boston Post Road, Rye**

Contact: Telephone #: (206) 309-9041 or Email: LWV.Rye.RyeBrook.PortChester@gmail.com

*Snow Date: Thursday, January 28th

Received



ROBERT HOCH, DIRECTOR
GOVERNMENT AFFAIRS
(914) 378-4515 PHONE
(914) 909 0207 FAX
rhoch@cablevision.com

JAN 07 2010

City Manager's Office
Rye, New York

January 6, 2010

The Honorable Douglas French, Mayor
City of Rye
1051 Boston Post Road
Rye, New York 10580-2996

Re: Notice of Network Change

Dear Mayor French:

In accordance with Public Service Law § 224-a and 16 NYCRR 890.80, Cablevision hereby notifies your municipality of the elimination of HGTV and the Food Network from Cablevision's channel lineup effective January 1, 2010. The HGTV and Food Network were part of Cablevision's expanded basic, or family, tier prior to their elimination.

Cablevision had an agreement with Scripps Network for carriage of HGTV and the Food Network that expired on December 31, 2009. Prior to expiration, Cablevision had been negotiating a new agreement with Scripps to allow Cablevision to continue delivering these channels to our customers. Common practice in the cable industry is for the programmer to grant an extension should negotiations run up to the contract expiration. For example, such an extension occurred in the recent dispute between Time Warner Cable and the Fox Network, and in Scripps' own negotiations with Time Warner Cable. Cablevision was granted numerous such extensions in its negotiations with other programmers in 2009. Scripps did not grant such an extension to Cablevision and withdrew its programming on December 31. Accordingly, notice was timely filed with the Public Service Commission (PSC) under 16 NYCRR 890.80(c)(3). In addition, Cablevision contacted the PSC staff informally during non-business hours (on January 1) to advise staff of the discontinuation of this programming. Required subscriber notices have also been provided to customers.

If you need any further information, please contact me at 914-378-4515

Sincerely,

A handwritten signature in cursive script that reads "Robert Hoch".

Robert Hoch

CABLEVISION
Six Executive Plaza, Yonkers, NY 10701
914 378-8960

**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: January 4, 2010

Meetings scheduled to be held during the week of January 11, 2010.

WEDNESDAY, JANUARY 13, 2010

*City Manager – Orientation
9:00 AM
Rye Golf Club*

THURSDAY, JANUARY 14, 2010

*Zoning Board of Appeals
7:30 P.M.
Council Chambers
Mayor's Conference Room*

cc: News Media
Kerry Donahue