

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 16, 2011

Enclosed with this memorandum are the following items:

- 9-13 Press Release from Commissioner William R. Connors dated September 14, 2011 regarding NIXLE and Reverse 911.
- 9-14 Notice regarding the Rye Town Park Commission Meeting to be held on Tuesday, September 20, 2011 at 6:00 p.m. at Rye Town Hall.
- 9-15 Information regarding the Town of Rye Dissolution Feasibility Study.
- 9-16 Legal Department Update from the Corporation Counsel dated September 16, 2011.
- 9-17 Letter from Dan Ahouse, Vice President Cablevision Government Affairs, dated September 9, 2011 regarding the loss of the Tennis Channel from Cablevision programming.
- 9-18 Meeting notice for the week of September 12, 2011 is available on the City website www.ryeny.gov under Calendar.



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



PRESS RELEASE

September 14, 2011

FOR IMMEDIATE RELEASE

NIXLE AND REVERSE 911 PROVE TO BE EFFECTIVE MEANS OF COMMUNICATING WITH THE COMMUNITY; RESIDENTS URGED TO REGISTER FOR NOTIFICATIONS

*Contact: Detective Lieutenant Joseph A. Verille III (914) 967-1234
Police Commissioner William R. Connors (914) 967-1234*

The severe weather of the past few weeks has proven the importance and effectiveness of two emergency notification systems used by the City: Nixle and Reverse 911. Both systems were used to issue weather advisories, evacuation notices, and information about the disaster recovery process. We urge residents and business owners who have not done so to register for Nixle alerts. If you have not received Reverse 911 calls, we ask you to contact the Police Department to verify that you are properly listed in the system.

During the course of the preparation, impact, and recovery stages of Hurricane Irene and the remnants of Tropical Storm Lee, 52,394 telephone calls were made via Reverse 911. 18,920 email messages and 12,281 text messages were sent using Nixle. Since March 30, 2010, the City of Rye Police Department has been utilizing a new communications service that allows us to send important, valuable community information directly to residents using the latest technology.

The Nixle Community Information Service, introduced on March 30, 2010, allows us to create and publish messages to be delivered to subscribed residents instantly via cell phone text message and/or email. Notifications can also be accessed online at Nixle's web site at www.nixle.com. Messages may include weather notifications, warnings regarding criminal activity, traffic advisories, and crime prevention tips, as well as other relevant safety and community event information. Nixle is quicker and more direct than a news release, and less intrusive than a Reverse 911 call. We have used Nixle to broadcast information about emergencies, such as weather alerts, information about potential flooding, and messages relating to animal incidents, as well as non-emergency information – like traffic advisories, traffic and parking alerts, and general information about personal safety.

The service is provided at no cost, although standard text messaging rates apply. Subscribers can choose the way in which alerts are received, whether it is by email, text message, or over the web. Nixle registrations increased significantly during the storms, but we encourage all who have not done so to subscribe either at www.nixle.com or by using the link on the City of Rye website.

Reverse 911, introduced by the Department on May 16, 2003, is a geographically based calling system that provides the ability to quickly communicate with the public by telephone. It also includes a feature known as “Guardian Calling,” which is used to check on the well being of senior citizens or the homebound. The system calls participants on a regular basis -- daily or weekly, for example. They enter a designated code on their telephone keypads to verify that they are well. If they do not enter the code, an alarm is transmitted at Police Headquarters, and police officers are dispatched to check on them.

“We make every effort to notify residents when emergencies occur,” said Police Commissioner William Connors. “We have a number of communications systems in place – the emergency broadcast system, Rye Cable Television, the City’s website, sirens, and loud speakers, for example, and each serves its own purpose – but the broadcast systems work only if the radio or television is on, and sirens and loudspeakers may not be effective if a resident is asleep with an air conditioner on. Reverse 911 is slower than Nixle, for example, because it is limited by the capacity of telephone lines, but it is intrusive; the telephone is on, will ring to alert the resident, and will personally deliver a message even during the middle of the night.”

Reverse 911 calls will not reach blocked or unlisted telephone numbers. Residents with such numbers who wish to be added to the database can contact Sergeant Nicholas Groglio at (914) 967-1234, extension 304, or by email at ngroglio@ryepd.ryeny.gov to be added manually. Because the system relies on a commercial telephone database, residents who are new to the area or who have not received calls are encouraged to check their status, as well, to ensure that they will receive emergency notifications.

###



*Rye Town Park
95 Dearborn Ave.
Rye, NY 10580
914 967-0965*

RYE TOWN PARK COMMISSION **MEETING NOTICE**

Commission Members

Joseph Carvin-President
Douglas French, Mayor-City of Rye
Dennis Pilla, Mayor-Village of Port Chester
Joan Feinstein, Mayor-Village of Rye Brook
Benedict Salanitro, Commissioner
Joseph Sack, Commissioner

DATE & TIME: Tuesday, 9/20/2011@ 6:00PM

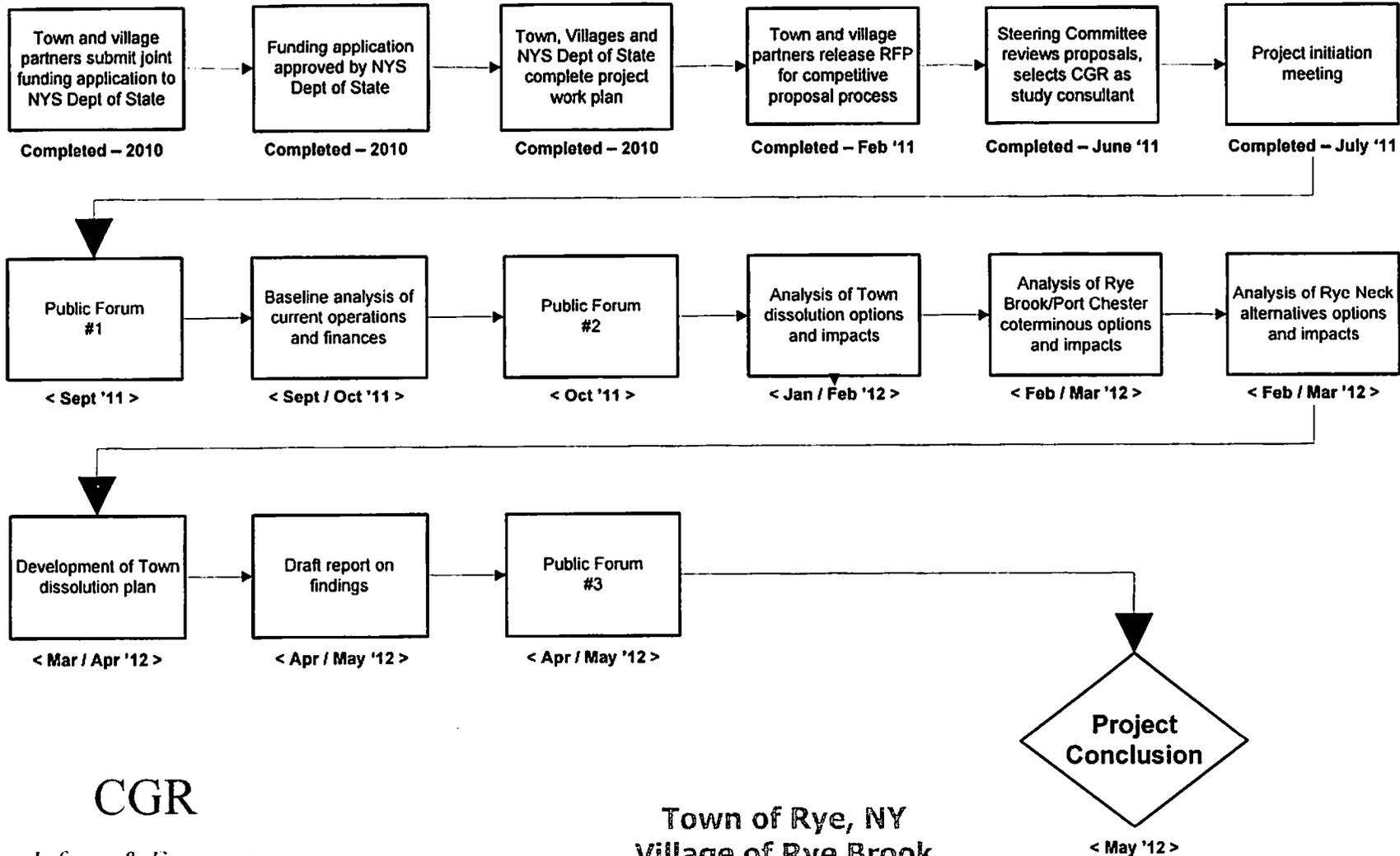
PLACE: Rye Town Hall
 10 Pearl Street-3rd Floor Courtroom
 Port Chester, New York 10573

Tentative Agenda:

1. Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 7/19, 8/16, & Special meeting 7/26,
4. Comments from the Public
5. Manager's Report
6. Financial Report
7. Automated Parking Update

Town Dissolution Feasibility Study & Village Alternatives Analysis

Project Website: www.cgr.org/ryetown



CGR

Inform & Empower

Town of Rye, NY
 Village of Rye Brook
 Village of Port Chester
 Village of Mamaroneck

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: September 16, 2011

CLAIMS

A notice of claim has been filed by Ann Dirksen of 2 Hayward Place. The notice states that a fence on Ms. Dirksen's property was damaged when a City tree fell on it. The claim has been forwarded to our insurance carrier.

A notice of claim has been filed by Lily Marie Retta of Katonah. The notice states that Ms. Retta's parked automobile was damaged when a City tree fell on it. The claim has been forwarded to our insurance carrier.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A proceeding will be commenced to challenge the Negative Declaration issued by the Department of Environmental Conservation in connection with Harrison's Project Homerun.

BASSETT v. CITY OF RYE

In an Order dated August 26, 2011, Judge Robert M. Berliner granted the City's motion to set aside the jury verdict and denied Plaintiff's motion for attorneys' fees since Plaintiff was not the prevailing party.

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 Judge adjourned the trial date until October 3, 2011 and the pre-trial conference to September 22, 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

A Notice of Appeal to the Appellate Division, Second Department has been filed on behalf of Paul Shew seeking to overturn the Decision and Order rendered by Hon. Gerald E. Loehr in this case.

MOLLOY v. PLANNING COMMISSION

By letter dated September 2, 2011, the Petitioner/Appellant has requested an additional enlargement of time to perfect her appeal from the Appellate Division, Second Department.

PANETTA v. PLANNING COMMISSION

In a ten-page Decision and Order dated September 12th, Judge Colangelo has dismissed the petition in this matter and found that the Planning Commission did not act beyond its authority when it found that the road (Howard Place) could not be "suitably improved" in accordance with the City's own road standards.

MUNDINGER v. PLANNING COMMISSION

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

RUNES v. BOARD OF ASSESSMENT REVIEW and CITY ASSESSOR

An Article 78 Petition has been filed by Richard Runes of 3 Kirby Lane North seeking to overturn the April 12, 2011 decision of the small claims hearing officer, JHO Luke M. Charde, Jr. who determined that the assessment on Mr. Runes' property was supported by the evidence put forth by the City.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn



September 9, 2011

Hon. Jaclyn A. Brillig
Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350

Dear Ms. Brillig:

This letter is to advise that on September 4, 2011, the Tennis Channel ceased authorizing Cablevision to carry its network. (This letter follows our August 3 email advising the Commission of the possibility of the withdrawal of the programming.) The Tennis Channel had been available to all Cablevision subscribers as one of 34 channels on the iO Sports and Entertainment Pak on iO TV @ Channel 399 and iO TV Channel 795 (HD) in all Cablevision systems in New York for \$6.95 per month.

In addition to our regulatory notifications, customers that subscribe to the iO Sports and Entertainment Pak were notified in writing on August 3 of the possible interruption of the programming. Subscribers were subsequently notified of the Tennis Channel's withdrawal of the programming on September 4th by multiple means, including on-air notices.

As context for Tennis' Channel's withdrawal of the programming, Cablevision had been carrying the Tennis Channel for the last two years under a 2002 agreement between the programmer and the National Cable Television Cooperative (NCTC) – of which Cablevision is a member. That agreement allowed cable providers to carry the Tennis Channel on any tier, including sports tiers, so that customers who specifically wanted the specialized programming could agree to pay for and receive it. With the NCTC contract set to expire at midnight on Sept. 3, Cablevision earlier this year proposed to continue carriage of the Tennis Channel on its sports tier, the "iO Sports and Entertainment Pak." Consistent with industry practice, Cablevision also offered to keep carrying the Tennis Channel on this tier pending negotiations on a new contract.

The Tennis Channel refused to consider continued carriage on the sports tier and rejected Cablevision's offer for interim carriage pending further negotiations. At the conclusion of the NCTC deal, the Tennis Channel withdrew its signal from Cablevision and dozens of other providers across the country, depriving cable customers of its tennis-related programming during the U.S. Open, one of the year's marquee tennis events.¹

¹ *CableFax Daily*, No Tiers: Tennis Says Goodbye to Several NCTC Members, September 7, 2011.

For all members of the NCTC, the Tennis Channel is now insisting on carriage on a widely subscribed tier (i.e., digital basic tier), which is a significant departure from Cablevision's (and other multichannel video programming distributors')² historical carriage of the Tennis Channel. Digital basic carriage would substantially increase the cost to Cablevision's customers. Cablevision's proposal for continued sports tier carriage is a fair, reasonable, and non-discriminatory carriage term that should form the basis of any renewal agreement.

While we regret any inconvenience to our customers caused by the Tennis Channel's withdrawal of the programming, we note that Cablevision added eight channels to the iO Sports and Entertainment Pak this year alone, without increasing the subscription charge for this tier. In addition, every important U.S Open match is available to Cablevision customers on ESPN 2, CBS, in 3D and through the free online offerings of the United States Tennis Association, which can be viewed on the computer or TV through Cablevision's *Optimum Link* service (allowing subscribers to view items from their PC on their TVs). We further note that customers may downgrade or disconnect without charge and receive a pro-rated rebate for any prepaid amounts.

Should you have any questions, please do not hesitate to contact me at 516-803-3778 or by email dahouse@cablevision.com.

Sincerely,



Dan Ahouse
Vice President, Government Affairs for New York

cc: Municipalities

² For instance, it is our understanding that Time Warner Cable continues to carry the Tennis Channel on a sports tier.