

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 21, 2011

Enclosed with this memorandum are the following items:

- 10-11 Notice from Westchester County regarding a Public Hearing to be held at Rye City Hall, Council Chambers, on Thursday, November 3rd at 10:00 a.m. regarding the renovation project at Avon Products, Inc. located at 601 Midland Avenue.
- 10-12 Notice from the Tappan Zee Hudson River Crossing Project regarding Scoping meetings to be held on the project on Tuesday, October 25, 2011 and Thursday, October 27, 2011 from 4:00 p.m. to 9:00 p.m.
- 10-13 Legal Department Update from the Corporation Counsel dated October 21, 2011.
- 10-14 Notice from Westchester County regarding a *Senior Law Day in Westchester* to be held on Thursday, October 27, 2011 from 9:00 a.m. to 1:00 p.m. at the County Center in White Plains.
- 10-15 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated October 14, 2011 regarding updates to Cablevision service.
- 10-16 Meeting notice for the week of October 24, 2011 is available on the City website www.ryeny.gov under Calendar.

Stephen J. Hunt
Chairman

Eileen Mildenberger
Executive Director

October 18, 2011

Honorable Douglas H. French
Mayor
City Hall
1051 Boston Post Road
Rye, NY 10580

Re: Public Hearing Notice

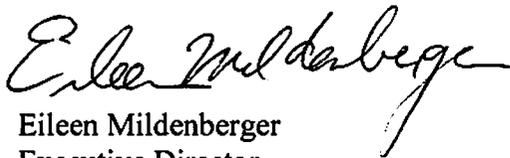
Project: Avon Products, Inc, /Avon Capital Corporation
601 Midland Avenue
Rye, NY 10580

Dear Mayor French:

Pursuant to General Municipal Law, Section 859-a, the County of Westchester Industrial Development Agency will hold a public hearing on November 3rd at 10:00 a.m. in the City of Rye at the Council Chambers, Rye City Hall, 1051 Boston Post Road, Rye, New York.

Enclosed is a copy of the public hearing notice that appeared in the Journal News.

Sincerely,



Eileen Mildenberger
Executive Director

Enclosure

LEGAL NOTICE
PUBLIC HEARING

NOTICE is hereby given that the County of Westchester Industrial Development Agency (the "Agency") will hold a public hearing regarding a proposed project consisting of the Agency providing financial assistance in connection with the acquisition, construction, renovation and furnishing of approximately 173,000 square foot of office, distribution and information services facility located at 601 Midland Avenue in the City of Rye, County of Westchester (the "Project"). The Project will be leased by the Agency and sub-leased to Avon Capital Corporation ("ACC") and Avon Products, Inc. ("API", and collectively with ACC, the "Company" or the "Applicant"). The Project will be operated and used by the Applicant as its financial shared services center, general accounting and information services operations.

The Agency proposes to provide financial assistance for the Project pursuant to the New York State Industrial Development Agency Act and the Agency's enabling legislation, respectively Article 18-A and Section 923-a of the General Municipal Law (Chapter 24 of the consolidated laws of New York) (collectively, the "Act"). The Agency contemplates providing such financial assistance primarily in the form of exemptions from sales and use tax on capital expenditures, which will not deviate from the Agency's uniform tax exemption policy.

Applicant: Avon Capital Corporation and Avon Products, Inc. The Applicant's current address is 601 Midland Avenue, Rye, New York, 10580.

Public Hearing: The hearing will be held on the 3rd of November, 2011 at 10:00am at the Council Chambers, Rye City Hall, 1051 Boston Post Road, Rye, New York.

Participation at the Hearing: All interested persons, organizations, corporations or

governmental agencies are invited to attend the public hearing and/or to submit comments concerning the granting of financial assistance by the Agency or the location or nature of the proposed project. Individuals and representatives of organizations who desire to present oral testimony at the public hearing are requested to provide their names, addresses and telephone numbers, as well as the organization they represent (if any), to Debra Ogden at (914) 995-2926 by close of business on November 2nd, 2011. Individuals are requested to limit their comments or testimony to 5 minutes, but additional time may be granted by the presiding officer for good cause. Written comments or statements regarding the proposed project may be submitted at the public hearing or by mail to the Executive Director, Eileen Mildenberger, at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601. A transcript or summary report of the public hearing, as well as any written comments or statements received by the Agency at or prior to the hearing, will be made available to the members of the Agency prior to the meeting at which the authorization of the project will be considered.

Information Availability: Information regarding the proposed Project, including the application and a cost and benefit analysis, is available for review during normal business hours at the office of the Agency given above, and will be available for review at the public hearing. Arrangements to review such information at the office of the Agency should be made by calling Debra Ogden at (914) 995-2926.



TAPPAN ZEE HUDSON RIVER CROSSING PROJECT



Please join the Federal Highway Administration, the New York State Department of Transportation, and the New York State Thruway Authority for Public Scoping Briefings on the proposed infrastructure improvements for the Tappan Zee Hudson River Crossing.

You will have an opportunity to provide written and oral comments on the project.

TUESDAY, OCTOBER 25, 2011 - 4:00 pm–9:00 pm

Westchester County Scoping Meeting

Doubletree Hotel Tarrytown - 455 South Broadway, Tarrytown, NY 10591

THURSDAY, OCTOBER 27, 2011 - 4:00 pm–9:00 pm

Rockland County Scoping Meeting

Palisades Center Adler Room - 1000 Palisades Center Drive, West Nyack, NY 10994

OPEN HOUSE: 4:00 PM - 9:00 PM

PRESENTATION: 5:00 PM & REPEATED AT 7:00 PM

After each presentation, the public will be provided the opportunity to comment on the scope of the Environmental Impact Statement. Those wishing to speak must register by 5:30 pm or 7:30 pm, respectively.

If you have special needs, please call : 917-339-0488

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: October 21, 2011

SETTLEMENT

In September I notified you that a claim had been filed by Kathryn McGill in connection with damage to her automobile caused by a City vehicle. Our insurance carrier has settled the claim for the amount of \$1,517.33.

Earlier this month, I notified you that a notice of claim had been filed by Jeffrey and Julianne Laverty of Forest Avenue claiming that a fence on their property was damaged when a limb from a City tree fell on it. The claim has been denied by our insurance carrier because the tree came down due to weather conditions.

LITIGATION

JASON HYMEEN DOWLING v. COUNTY OF WESTCHESTER, TOWN OF MOUNT PLEASANT, CITY OF RYE, WESTCHESTER COUNTY POLICE DEPARTMENT, et al

A summons and complaint has been served on the City claiming false arrest in connection with Plaintiff's arrest by County Police at Playland. A notice of claim was previously filed in October 2010 and denied by our insurance carrier. The complaint has been forwarded to our insurance carrier.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

DEC staff filed a Reply to the City's Appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings. The Town of Harrison did not file reply papers by the October 14th deadline.

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.

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. The adjournment was granted until November 7, 2011.

PANETTA v. PLANNING COMMISSION

Petitioner has filed a Notice of Appeal in connection with the Decision and Order issued by Judge Colangelo on September 12th. Petitioner/Appellant has six months to perfect the appeal.

MUNDINGER v. PLANNING COMMISSION

A Decision and Order has been issued in connection with this Article 78 proceeding, which alleged violations of the State Environmental Quality Review Act (SEQRA). In an eleven-page Decision, Judge Colangelo ruled that the Planning Commission identified and took a hard look at the environmental impacts and acted reasonably and appropriately when it approved a Resolution granting approval to Wainwright House for use of seasonal tents.

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.

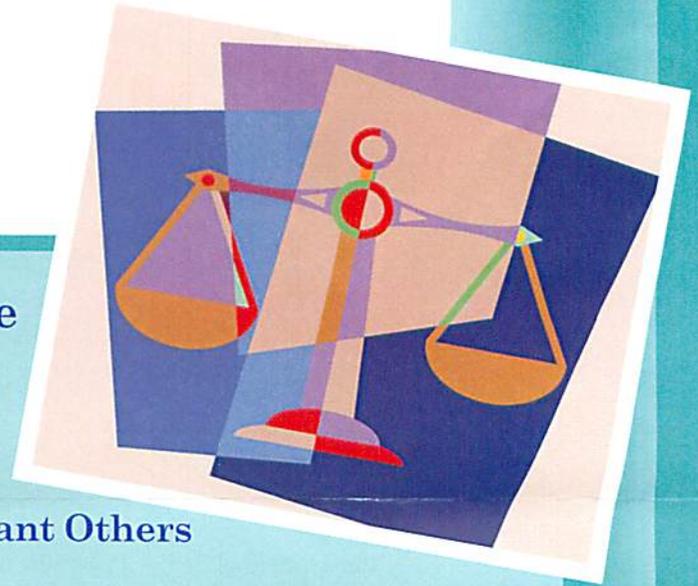
Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn

Senior Law Day in Westchester



Free Legal and Financial Advice

Thursday, October 27

9 a.m. to 1 p.m.

Westchester County Center, White Plains

For Seniors, Their Families and Significant Others

NEW TOPICS:

- **Update on changes to estate and income tax laws**
- **The Marriage Equality Act: Planning for same sex and unmarried couples in New York**

Some Featured Workshops:

- **Estate Planning/Elder Law 101:** Planning to preserve your assets
- **Should I Use a Will or a Trust? Who's Afraid of Probate:** What to do when someone dies
- **Nuts and Bolts of Financial Planning:** Making your money last through retirement
- **Planning for the Care of a Loved One:** Experiencing Alzheimer's or other dementias, what are the legal and care considerations?
- **How Do I Pay for Long-Term Care?** Medicaid, long-term care insurance or personal funds?
- **Senior Crime Busters:** The pros teach you how to avoid identity theft, scams and fraud
- **Workshops in Spanish:** Senior Crime Busters and Medicare Basics

And more

Pre-registration is required: To sign up, call (914) 813-6400 or register at www.westchestergov.com/seniors

Pro Bono Workshops: Free, 15-minute, one-on-one consultations with elder law attorneys and certified financial planners are offered. Register for these on Senior Law Day.

Free Continental Breakfast Free Parking

Presented by: the Westchester Public/Private Partnership for Aging Services, the Westchester County Department of Senior Programs and Services and the Ninth Judicial District of the New York State Office of Court Administration.

Sponsors: Collaborative for Palliative Care; Covey, Roberts & Carmody-Roberts, LLC; Fordham University's Ravazzin Center on Aging; Glassman & Brown, LLP; Keane & Beane, PC; Littman Krooks, LLP; McLaughlin & Zerafa LLP; Law Offices of Valorie Joy Promisel; Rosenthal & Markowitz, LLP; Anthony J. DeVito, ADV Investment Management and Financial Planning; Walsh, Amicucci & Pantaleo; The Wartburg.

DEPARTMENT OF SENIOR PROGRAMS & SERVICES
Mae Carpenter, Commissioner



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



October 14, 2011

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

Re: Smithsonian HD Switched Video Platform Change

Dear Mayor French:

Please let this letter serve to provide notice that effective October 19, 2011, the Smithsonian HD, iO TV Channel 780 will no longer be delivered on a Switched Video Platform.

Customers with a CableCARD equipped device will now be able to tune to this programming service without the need of a tuning adaptor or set top box. This change will not impact channel location or tier packaging.

Customers will be notified of the change through on-air and bill messages.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Hoch". The signature is fluid and cursive, with a prominent "R" and "H".

Robert Hoch