

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: April 8, 2011

Enclosed with this memorandum are the following items:

- 4-5 Notice and information regarding a Community Forum on Indian Point to be held on Monday, April 11, 2011 at the Greenburgh Town Hall at 7:00 p.m.
- 4-6 Legal Department Update from the Corporation Counsel dated April 8, 2011.
- 4-7 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated April 1, 2011 regarding changes to the iO solver and iO Gold Package subscriptions.
- 4-8 Meeting notice for the week of April 11, 2011 is available on the City website www.ryeny.gov under Calendar.

SAVE THE DATE

MONDAY, APRIL 11, 7pm



The disaster in Japan -- nuclear reactors leaking radiation at dangerous levels, on top of earthquake and tsunami devastation, highlights the risks we Hudson Valley residents face in the event of a similar catastrophe.

- The Nuclear Regulatory Commission (NRC) identifies the Indian Point facility, out of all 104 nuclear reactors in this country, as the one with the highest risk of catastrophic failure due to an earthquake.
- Americans in Japan within 50 miles of the Fukushima nuclear reactor have been advised to evacuate. Why are WE living with only a 10-mile evacuation zone?

Nearly 20 million people live within 50 miles of Indian Point, but there are no plans for a 50-mile evacuation. Is such an evacuation even conceivable? Could our beautiful Hudson Valley become permanently uninhabitable, its soil, vegetation, and water supplies contaminated for generations to come?

Come to a

COMMUNITY FORUM ON INDIAN POINT

**Standing with the people of Japan
and taking action together
to protect our homes and families**

**at the Greenburgh
Town Hall**

Speaker's list coming soon
or contact the
Indian Point Safe Energy Coalition



**179 Hillside Avenue
Greenburgh, NY**

at 1-888-474-8848
or www.ipsecinfo.org

April 11: Community Forum on Indian Point In Wake of Fukushima Nuclear Disaster, Greenburgh

Informational meeting sponsored by the Indian Point Safe Energy Coalition on Indian Point and what Fukushima teaches us as we stand in solidarity with the people of Japan during this catastrophe..

Where: Greenburgh Town Hall, 179 Hillside Avenue, Greenburgh, NY

Who: John Armbruster, Lamont Doherty Institute, will speak on earthquakes and Indian Point. Paul Blanch, nuclear expert and consultant to the State of New York, will talk about the similarities in fuel pool design between Fukushima and Indian Point. Steering committee members of the Indian Point Safe Energy Coalition who live in communities surrounding the plant will also be available for comments. Andy Kantor, Head of the New York Chapter of Physicians for Social Responsibility, will speak on the effects of radiation.

With the disaster in Japan and the reactors in Fukushima leaking radiation at dangerous levels into the air and water, and no end in sight, the Indian Point Safe Energy Coalition (IPSEC) will host a Community Forum on the lessons we can learn from Fukushima and how they apply to Indian Point.

According to the **Nuclear Regulatory Commission**, the design basis for the plant is geared to a 5.2 earthquake while seismologists estimate that a 7.0 earthquake is a possibility. The NRC has identified Indian Point as the nuclear reactor with the highest risk of catastrophic failure due to an earthquake out of all the 104 nuclear reactors in the United States.

The science that created the standards for the seismological design basis of the plant is from the 1950's. John Armbruster of the **Lamont Doherty Institute** is one of the authors of a seismological study published in 2008 that called for reexamining how earthquake proof the plant really is based on advances in the field and new understandings of how the earth moves.

The current evacuation plan is for 2 miles in the direction of the plume, within the 10 miles radius around Indian Point. Sheltering in place is recommended for those outside the 10 mile zone. Americans in Japan within 50 miles of the damaged reactors were told by the United State government to evacuate. Population density within the 50 mile area around the area of Fukushima is 500,000. Over 21 million people live within a 50 mile radius around Indian Point.

Local officials in our area have acknowledged that the plan is unworkable. James Lee Witt, former head of **FEMA** and an evacuation expert, was hired by The State of New York to investigate this matter. He concluded the plan was unworkable as planned and practiced. Fukushima has shown us that sheltering in place is untenable for disasters that unfold over a period of time. Japanese that stayed in their homes are now living in an area with no services, food deliveries, medical care, and no first responders. They must self evacuate through radiological contamination.

According to the **Union of Concerned Scientists** and nuclear expert Paul Blanch, the spent fuel pools at Indian Point are similar to those at the reactor in Japan. They have no containment and are not hardened structures. They are ordinary commercial buildings like K Mart or Sears. While the reactors have four hour back up batteries, the spent fuel pools do not have an independent backup system for electricity or cooling. While some spent fuel has been moved to dry cask storage, 1,000 tons of high level radioactive waste remains in the pools for units 2 and 3. While the industry treats spent fuel as if it were benign, it is not.

Michele Lee, a member of the board of the **Nuclear Information and Resource Service**, said "First we had Sept 11, then Katrina, BP, and now Fukushima. How many failures of 'fail safe' systems do we need? What level calamity does it take before we understand there are some risks not worth taking?"

Marilyn Elie, co founder of **Westchester Citizens Awareness Network** said "Indian Point supplies only 560MW of electricity to our grid. The rest is sold on the open market from Maine to Ohio. That is

about 5% of the electricity used in Westchester and New York City on a typical day. There is such a high impact in our community even if there is a low probability of risk. Why should our community have to face that risk when the market has already replaced the power?"

Buddhist nun Jun-san from the **Grafton Peace Pagoda** will speak about her 206 mile pilgrimage from Indian Point to the Vermont Yankee reactor which she begin on April 10 at the gates of Indian Point. A visitor from the Fukushima region of Japan is also expected. Presentations will be followed by questions from the audience for the panel of experts.

The forum is free and open to the public.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: April 8, 2011

TAX CERTIORARI MATTERS

WESTCHESTER JOINT WATER WORKS (WJWW) v. CITY OF RYE

The City has filed a cross-motion in the pending WJWW tax cert matters seeking dismissal of the proceedings for a failure to serve the Rye Neck School District, among other issues. WJWW also served a cross-motion.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The Administrative Law Judge has circulated a new schedule of dates for comments. The City's comments are due on or before April 22, 2011.

SCHUBERT V. CITY OF RYE, ET AL.

Plaintiffs' 30-day statutory time period for filing a Notice of Appeal in this matter is still running.

R.B. CONWAY V. CITY OF RYE

The trial has been calendared for September 2011.

DELLI PAOLI V. ZONING BOARD OF APPEALS

The Zoning Board of Appeals is going to be reconsidering the application of Delli Paoli in light of the Supreme Court's recent decision at its April meeting.

SHEW v. CITY OF RYE

The City is preparing its reply papers in further support of its Motion to Dismiss and in Opposition to Plaintiff's Motion for Leave to File a Late Notice of Claim.

MOLLOY v. PLANNING COMMISSION

Petitioner's Appellants appeal still pending.

PANETTA v. PLANNING COMMISSION

Petitioner's reply papers are due in early April.

SCHUBERT v. PLANNING COMMISSION, et al

Plaintiffs' 30-day statutory time period for filing a Notice of Appeal in this matter is still running.

CITY COURT

People v. Schwartz

Oral argument was heard in the Appellate Term on April 7, 2011. Once a decision is rendered, it will be reported in the litigation update.

Otherwise, routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn



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April 1, 2011

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

Re: Launching of new iO Silver and Gold Package

Dear Mayor French:

Please let this letter serve to provide notice that effective, May 2, 2011, there will be changes to the iO Silver and iO Gold Package subscriptions.

Video on Demand will be added to the existing iO Silver and iO Gold packages creating new enhanced premium offerings. iO Silver will now include Showtime, Starz/Encore On Demand and iO Gold will include Showtime, Starz/Encore and The Movie Channel on Demand. Existing iO Silver and iO Gold customers will be grandfathered at the current rate. The new enhanced iO Silver and iO Gold packages will be offered at an increase of \$1.00: iO Silver at \$83.95 and iO Gold at \$103.95.

Customers will be notified of the new packages through on air and written messaging. In addition, customers can always find the most current packaging and rate information on Cablevision's consumer website www.optimum.com.

As always, if you have any questions, please feel free to call me.

Sincerely,

Robert Hoch

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