

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

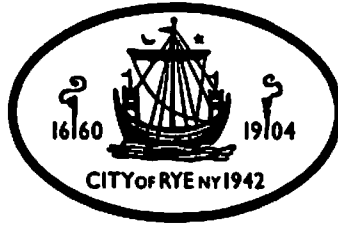
FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 30, 2011

Enclosed with this memorandum are the following items:

- 12-21 Invitation to the 2012 Inauguration and Celebration of the 70th Anniversary of the City of Rye to be held on Sunday, January 1, 2012 beginning at 4:00 p.m. at City Hall.
- 12-22 Legal Department Update from the Corporation Counsel dated December 30, 2011.
- 12-23 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated December 13, 2011 regarding the digitization of the HSN Channel, effective January 19, 2012.
- 12-24 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated December 22, 2011 regarding a late fee rate change.
- 12-25 Meeting notice for the week of January 3, 2011 is available on the City website www.ryeny.gov under Calendar.



Please join us
for the
Inauguration Ceremony
and the celebration of the
70th Anniversary
of the
City of Rye

When: Sunday, January 1, 2012 at 4:00 p.m.

Where: Rye City Hall
1051 Boston Post Road
Rye, New York

Who: Newly elected Councilmembers
Laura Brett
Catherine Parker
Joseph Sack

Light Refreshments will be served.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: December 30, 2011

CLAIMS

On December 9th I reported that Maria de la Morena of 20 Crescent Avenue had filed a claim stating that a fence on her property was damaged when a City tree fell on it during the snow storm on October 29th. Our insurance carrier has determined that there was no liability on the part of the City and denied the claim.

LITIGATION

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.

BASSETT v. CITY OF RYE

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Notice of Appeal was filed within the required time after Notice of Entry was served.

CASPI v. CITY OF RYE

A Conference was held before Magistrate Judge Yanthis on October 27th. The discovery deadline was extended to February 24, 2012 and dates for the depositions of the individual officers have been scheduled. Defendants were notified that Plaintiff has requested the depositions of non-party police officers.

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. Lochr in this case.

MOLLOY v. PLANNING COMMISSION

The Appellate Division, Second Department, has returned Petitioner/Appellant's letter request for an enlargement of time and has required Petitioner/Appellant to file a motion for such request. The Motion was filed Friday with the Appellate Division. Petitioner/Appellant is seeking additional time until January 6, 2012 to perfect her appeal.

PANETTA v. PLANNING COMMISSION

I previously reported that Petitioner had requested a preliminary conference with the Supreme Court Judge to discuss his original petition/complaint. In a two-page Decision and Order issued on December 16, Judge Colangelo has upheld his earlier Decision as having dismissed the entire action brought by Petitioner and denied his request for a preliminary conference in the matter.

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.

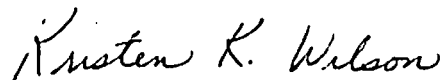
BUTLER v. PLANNING COMMISSION

An Article 78 Proceeding was commenced by Robert and Paula Butler against the City Planning Commission, Daniel Mathisson and Helene Mathisson challenging the Planning Commission's resolution which modified the subdivision map for the Forest Harbor Subdivision. The Petition alleges that: 1) the Planning Commission was without authority to modify front yard setbacks set forth on the subdivision map; 2) the resolution is in violation of Article 1, Section 10, Clause 1 of the U.S. Constitution, and 3) the Planning Commission was arbitrary and capricious.

CITY COURT

There was no City Court calendar this week.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



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

December 13, 2011

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

Re: Digitization of HSN Channel, effective January 19, 2012

Dear Mayor French:

I write to inform you that, effective January 19, 2012, Cablevision will eliminate its duplicate analogue feed for HSN, currently seen in your community on Channel 19. As a result of this change, a digital cable ready television (equipped with a QAM tuner), a digital cable box or a CableCARD will be needed to receive the HSN after January 19th.

Customers will be notified of the elimination of the analogue feed through bill messaging and on air messaging. In addition, customers can always find the most current channel line-up information on Cablevision's consumer website www.optimum.com.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Hoch", written over a light blue horizontal line.

Robert Hoch



ROBERT HOCH, DIRECTOR
GOVERNMENT AFFAIRS
(914) 378-4515 PHONE
(914) 909-2123 FAX
RHOCHE@CABLEVISION.COM

December 22, 2011

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

Re: *Late Fee Rate Change*

Dear Mayor French:

Please let this letter serve to provide notice that effective upon the February 2012 billing cycle, the late fee for payments not received within 60-days will increase from \$7.00 to \$8.00.

Customers will be notified of this \$1.00 increase on late fees through bill messaging 30 days prior to implementation. In addition, customers can always find the most current billing information on Cablevision's consumer website www.optimum.com.

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

Sincerely,

A handwritten signature in blue ink that reads "Robert Hoch". The signature is written in a cursive, flowing style.

Robert Hoch

CABLEVISION

Six Executive Plaza, Yonkers, NY 10701