

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, Acting City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 5, 2010

Enclosed with this memorandum are the following items:

- 3-1 Public Notice from the Village of Port Chester regarding A Public Scoping Session Meeting to be held on Monday, April 5, 2010 to discuss the redevelopment of the former United Hospital property.
- 3-2 Memo from Police Commissioner William R. Connors, dated March 2, 2010 regarding a radar/variable message sign trailer.
- 3-3 Memo from Police Commissioner William R. Connors, dated March 5, 2010 regarding the plea verdict for Keith McBride who burglarized homes in Rye.
- 3-4 Litigation Update from the Corporation Counsel dated March 5, 2010.
- 3-5 Letter from Hon. Michael B. Kaplowitz, Westchester County Board of Legislators, dated March 4, 2010 regarding the Westchester County Join Legislative Package.
- 3-6 Letter from Lincoln Janus, Verizon Franchise Manager, dated February 26, 2010 regarding the deletion of three channels.
- 3-7 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated March 2, 2010 regarding negotiations with the Disney Corporation over WABC-TV.
- 3-8 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated March 3, 2010 regarding the elimination of the Analog Family Cable package to new customers.
- 3-9 Meeting notice for the week of March 8, 2010.

SDP/emm
Encs.

PUBLIC NOTICE

The Village of Port Chester Board of Trustees, acting as the Lead Agency under the State Environmental Quality Review (SEQR) laws of the State of New York, has determined that the redevelopment of the former United Hospital property in the Village may have a significant environmental impact and that an environmental impact statement (EIS) will need to be prepared. The Master Plan for the redevelopment of 405 Boston Post Road and 999 High Street, the former United Hospital property includes a mix of low-rise commercial buildings, consisting of approximately 254,000 square feet of retail and office space, and residential buildings with a mixture of 5 low- and high-rise residential structures, consisting of approximately 762 residential dwelling units and three levels of parking for approximately 2,000 parking spaces. **A PUBLIC SCOPING SESSION MEETING** will be held on Monday April 5th, 2010, at 7:00 pm at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573 to discuss the proposed scoping outline that will determine the contents of the EIS document. Written comments on the scoping outline will be accepted by the Village Board until close of business April 9, 2010. Comments should be directed to Joan Mancuso, Village Clerk.

Interested persons will be afforded the opportunity to be heard at this time. The scoping documents are available at the Village Clerk's office or online at the Village Website www.portchesterny.com

JOAN MANCUSO
Village Clerk

Dated: March 5, 2010
and March 12, 2010

Received

MAR 04 2010

City Manager's Office
Rye, New York

RESOLUTION

ESTABLISHMENT OF LEAD AGENCY, POSITIVE DECLARATION AND SCHEDULING PUBLIC SCOPING SESSION

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CICATELLI, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Board of Trustees (the Village Board) for the Village of Port Chester has received from 406 BPR, LLC an application for Site Plan approval and Zoning Map Change approval pursuant to Chapter 345 of the Village of Port Chester Zoning Regulation (the Zoning Regulation) for the development of approximately 15.4491 acres for mixed residential, office and commercial uses (the Project) (collectively the Proposed Action) located at 406 Boston Post Road and 999 High Street in the Village of Port Chester, New York; and

WHEREAS, the Village Board has circulated a Notice of Intent to Act as Lead Agency under the State Environmental Quality Review (SEQR) laws of the State of New York and has provided the necessary time for interested and involved agencies to respond; and

NOW THEREFORE BE IT RESOLVED THAT, the Village Board confirms its declared intent to be Lead Agency for the purposes of reviewing the proposed zoning text amendments, zoning map change and site development concept plan approval; and, be it further

RESOLVED, that based on the documentation provided as part of the initial application the Proposed Action qualifies as a Type I Action under SEQR, and that the Village Board does hereby make a Positive Declaration that the Proposed Action may have a significant impact on the environment and that an environmental impact statement (EIS) shall be prepared; and, be it further

RESOLVED, that the Village Board does hereby schedule a public scoping session for April 5, 2010 at Village Hall, 222 Grace Church Street, Port Chester, NY 10573, where members of the public will have an opportunity to comment on the contents of the EIS(see attached draft Scoping Outline). The Village Board will distribute this Resolution and related documentation to all other potentially involved agencies and provide for written comments to be submitted to the Village until March 19, 2010. Correspondence relative to this matter can be directed to Joan Mancuso, Village Clerk, 222 Grace Church Street, Port Chester, New York, 10573.

This Notice of Intent and accompanying Long Form Environmental Assessment Form (EAF) have been circulated to the following:

Potential Interested and Involved Agencies

**Mr. Michael Antaki,
Planning Board Chairman
Village Hall
222 Grace Church Street
Port Chester, NY 10573**

**Ms. Carol Ash, Commissioner
NYState Office of Parks, Recreation & Historic Preservation
Empire State Plaza
Agency Building 1
Albany, NY 12238**

**Peter Grannis, Commissioner
NYSDEC
625 Broadway
Albany, NY 12233-1011**

**Willie Janeway
NYSDEC, Region 3
NYS Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561-1696**

**Joseph Stout, Commissioner
West. Co. Dept. of Parks, Recreation and Conservation
25 Moore Avenue
Mount Kisco, NY 10549**

**Thomas Lauro, Commissioner
West. Co. Dept. of Environmental Facilities
270 North Avenue
New Rochelle, NY 10801**

**Commissioner
Westchester County Department of Health
145 Huguenot Street – 8th Floor
New Rochelle, NY 10801**

**Joan Feinstein, Mayor
Village of Rye Brook
938 King Street
Rye Brook, NY 10573**

**Joseph Carvin, Supervisor
Town of Rye
10 Pearl Street
Port Chester, NY 10573**

**Anne Capeci, President
Union Free School District #4
Port Chester School Board
113 Bowman Avenue
Port Chester, NY 10573**

**Hon. Douglas French, Mayor-Elect
City Hall
1051 Boston Post Road
Rye, New York 10580**

Other Village Agencies With Review Authority:

William Hume, Chairman
Architectural Review Board
Village Hall
222 Grace Church Street
Port Chester, NY 10573

Other Agencies With Review Authority:

Secretary of State
New York State Department of State
41 State Street
Albany, NY 12231-0001

Ed Burroughs, Commissioner
Westchester County Dept. Of Planning
148 Martine Avenue
White Plains, NY 10601

Robert Dennison, Regional Director
NYS Dept. of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

Copy of this Notice of Intent on file with:

Joan Mancuso, Village Clerk
Village Hall
222 Grace Church Street
Port Chester, NY 10573

Business Environmental Publications (Notice Only)
FAX - 518-371-7419

On Behalf of the Applicant:

Jeffrey V. Morris, Managing Member
406 BPR, LLC
591 West Putnam Avenue
Greenwich, CT 06830

ROLL CALL

AYES: Trustees Sorensen, Kenner, Brakewood, Adams, Cicatelli and Mayor Pilla

NOES: None

ABSENT: None

DATE: March 1, 2010

Draft DEIS Scoping Outline
The Gateway Port Chester Mixed Use Development
Draft 2-26-10

This document identifies the issues to be addressed in a Draft Environmental Impact Statement (DEIS) for the proposed Gateway Port Chester Mixed Use Development. This Scoping Document contains the items described in 6 NYCRR Part 617.8(f) 1 through 5.

Description of Proposed Action:

The Proposed Action is a development Master Plan on the former United Hospital site in the Village of Port Chester, NY, replacing a complex of 720,000 square feet of abandoned hospital buildings and ancillary buildings with 1.1 million square feet of retail, office and residential buildings and parking facilities. The site's location, near the intersection of the I-287 and I-95 corridors, off Boston Post Road (US Route 1) and adjacent to the towns of Rye, NY and Greenwich, CT and Village of Rye Brook, is ideal to position the project as a gateway to the Village of Port Chester.

The site consists of two parcels identified on the Village Tax Maps as Section 141.052, Block 1, Lot 2 and 2.1. Lot 2 is the site of the former United Hospital having a street address of 406 Boston Post Road. Lot 2.1 is the site of a residential apartment building having a street address of 999 High Street. The combined site complex consists of nine existing buildings with related parking areas connected by an interior roadway system. The site consists of approximately ten acres of impervious area. The hospital is presently inoperative since 2005, and the apartment building is operating at 32% capacity. The current zoning is R2F, Two-Family Residential. A Special Design District is proposed to permit the proposed development.

The Master Plan mixes low-rise commercial buildings, consisting of approximately 254,000 square feet of retail and office space, and residential buildings with a mixture of 5 low- and high-rise residential structures, consisting of approximately 762 residential dwelling units. Strategic use of the varying topography allows for 3 levels of parking, made up of approximately 2,000 parking spaces, to be located beneath the plaza and courtyard. The plan replaces the singular footprint of the hospital and a 13-story residential structure comprising approximately 600,000 square feet, and impermeable ground cover, with a mixed-use project containing twice as much open space, which is generally consistent with the future vision for this area of the Village as set forth in the draft Comprehensive Plan.

The DEIS will contain the following information and address the following issues as they relate to the Proposed Action.

ENVIRONMENTAL IMPACT STATEMENT CONTENT

Introductory Material - Cover Sheet that includes:

- A. That it is a Draft Environmental Impact Statement
- B. Project Identification including Name and Location

C. The Village Board of the Village of Port Chester will serve as the Lead Agency for the project

D. Contact Person(s) and Phone number

Mayor Dennis Pilla
222 Grace Church St.
Port Chester, NY 10573
(914) 939-5201

Christopher J. Russo
Village Manager
222 Grace Church St.
Port Chester, NY 10573
(914) 939-2200

Patrick Cleary, AICP, PP
Village Planner
Cleary Consulting
529 Asharoken Avenue
Northport, NY 11768
(631) 754-3085

E. Date submitted and any revision dates

F. Date of acceptance of the DEIS

G. Deadline by which comments on the DEIS are due

Introductory Materials - Other

- A. List of consultants involved with the Project for the Applicant
- B. List of Consultant involved with the Project for the Village
- C. Table of Contents
- D. List of Exhibits
- E. List of Tables

I. Executive Summary

- A. Brief description of Proposed Action.
- B. List of Interested and Involved Agencies.
- C. Brief Description of Anticipated Impacts and Proposed Mitigation.
- D. Anticipated build year.
- E. Brief Description of Project Alternatives.
- F. Table comparing impacts of the proposed action with the various alternatives.

II. Description of Proposed Action

- A. Project location (including appropriate descriptive graphics).
- B. Site history and background, including hospital operations and use and operation of 999 High Street
- C. Description of site's existing character.
- D. Inventory of existing structures on site including identification of any buildings to be removed and potential tenants to be relocated.
- E. Description of surrounding land use, in narrative and graphic form.
- F. Project description, including building locations, square footages, number of dwelling units, compliance with affordable housing requirements, commercial

areas, common areas, recreational spaces and amenities, off-street parking and traffic circulation, site infrastructure, streetscape enhancements and associated site improvements.

- G. Description of the proposed Special Design District zoning.
- H. Construction scheduling including any phasing and description of project construction.
- I. Purpose, need and benefits of the proposed action.

III. Required Permits and Approvals, Involved and Interested Agencies

- A. Listing of all Village, County, State and federal permits and approvals that may be required to implement the project.
- B. Listing of all Involved and Interested Agencies.

IV. Existing Environmental Conditions, Anticipated Impacts and Proposed Mitigation

A. Land Use and Zoning

1. Existing Conditions

- a. Including maps and narrative describing generalized land use patterns in the Village of Port Chester and City of Rye and more specifically for a primary land use study area within a quarter mile of the project site.
- b. Describe the existing zoning districts generally, and within a quarter mile of the project site.
- c. Describe development trends and approval activity.
- d. Consistency with Land Use Plans and Policies; including:
 - i. Village of Port Chester draft Comprehensive Plan
 - ii. Patterns for Westchester
 - iii. Westchester 2025
 - iv. Third Regional Plan for New York-New Jersey-Connecticut Metropolitan Area

2. Anticipated Impacts

- a. Identify the relationship of the proposed development to overall land use patterns within the study area, and to adjacent properties; discussion of the proposed project's compliance or non-compliance with local land use regulations and its relationship to local, County and regional Plans.
- b. Describe how the proposed zoning district integrates with the existing Village zoning hierarchy and the projects the compliance with proposed zoning district.

3. Proposed Mitigation

B. Visual Resources

1. Existing Conditions

- a. Document the visual character of the site and the immediately surrounding area through photographs, cross sections and narrative.

2. Anticipated Impacts

- a. Identify views to and from the proposed development from surrounding roads and properties, including Abendroth Park and the residential areas to the north, approaching the site from both Rye and Port Chester on Boston Post Road, from the Kohl's Shopping Center, from the west along High Street and from I-287.
- b. Describe impacts on the overall aesthetic quality and character of the surrounding area.
- c. Describe the relationship of the proposed Gateway development to the surrounding community.
- d. Provide a shadow study for the spring and fall equinox and winter and summer solstice time periods.
- e. Photographs, cross sections and elevations of the proposed development will be utilized as appropriate to describe the resulting visual impact.

3. Proposed Mitigation**C. Stormwater Management****1. Existing Conditions**

- a. Including a description of drainage patterns and their relationship to the project site. Stormwater flow peak rates of runoff would be provided for 1-, 10-, 25-, 50- and 100-year storm events as required by Village and NYSDEC Phase II regulations.

2. Anticipated Impacts

- a. Describing proposed drainage and stormwater management facilities.

3. Proposed Mitigation

- a. Describe proposed stormwater management system and implementation of Best Management Practices based on NYSDEC Phase II regulation, including methods to maintain and enhance water quality standards and peak runoff rates.

D. Utilities**1. Water Supply**

- a. Existing Conditions
 - i. Include a description of existing water lines within study area and water system capacities.
 - ii. Include usage under previous hospital use.
- b. Anticipated Impacts
 - i. Describe proposed water mains, including pipe sizing, location, and routing.
 - ii. Identify proposed connection points to the existing systems.
 - iii. Impacts of construction on infrastructure.

- iv. Compare projected water use with previous hospital use.
 - v. Discuss sufficiency of water resources for domestic and commercial use, as well as fire fighting purposes as well.
- c. Proposed Mitigation
 - i. Including use of water saving devices and other water conservation techniques.
2. Sanitary Sewage
- a. Existing Conditions
 - i. Include a description of existing sanitary sewer lines servicing the development including capacity and pipe location.
 - ii. Include sewage flows under previous hospital use.
 - iii. Discussion of capacities of Port Chester Sewage Treatment Plant
 - b. Anticipated Impacts
 - i. Analysis of proposed development's sewage generation and compare with sewage generated by previous hospital use.
 - ii. Description of proposed sewage system.
 - iii. Identify proposed connection points to existing systems.
 - iv. Discuss sufficiency of treatment capacity.
 - c. Proposed Mitigation
3. Gas, Electrical, Cable, Telephone & Telcom
- a. Existing Conditions
 - b. Anticipated Impacts
 - c. Proposed Mitigation
- E. Traffic and Transportation**
- 1. Existing Conditions
 - a. Inventory of existing road conditions in the site vicinity, including access.
 - b. Determination of existing traffic volumes in the weekday AM, PM and Saturday peak hours and existing levels of service for each of the following study intersections:
 - i. Site Access and US Route 1/Boston Post Road
 - ii. Site Access and High Street
 - iii. US Route 1 (Boston Post Road) and Slater Street
 - iv. US Route 1 (Boston Post Road) and Pearl Street
 - v. US Route 1 (Boston Post Road) and South Regent Street
 - vi. US Route 1 (Boston Post Road) and Kohl's Shopping Center Driveway/Proposed Site Driveway
 - vii. US Route 1 (Boston Post Road) and High Street
 - viii. US Route 1 (Boston Post Road) and I287 Westbound On-ramp/I-95 Northbound Off-ramp

- ix. US Route 1 (Boston Post Road) and I-287 Eastbound Off-ramp/I-95 Southbound On-ramp
 - x. US Route 1 (Boston Post Road) and Hillside Road
 - xi. Ridge Street and High Street
- c. Describe existing off-street and on-street parking resources.
 - d. Compare traffic generated by proposed project to traffic generated by previous hospital use.
 - e. Describe existing public and private transit options in the site vicinity.
 - f. Provide accident data from NYSDOT and Port Chester Police Department.
 - g. Document school bus traffic.
 - h. Document truck traffic, particularly I-95 by-pass traffic.
 - i. Document pedestrian patterns
2. No-Build Analysis
- a. Compare, balance and increase traffic counts to reflect normal growth in the project, including any proposed/approved developments in the vicinity of the project, to constitute the No-build traffic volume, applied to the intersections identified in E1.b above.
3. Anticipated Impacts
- a. Estimate traffic generation from residential and commercial portion of project as well as proposed parking demand. The combination of new traffic coupled with the No-Build traffic will result in the design year Build traffic volumes.
 - b. Perform detailed capacity analysis to establish levels of service under Existing, No-Build and Build conditions for the AM, PM and Saturday peak hour periods at each study intersection.
 - c. Parking demand analysis.
4. Proposed Mitigation
- a. Recommend traffic improvements if mitigation is required.
 - b. Describe any changes to Post Road/Site Access/Kohl's Shopping Center intersection.
- F. Socio-Economic, Community Facilities and Services**
1. Demographics
- a. Existing Conditions
 - i. Existing Village population and housing trends and other demographic characteristics including income and ethnicity. Supplement 2000 census data with additional source materials where available.
 - ii. Discussion of affordable housing in the region and in the Village
 - b. Anticipated Impacts

- i. Description of projected population, including potential number of schoolchildren, public and private.
 - ii. Replacement of 999 High Street.
 - iii. Compliance with affordable housing provisions.
 - c. Proposed Mitigation
- 2. Schools
 - a. Existing Conditions
 - i. Overall description of schools and enrollment in the Port Chester School District.
 - b. Anticipated impacts related to projected increase in enrollment
 - c. Proposed Mitigation
- 3. Police, Fire, Ambulance
 - a. Existing Conditions
 - i. Description of police department location, staffing and operations.
 - ii. Description of fire department location, staffing and operations.
 - iii. Description of ambulance service location, staffing and operations.
 - b. Anticipated Impacts
 - i. Description of impact on calls to service and ability of each provider to handle.
 - ii. Demonstration of adequate water supply/pressure for fire protection purposes.
 - c. Proposed Mitigation
- 4. Solid Waste
 - a. Existing Conditions
 - i. Description of current garbage collection and recycling disposal services.
 - b. Anticipated Impacts
 - i. Responsibilities for garbage collection and recycling following redevelopment.
 - c. Proposed Mitigation
- 5. Energy
 - a. Existing Conditions
 - i. Description of energy use of existing site.
 - b. Anticipated Impacts
 - i. Projected energy demand for proposed action.
 - ii. Analysis of direct and indirect greenhouse gas emissions from both stationary and mobile sources.

- c. Proposed Mitigation
- 6. Fiscal Impacts
 - a. Existing Conditions
 - i. Existing tax generation from the site for all affected tax districts.
 - b. Anticipated Impacts
 - i. Anticipated tax generation by the project for all affected taxing districts.
 - c. Proposed Mitigation
- 7. Employment
 - a. Existing Conditions
 - i. Description of existing business activity and employment.
 - b. Anticipated Impacts
 - i. Description of project generated employment, retail, office and residential.
 - ii. Estimate of construction period employment and employment upon project completion.
 - c. Proposed Mitigation
- G. Natural Resources**
 - 1. Existing Conditions
 - a. Description of topography, soil conditions, surficial geology and ecological communities or significant habitat areas, if any.
 - b. Environmental Assessment.
 - 2. Anticipated Impacts
 - a. Identification and quantification of soil and vegetation disturbance and slope impacts.
 - b. Identification of amount of impervious surface creation
 - c. Description of require earthwork
 - d. Description of construction methods
 - 3. Proposed Mitigation
 - a. Description of proposed soil erosion and sediment control plan
 - b. Description of landscaping plan
- H. Historic Resources**
 - 1. Existing Conditions
 - a. Stage IA literature review and archaeology sensitivity assessment.

2. Anticipated Impacts
 - a. Discussion of potential impacts on historic or archaeological resources.
3. Proposed Mitigation

I. Air Resources

1. Existing Conditions
2. Anticipated Impacts
 - a. Short term during construction, long-term parking, vehicle traffic, etc.
3. Proposed Mitigation

J. Noise

1. Existing Conditions
2. Anticipated Impacts
 - a. Short term during construction, long-term from site use, HVAC equipment, etc.
3. Proposed Mitigation

K. Building Demolition and Construction

1. Anticipated Impacts
 - a. Description of building demolition and site clearance activities.
 - b. Description of construction activities including the need, if any, for blasting.
 - c. Identification of short-term impacts related to issues such as parking, traffic, air quality, noise, etc.
 - d. Description of site security measures
2. Proposed Mitigation
 - a. Description of construction management plans and best management practices to be employed.
 - b. Description of mitigation measures to be employed during demolition, including site clearance protocol.
 - c. Provision of construction phasing plan.

V. Alternatives

- A. No Action
- B. Development under Existing Zoning
- C. Redevelopment of the Property as hospital use
- D. Alternative redevelopment proposals, including different mix of uses
- E. Alternative site plan proposals, including different building footprints, and lower building heights.
- F. Alternative site access proposals.

VI. Significant Adverse Impacts that Cannot be Avoided

- A. Long Term
- B. Short Term

VII. Growth Inducement

VIII. Commitment of Resources; Effects on Energy

IX. Sources and Bibliography

X. Technical Appendix

- A. SEQRA Documentation
- B. Correspondence
- C. Engineering and Environmental Reports



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



March 2, 2010

Memorandum for: Frank J. Culross, City Manager

Subject: **RADAR/VARIABLE MESSAGE SIGN TRAILER**

A new radar speed alert/variable message sign trailer will be put into service on the City's roadways in the coming weeks.

Two previously owned pieces of equipment – a portable electronic variable message sign and a radar speed alert sign – were underutilized. Last year, the vendor of both items, All Traffic Solutions, Inc., offered a trailer package that links both items and provides integrated battery and solar power. It was purchased during 2009.

The trailer has been delivered and training was conducted today. When the unit is labeled and deployed, will serve as a movable speed deterrent and also provide messaging capability for emergencies and major events.

Submitted for your information.

William R. Connors
Police Commissioner

WRC/wrc

cc: Scott D. Pickup, Assistant City Manager



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



March 5, 2010

Memorandum for: Frank J. Culross, City Manager

Subject: **GUILTY PLEA – KEITH MCBRIDE**

Attached is an article from the *Journal News* regarding a guilty plea to three counts of Burglary in the Second Degree entered by Keith McBride of Croton, who was suspected in a series of residential burglaries here and in other communities in 2008.

Two things were critically important to the resolution of this case. First, the relationships our detectives maintain with other agencies were essential to the coordination that led to the apprehension of the suspect. Second, as a result of thorough processing of a crime scene, our detectives were able to obtain a DNA match with a rock used to force entry to a home – rare and convincing evidence.

We expect that Mr. McBride will spend between eight and thirteen years in prison.

Submitted for your information.

WRC/wrc

A handwritten signature in black ink, appearing to read "WRC".

William R. Connors
Police Commissioner



Croton man pleads guilty to 3 burglaries in Rye, Mamaroneck

WHITE PLAINS — A felon who served nine years in prison for burglary admitted in court today that he burglarized homes in Rye and Mamaroneck in 2008.

Keith McBride, a 46-year-old Croton-on-Hudson resident, pleaded guilty in Westchester County Court to three felony counts of second-degree burglary, according to the county District Attorney's Office.

McBride broke into a home on Bradford Avenue in Rye on Aug. 29, another home on Doris Road in Mamaroneck on Sept. 15, and a third on Durham Road in Mamaroneck four days later.

No one was home when each burglary was committed.

When McBride emerged as a suspect, police followed him and saw him enter a pawn shop in Spanish Harlem on Sept. 20. They went into the shop and recovered some of the burglaries' proceeds. McBride was arrested later that day.

Police searched his home, car and storage unit and recovered jewelry, a Blackberry, collector coins, women's accessories, and designer purses and handbags that were stolen from the homes.

McBride will be sentenced May 11. He faces up to 15 years in state prison.

He was convicted in 1995 of second-degree burglary and fourth-degree grand larceny, another felony. He was released in 2004.

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**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Interim Corporation Counsel
SUBJECT: Litigation Update
DATE: March 5, 2010

CLAIMS

A Notice of Claim has been filed by Barbara L. Blume of Harrison. The Notice states that a tire on Ms. Blume's 2009 vehicle was damaged when she hit a pot hole. The claim has been forwarded to our insurance carrier.

LITIGATION

OSBORN v. CITY OF RYE

No new developments.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

No new developments.

151 PURCHASE STREET ASSOCIATES V. CITY OF RYE, ET AL.

No new developments

SCHUBERT V. CITY OF RYE, ET AL.

Lou Corsi, Esq. filed a response to Plaintiff's letter regarding the Amended Complaint. The Court has scheduled another appearance for March 24, 2010 at 3:15.

R.B. CONWAY V. CITY OF RYE

Responses to Plaintiff's discovery demands were served on Wednesday March 3, 2010. The City should be receiving Plaintiff's responses to the City's discovery demands within the next week.

DELLI PAOLI V. ZONING BOARD OF APPEALS

No new developments

SHEW v. CITY OF RYE

No new developments.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Interim Corporation Counsel

KKW/dfn



WESTCHESTER COUNTY BOARD OF LEGISLATORS

800 MICHAELIAN OFFICE BUILDING
148 MARTINE AVENUE
WHITE PLAINS, NEW YORK 10601
(914) 995-2848
FAX: (914) 995-3884
Email: kaplowitz@westchesterlegislators.com

MICHAEL B. KAPLOWITZ, J.D., CFP
Legislator, 4th District
26 Lalli Drive
Katonah, New York 10536

Chairman
Government Operations,
Efficiency & Savings Committee
Member
Energy Committee
Environment Committee

March 4, 2010

Hon. Douglas H. French
Mayor
City of Rye
1051 Boston Post Rd.
Rye, NY 10580

Received

MAR 05 2010

**City Manager's Office
Rye, New York**

Dear Mayor French:

Each year the Westchester County Government, through its Legislative and Executive Branches, puts forth a formal lobbying effort that is presented to the State Legislature as the *Westchester County Joint Legislative Package*.

The purpose of the "State Package" is to present our State Legislators a focused list of legislative priorities. Whether it be the passage (or repeal) of a bill currently pending before the State Legislature, or a request to introduce a bill, this package is a joint lobbying effort on behalf of the residents of Westchester County.

This year I would like to offer the opportunity to you as a municipal official to participate if you so choose. Enclosed is our list for your review and comment. As importantly, I am asking for your top three legislative priorities.

The goal is to compile and focus such priorities into a supplemental Legislative Package, also to be presented to our State Delegation.

As there is strength in numbers, your participation could provide the extra push needed to promote much-needed financial relief for our mutual constituents.

Given the time constraints for submission, I ask that you email me your comments to: Kaplowitz@westchesterlegislators.com, or call my office at (914) 995-2848.

I thank you in advance for your time and will keep you posted on our progress.

Yours Truly,

A handwritten signature in black ink, appearing to read "M. B. Kaplowitz".

Hon. Michael B. Kaplowitz, J.D., CFP
Chairman, Government Operations, Efficiency & Savings Committee
Legislator, 4th District

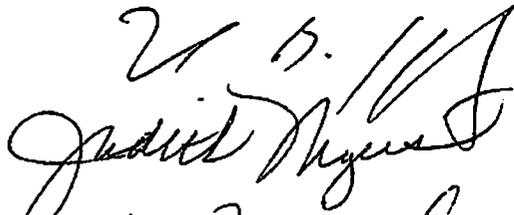
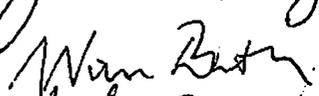
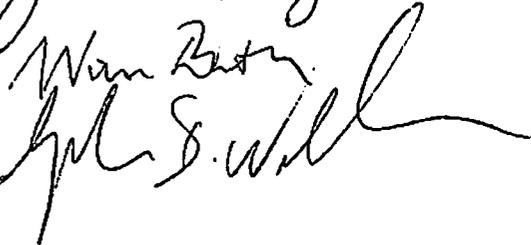
Resolution No. _____ - 2010

HONORABLE MEMBERS
WESTCHESTER COUNTY BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER, NEW YORK

Your Committee has reviewed the following items.

After considerable deliberation, your Committee recommended that the following legislative items be considered by the New York State Legislature and Governor and be signed out for discussion and consideration by the full Board of Legislators.

Date: March 1, 2010
White Plains, New York

2/3/10




Committee on Government Operations, Efficiency & Savings

**2010 WESTCHESTER COUNTY
JOINT LEGISLATIVE PACKAGE**

PACKAGE 'A' – BUDGETARY PRIORITIES

1. Proposal: A Full Repeal of the MTA Payroll Tax and a Mandate of an Independent Forensic Audit of the MTA.

Justification: Last year the New York State Legislature authorized the Metropolitan Transit Authority (MTA) to implement a payroll tax of 34 cents for every \$100 earned, which applies to public, nonprofit and private employers in the MTA's 12 county jurisdiction. This tax lessens New York's economic competitiveness and is hurting local businesses, including nonprofit organizations, that are already struggling financially. This legislation levied additional taxes on local municipalities, school districts, hospitals, nursing homes and businesses, additionally burdening our region's already financially stressed citizenry. Further, this tax acts as a jobs deterrent and could potentially lead to layoffs.

The Metropolitan Transit Authority has not demonstrated the financial discipline to make the necessary cuts to their operating budget in order to forestall the need for this tax, and therefore has irresponsibly forced the burden of their fiscal mismanagement onto the taxpayers of New York State, hence the need for a REPEAL of the MTA Payroll Tax, as well as a full, independent forensic audit of the MTA, at their own expense, to highlight ways to cut expenses, introduce budgetary efficiencies and identify potential fraud and mismanagement.

Fiscal Impact: Westchester County Government taxpayers alone are paying \$1,489,000. In addition, it will cost municipalities, school districts, businesses and self-employed individuals millions of dollars. The Westchester County Health Care Corporation (Westchester Medical Center) is assessed another \$1 million annually.

Legislative History:

Article 23- Tax

2. Proposal: A Westchester County Pilot Program for Electronic Court Appearance-to remove defendant option.

Justification: In an effort to save money on prisoner transportation, while at the same time increasing public safety, the use of Electronic Court appearances has become an essential tool. Unfortunately, due to the inmate consent requirement contained in the

current version of the NYS CPL section 182.20, nearly all inmates view their court appearances as an opportunity to get out of jail and refuse consent, thus eliminating this potential saving time and money. Therefore, we are requesting a pilot program in Westchester County that would remove the option from the defendant, subject to Judicial guidance, and with any and all constitutional and civil liberties protected.

Fiscal Impact: The immediate savings are estimated at \$80,000 for overtime costs in WCPD transportation as they transport all jail arrests to Mount Pleasant Court (approximately 1500 arrests per year, or 20-30 prisoners per week). This is the only local court set up for court conferencing currently. Only 2-3% of the inmates eligible for video conferencing currently permit this because of the CPL. If the legislation is passed, we can expand this program to the courts that DOC and WCPD currently transport prisoners, yielding significant savings to the County. We may also expand the video court system to many routine appearances and reduce DOC daily court processing of non required court appearances. The exact figures may be hard to quantify but is expected to be significant on many levels and savings may increase from year to year.

Legislative History: NYS CPL section 182.20 (1)

3. Proposal: Amending State Public Health Law regarding Early Intervention and Pre-K Program.

a) Language in section 3235-a of state Insurance Law must be tightened to ensure payment of private insurance monies for eligible Early Intervention services.

Justification: Westchester provides approximately 6,000 children with EI services. Since the program's inception in 1993, Westchester has seen a steady increase in the number of children served, as well as an increase in the level of services. In the 1993-94 program years, the EI program cost the county \$5,110,862. The projected cost of this program in the 2009-10 program years is \$46,495,496. In addition, the percentage of state aid was recently reduced from 50% to 49%, thus placing additional burden on Westchester's taxpayers.

In 1993, New York State implemented the Part C (then part H) of the federal Individuals with Disabilities Education Act (IDEA) under Article 25 of the NYS Public Health Law. Under Article 25, public and private commercial insurance is to be maximized in financing EI services. NYS Insurance and Public Health laws protect families from co-payments and deductibles, as well as service and monetary limits, when insurance is recouped for payment for EI services. Yet, despite these provisions in law, reimbursement from third party payers other than Medicaid has

been minimal, leaving State and municipal tax levy dollars the first and last payer for a non-means-tested entitlement program whose costs have escalated exponentially.

In recognition of the need to improve recoupment of insurance monies to help pay for EI, the Third Party Reimbursement Task Force of the New York State Early Intervention Coordinating Council was established in 1999.

The Task Force report issued in November 2001 showed a statewide rate of private insurance collection of only 9.3% in 1997. The Task Force also reported that, based on other states' experiences, specific legislation requiring private commercial insurers to pay for EI services was the single most important factor to improved collections as well as to reduce the administrative burden on counties.

An updated survey conducted by the New York State Association of County Health Officials showed that, excluding New York City, counties billed \$70.4 million to commercial carriers in 2003-2004, more than the amount billed to Medicaid. Despite extensive billing efforts by counties, the overall rate of recoupment remained the same, from 14.4% in 2000 to 12% in 2002 but the total expenditure reported by counties to bill commercial insurers was \$3.5 million.

Fiscal Impact: This proposal will not negatively impact services and will correct a 17 year unfair shift of financial burden from the for-profit private insurance industry to taxpayers.

Legislative History: 2002: A. 11436
2003-04: A.6760/S.2410-A
2005-06: A.1014-A/S.4365-A
2007-08: A.4399
2009: A. 3719

b) County property taxpayer financial liability should be eliminated and counties should be transitioned out of fiscal, programmatic and administrative responsibility for the preschool special education program (Pre-K Program). Between 1997 and 2010, the cost of this program tripled, from \$25.9 million to an estimated \$83.7 million. The tax levy burden shot up from \$10.8 million to \$35.9 million in this twelve year period.

Justification: In the 1970s, the Pre-K program was established under section 4410 of New York State Education Law. The program operates under the auspices of SED and decisions regarding eligibility for and levels of service are made by local school districts. Counties pay a local share for services. In addition, counties must administer the program including contracting with providers and processing claims for payment and reimbursement, yet continues to receive only \$75.00 per student to partially offset their

administrative costs. Since the inception of the program, the number of children, the levels of service, and the cost of services have escalated and continue to increase exponentially.

When New York State established the mandate for counties to pay for the 4410 program, it made the commitment to initially pay 59.5% of costs and escalate its share to 69.5% then 75% of total costs by the year 1994. However, insufficient appropriations by the state have left those commitments unfulfilled, with counties still paying 40.5% of costs in 2010.

Fiscal Impact: This proposal would have a positive fiscal impact on Westchester County and every other county in the state. In Westchester, the Pre-K program cost the county approximately \$80 million in 2009 and is budgeted at \$83.7 million for 2010. Taxpayers pay these amounts up front, with 59.5% reimbursement coming from the state each year, or in many cases, several years later.

Legislative History: Initially proposed in 2007 and 2008 in the County's legislative proposals and did not receive any sponsors. However, a similar proposal was in the 2008-2009 Governor's Executive Budget based on recommendations from the November 2007 report of the Task Force on Preschool Special Education.

Lincoln V. Janus
Franchise Manager
Verizon Video



1415 W 22nd St., Tower Floor
Oak Brook, IL 60523
630-645-3801
lincoln.v.janus@verizon.com

February 26, 2010

Dear Municipal Official:

This is to inform you of programming related changes to Verizon's FiOS TV service as fully described in the attached sample customer notices. Please see the below chart.

REMOVAL DATE	CHANNEL NAME	CURRENT CHANNEL LOCATION
March 1, 2010	SETANTA SPORTS	1009
March 22, 2010	LATV CHANNEL	461
March 29, 2010	FOX REALITY	197

All three channels are being removed by the provider.

The onscreen notice for the Setanta Sports channel removal will appear as a Message Center Notice and a screen crawl on The Weather Channel from Feb. 23, 2010 through Mar. 8, 2010. The Fox Reality and LATV Channel notice will appear on screen as a Message Center Notice and a screen crawl on The Weather Channel from Feb. 26, 2010 through Mar. 31, 2010. In addition to the onscreen notices, on Feb. 26, 2010 through Mar. 1, 2010, customers will be mailed a postcard. Please see the attached three notices. There are two onscreen notices and one postcard that include these changes.

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please feel free to contact me.

Sincerely,

Lincoln Janus
Franchise Services Manager



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



March 2, 2010

VIA FACSIMILE and USPS
914-967-4604

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

Re: WABC-TV

Dear Mayor French:

This letter is to advise you that the Disney Corporation, the owner of ABC, publicly announced via advertising on its channels last night that it intends to withdraw WABC-TV from Cablevision subscribers at 12:01 AM on March 7 if Disney and Cablevision have not finalized an agreement allowing Cablevision to continue to retransmit WABC-TV.

Cablevision has been negotiating in earnest with Disney to secure retransmission rights for WABC-TV. Today, Cablevision pays Disney more than \$200 million per year for carriage of Disney-owned channels, including WABC-TV. Disney has demanded an additional \$40 million for the same programming. Disney's excessive price demand will put undue pressure on customer rates, and Disney has announced that it will deny Cablevision customers the ability to see WABC-TV unless Cablevision agrees to Disney's price.

We continue to work toward a new agreement, and we have urged Disney to hold customers harmless by not withdrawing WABC-TV while negotiations are ongoing. However, in light of Disney's announcement yesterday, Cablevision is informing its customers of the potential loss of WABC-TV by multiple means, including on air, Web site, customer service representatives and bill messages. Customer notifications will contain the required notice with respect to customers' right to downgrade or disconnect without charge.

We will keep you advised as the negotiations proceed and if there are any significant developments.

Sincerely,

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Robert Hoch

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

March 3, 2010

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

Re: Elimination of Analog Family Cable Sell-In

Dear Mayor French:

Effective April 5, 2010, Cablevision will no longer be offering the Analog Family Cable package to **new** customers. Customers subscribing to the Family Cable package on or after April 5th, 2010 will be required to take Digital equipment (Scientific Atlantic and Sony boxes/CableCARDS) with an iO Package (Ex: iO Navigation) as part of their Family Cable subscription.

There will be no change in experience to existing customers. The grandfathered Analog Family Cable customers will continue to enjoy 45 channels including the popular: Disney, CNN, Fox News, CNBC, MSG, YES, ESPN, Disney, Nick, Cartoon, Food, HGTV, Bravo, Discovery, Comedy, TNT and The Weather Channel.

Customers will be notified through on-air messaging of this change. In addition, customers can always find the most current channel and packaging information on Cablevision's consumer website www.optimum.com.

As always if you have any questions, please feel free to call me at 914.378-4515

Sincerely,

Robert Hoch

CABLEVISION

Six Executive Plaza, Yonkers, NY 10701

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**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: February 26, 2010 -

Meetings scheduled to be held during the week of March 8, 2010.

MONDAY, MARCH 8, 2010

*Board of Architectural Review
8:00 P.M.
Council Chambers
Mayor's Conference Room*

TUESDAY, MARCH 9, 2010

*Rye Planning Commission
7:30 P.M.
Council Chambers
Mayor's Conference Room*

WEDNESDAY, MARCH 10, 2010

*Rye Recreation Commission
7:00 P.M.
Damiano Center*

*City Council Meeting
8:00 P.M.
Council Chambers
Mayor's Conference Room*

THURSDAY, MARCH 11, 2010

*Traffic & Pedestrian Safety Committee
7:30 P.M.
Mayor's Conference Room*

cc: News Media
Kerry Donahue