

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 12, 2011

Enclosed with this memorandum are the following items:

- 8-4 Notice from Westchester County dated August 11, 2011 to avoid contact with the Hudson River due to the sewer main break in Ossining.
- 8-5 Legal Department Update from the Corporation Counsel dated August 12, 2011.
- 8-6 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated August 10, 2011 regarding the transition to a fully digital cable system.
- 8-7 Meeting notice for the week of August 15, 2011 is available on the City website www.ryeny.gov under Calendar.



Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Cheryl Archbald, MD, MPH, Acting Commissioner, Department of Health
Ned McCormack, Communications Director
Contact: Caren Halbfinger (914) 813-5013 / after hours: 813-5000

FOR IMMEDIATE RELEASE: August 11, 2011

AVOID CONTACT WITH THE HUDSON RIVER IN WESTCHESTER Sewage Discharge in Ossining Closes Two Beaches

The Westchester County Department of Health has notified area marinas and boating clubs and has advised Croton Point Park Beach and Philipse Manor Beach to close today, as a result of a sewer main break in Ossining.

The Westchester County Department of Health was notified of the incident today and also advises people who use the Hudson River waters for recreational purposes, namely swimmers, boaters, windsurfers and kayakers, to avoid direct contact with the Hudson River until further notice. The Health Department is collecting beach water quality samples today and will issue an updated advisory based on sample results received tomorrow.

The village of Ossining today reported that a fallen tree had caused a break in an 18-inch sewer main, which is discharging sewage into Killbrook Creek, near the intersection of Water Street and Central Avenue in Ossining, about a quarter mile from the Hudson River. The health department estimates 1.5 million gallons per day of sewage is discharging due to the break. The village is adding chlorine solution upstream to provide partial treatment of the sewage before it is discharged to the Hudson River, and is working to repair the break.

The health department will continue to monitor the situation and respond as needed.

The New York State Department of Environmental Conservation, the New York State Department of Health, and the New York City Department of Environmental Protection have been notified.

For more information on the status of repairs to the sewer main break, contact the Village of Ossining.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: August 12, 2011

TAX CERTIORARI
WESTCHESTER JOINT WATER WORKS (WJWW)

As you may recall, a motion for summary judgment was filed by the Rye Neck Union Free School District. The City cross-moved for summary judgment as well. A court conference took place this week and the parties were informed that a decision on the motions would be made for at least another two months.

LITIGATION
BEAVER SWAMP BROOK – (DEC Administrative proceeding)

In a Supplementary Rulings memorandum, ALJ O'Connell found that DEC's negative declaration was not irrational and did not require DEC staff to reconsider its SEQRA analysis. In addition, the Judge has provided all parties with an opportunity to appeal from both the Supplementary Rulings decision and the prior May 2009 Issues Ruling.

BASSETT v. CITY OF RYE

Judge Berliner (the trial court judge) is still considering the post trial motions and no decisions have been rendered.

CASPI v. CITY OF RYE

The discovery deadline has been extended to October 31, 2011. A conference in this matter is scheduled for October 27, 2011. The deposition of the Plaintiff's father has concluded and the depositions for the defendant will be scheduled to take place between now and the end of October.

R.B. CONWAY V. CITY OF RYE

The trial has been calendared for September 2011.

DELLI PAOLI V. ZONING BOARD OF APPEALS

The Board of Appeals reaffirmed the Board of Architectural Review's decision to deny the application at their May meeting.

SHEW v. CITY OF RYE

We received a decision in this matter dismissing the case. Plaintiff's first two causes of action for 1) for breach of Employment Agreement for failure to pay him six months severance and 2) breach of Rye City Charter Section C8-4 for failure to pay plaintiff his salary for three months after the preliminary resolution were both dismissed. The Court dismissed these causes of action as the documentary proof provided by the City established that Plaintiff had not been

removed when he resigned/retired, therefore he was not entitled to severance pay under the Employment Agreement nor an additional three months salary pursuant to Rye City Charter Section C8-4.

As to Mr. Shew's final cause of action for defamation, the Court dismissed such claim for failure to serve a timely notice of claim in accordance with General Municipal Law Section 50-e. Thus his motion to serve a late notice of claim was denied obviating the need for further review of Plaintiff's defamation claims.

Notice of entry of this decision will be served today.

MOLLOY v. PLANNING COMMISSION

Appellants have submitted a motion to enlarge their time to file their appellate brief from the Appellate Division, Second Department. The new date to file the brief is September 5, 2011

PANETTA v. PLANNING COMMISSION

This matter is now fully submitted in Supreme Court, Westchester County.

MUNDINGER v. PLANNING COMMISSION

This matter is now fully submitted in Supreme Court, Westchester County.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn

ROBERT HOCH, DIRECTOR
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August 10, 2011

VIA FACSIMILE & USPS
914-967-4604

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

Re: Elimination of Analog Service

Dear Mayor French:

Starting next month, Cablevision will begin eliminating the duplicate analog feeds of the programming channels in the Broadcast Basic and Family tiers in Westchester County, resulting in a fully digital cable system in these areas. The transition will be rolled out beginning on September 20, 2011 and be completed by approximately December 16, 2011.

More than 95% of Cablevision video customers already subscribe to the company's digital service and already have digital-ready televisions, set top boxes, or both in their household. The viewing experience will remain unchanged on a television already using a set top box or CableCARD, or a digital television used only for Broadcast Basic service.

The elimination of duplicative analog channels will put Cablevision in parity with its primary competitors -- who already offer digital-only programming -- and permit us to increase the quantity and quality of our programming offerings. We have completed this transition through much of our service area including Long Island. Eliminating the remaining duplicate analog channels and transitioning to a 100% digital service in Westchester County will allow us to use bandwidth more efficiently and permit Cablevision to offer more high-definition, video on demand and other enhancements to its industry leading Optimum products and services.

Some customers will need additional equipment to view programming after the transition. As a result of the elimination of analog programming, customers using analog televisions will need set top boxes.

To ease customers' transition to all digital, we will extend promotional offers for free set top boxes and CableCARDS to existing customers, including municipal accounts, to ensure the uninterrupted availability of programming. We will provide notice of these offers directly to customers prior to the conversion. These offers have proven successful in other areas where we have already completed transitions like this one.

Cablevision will take multiple measures to inform customers of the changes to their service. Customers will be notified of the digitization through on-air messages on the programming channel guide, by a separate mailing at least 30 days in advance of the changes, and by outbound telephone calls. Customers will also be able to find their most current channel line-up and more details about the transition on our consumer website www.optimum.com.

As always if you have any questions, please feel free to call me at 914-378-4515.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Hoch", written over a white background.

Robert Hoch
Director, Government Affairs

CABLEVISION
Six Executive Plaza, Yonkers, NY 10701