

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 2, 2012

Enclosed with this memorandum are the following items:

- 3-1 Legal Department Update from the Corporation Counsel dated March 2, 2012.
- 3-2 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated February 24, 2012 regarding the launch of new Cablevision iO packages.
- 3-3 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated February 27, 2012 regarding the elimination of Analog Service.
- 3-4 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated February 27, 2012 regarding the relocation of international channels.
- 3-5 Meeting notice for the week of March 5, 2012 is available on the City website www.ryeny.gov under Calendar.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: March 2, 2012

SETTLEMENT

In October I notified you that a summons and complaint had been served on the City in connection with an arrest by County Police at Playland. We have been informed by our insurance carrier that the plaintiff has signed a stipulation voluntarily dismissing the action against the City and a stipulation has been filed with the court.

TAX CERTIORARI

CARROLL v. CITY OF RYE

Post-trial briefs have been submitted and the Judge's site visit has occurred.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City's appeal of ALJ O'Connell's 2009 Issues Ruling and July 2011 Supplemental Rulings is still pending.

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. Loehr in this case.

PANETTA v. PLANNING COMMISSION

The Petitioner/Plaintiff filed a motion to amend the Court's Decision and Order of December 16, 2011 to reflect that those causes of action for a declaratory judgment and 42 U.S.C. sec. 1983 were severed.

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.

SILVESTER v. CITY OF RYE, ET AL.

The City filed an answer with affirmative defenses and cross-claims against the defendants. We are in the process of discovery.

BUTLER v. PLANNING COMMISSION

The City Planning Commission was served with a 44 page reply memorandum of law in further support of Petitioners' petition. This matter is now fully submitted before Judge Colangelo in Westchester County.

McKEEVER v. CITY OF RYE

A trial date has been scheduled for March 7, 2012 in Rye City Court in connection with this matter. A notice of claim was filed claiming that the roof on a house owned by claimant was damaged when a city tree fell on it during an ice storm in February 2011. The matter is being defended by attorneys for our insurance carrier.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn



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

February 24, 2012

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

Re: Launch of New Cablevision iO Packages

Dear Mayor French:

Please let this letter serve to provide notice that Cablevision will launch new rates and packages to our customers as follows:

Package	Rates
iO Economy	\$ 39.95
iO Value	\$ 64.95
iO Preferred	\$ 74.95
iO Silver	\$ 84.95
iO Gold	\$109.95

The new iO Value, iO Preferred, iO Silver and iO Gold packages will be available in your area effective March 27, 2012. The iO Economy package will become available once your area becomes fully digital. The Broadcast Basic package remains unchanged.

Customers on existing rates and packages will not be affected, but can change to one of our new packages if they so choose. New customers adding video service and disconnected customers must subscribe to one of the new packages. Attached is a detailed chart of the programming available in each new package.

Customers will be notified of this change through bill messaging and a separate Rates and Packages insert. In addition, customers can find the new rates and packaging on Cablevision's consumer website www.optimum.com.

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

Sincerely,

Robert Hoch

Encl.

**2012 Cablevision iO Rates and Packages
Great Hudson Valley**

Package	Rate	Services	Free On Demand (FOD)
Broadcast Basic	No Change	No Change	ABC, FOX, NBC, 13 On Demand, 13 Kids, Music Choice, Univision, TeleFutura, Telemundo, Mag Rack, Martha Stewart, MSG FOD, Ski Channel, Local, Shalom TV, SportsSkool
iO Economy	\$39.95	<p>All Broadcast Basic services plus: Animal Planet, Bloomberg, Boomerang, CNN, CNN Headline News, C-SPAN3, Cartoon Network, Daystar, Discovery Channel, EuroNews, EWTN, Food Network, fuse, HGTV, History Channel, MSG Varsity, MSNBC, News 12 T&W, Reelz, TCM, Telecare, The Hub, TV One, Universal HD, WE tv, MSGVi, FOODi, HGTVi</p> <p>NOTE: Package available when system becomes fully digital.</p>	<p>All Broadcast Basic FODs plus: Boomerang, Cartoon, Hub, Fuse, Adult Swim, Discovery, History, TCM, WE, Food, HGTV, Animal Planet, CNN</p>
iO Value	\$64.95	<p>All iO Economy services (except EuroNews, Hub, & TV One) plus: ABC Family, AMC, BET, MTV, MTV2, Disney, CNBC, Fox News, MSNBC, Weather, ESPN, ESPN2, MSG, MSG+, SNY, Speed, YES, A&E, Bravo, Comedy, Crime & Investigation, E!, FX, Galavision, H2, Lifetime, Nickelodeon, Oxygen, SoapNet, Spike, Syfy, TBS, TLC, TNT, Travel, truTV, TV Land, USA, Velocity, Vh1, Disney Jr, Religious Mix, iO Sports Overflow 1 & 2*, C-Span**, C-Span 2**, iO Quick Views, MSGi</p>	<p>All iO Economy FODs (except Hub) plus: Nick, MTV2, A&E, ABC Family, AMC, BET, Bravo, Comedy, FX, MTV, MSG FOD, Spike, Syfy, TBS, TLC, TNT, truTV, USA, Vh1, Travel, Weather</p>

iO Preferred	\$74.95	All iO Value services plus: Bio, Hub, Nick Jr, NickToons, TeenNick, BBC World News, Fox Business, CBS Sports Network, Disney XD, ESPNNews, ESPNU, Fox Deportes, Fox Soccer, GAC, Golf, MLB, NBA, NBC Sports, BBC America, Centric, CMT, Fox Movie Channel, G4, Hallmark, Hallmark Movie Channel, ID, IFC, Logo, Military, mun2, MTV Hits, MTV Tr3s, Nat Geo, Nat Geo Wild, OWN, Palladia, Planet Green, Style, Science, Vh1 Classics, Vh1 Soul, EuroNews, TV One, Encore(s)	All iO Value FODs plus: Nick Jr, Hub, CMT, Vh1 Classics, ID, Logo, Military, TeenNick, MTV Tr3s, Planet Green, Golf, NBC Sports, Science & Encore SVOD
iO Silver	\$89.95	All iO Preferred services plus: Cloo, Chiller, Sundance, HBO(s), Showtime(s), Starz(s)	All iO Preferred FODs plus: HBO, Starz, & Showtime
iO Gold	\$109.95	All iO Silver services plus: BTN, ESPN Classics, Fight Now, Fox College (Atlantic, Central, Pacific), Fox Soccer Plus, Fuel, Gol TV, GSN, MavTV, NHL Network, Neo Cricket, Outdoor Channel, Smithsonian Channel, Sportsman Channel, TVG Network, World Fishing Network, Cinemax(s), Flix, TMC(s).	All iO Silver FODs plus: Cinemax & TMC

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



February 27, 2012

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 your region, resulting in a fully digital cable system. The transition will be rolled out beginning on March 27, 2012, and be completed in stages over the following months.

The vast majority of Cablevision video customers already subscribe to the company's digital service and have set top boxes in their household. The viewing experience will remain unchanged on a television already using a set top box or CableCARD.

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 New York City, Connecticut and Long Island. Eliminating the remaining duplicate analog channels and transitioning to a 100% digital service 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.

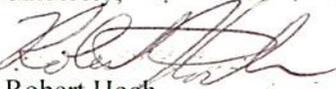
Some customers will need additional equipment to view programming after the transition. As a result of the elimination of analog programming, these customers will require set top boxes.

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,


Robert Hoch
Director, Government Affairs



Robert Hoch, Director
Government Affairs
(914) 378-4515 PHONE
(914) 909 0207 FAX
rhoch@cablevision.com

February 27, 2012

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

Re: International Channels Relocation

Dear Mayor French:

Please let this letter serve to provide notice that effective March 27 through June 18, 2012, Cablevision will be relocating the International channels to the 1000's on the channel line-up.

Enclosed is a detailed list of the International services affected, the prior channel number, new channel number and effective date.

Customers will be notified of these channel changes through bill and on air messaging. In addition, customers can find the new and most current channel line-ups on Cablevision's consumer website www.optimum.com.

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

Sincerely,

Robert Hoch

Enclosure

International Channel Moves

Service Name	Current Channel	New Channel	Effective Date
TV Japan	265	1157	March 27, 2012
TV 5 Monde	267	1109	March 27, 2012
DW Amerika	284	1112	April 4, 2012
ART	287	1135	April 4, 2012
RAI	279	1194	April 11, 2012
TVN24	281	1117	April 11, 2012
TV Polonia	282	1116	April 11, 2012
iTVN	283	1115	April 11, 2012
Antenna Satellite	292	1122	April 18, 2012
Mega Cosmos	293	1123	April 18, 2012
The Filipino Channel (TFC)	268	1161	April 18, 2012
GMA Pinoy TV	269	1162	April 18, 2012
MK TV	261	1152	April 25, 2012
MBC	262	1153	April 25, 2012
TKC	263	1154	April 25, 2012
RTPi	275	1127	April 25, 2012
SPT	276	1128	April 25, 2012
TV Globo	277	1129	May 2, 2012
TV Record	278	1130	May 2, 2012
Chinese Channel	238	1148	May 2, 2012
ETTV NY	239	1149	May 2, 2012
CCTV-4	240	1150	May 2, 2012
RTVi	251	1182	May 11, 2012
RTN	252	1183	May 11, 2012
Channel 1 Russia (ORT)	253	1184	May 11, 2012
NTV America	254	1185	May 11, 2012
Bollywood Hits On Demand	241	1165	May 11, 2012
World Picks Hindi	242	1166	May 11, 2012
TV Asia	243	1167	May 11, 2012
ITV Gold	244	1168	May 11, 2012
Zee TV	245	1169	May 11, 2012
Sony Entertainment TV Asia	246	1173	May 11, 2012
Neo Cricket	247	1171	May 11, 2012
Jus Punjabi	248	1164	May 11, 2012

World Picks OD	200	1099	June 4, 2012
TVE Internl	201	1043	June 4, 2012
CNN Espanol	202	1012	June 4, 2012
Momentum	204	1014	June 4, 2012
Infinito	205	1015	June 4, 2012
Telefe Intl	206	1041	June 4, 2012
History en Espanol	207	1017	June 4, 2012
Canal Sur	208	1042	June 4, 2012
TV Columbia	209	1033	June 4, 2012
TV Chile	210	1032	June 4, 2012
Super Canal Caribe	211	1023	June 4, 2012
Disc en Espanol	212	1013	June 4, 2012
Dominican View	213	1025	June 4, 2012
La Familia	214	1092	June 4, 2012
EWTN Espanol	215	1097	June 4, 2012
Mariavision	216	1098	June 4, 2012
Cartoon Net	217	1082	June 4, 2012
Sorpresa	218	1083	June 4, 2012
Disney XDe	219	1084	June 4, 2012
ESPN Deportes	220	1066	June 4, 2012
CASA Club	221	1093	June 4, 2012
Utilisima	222	1094	June 4, 2012
Fox Deportes	223	1067	June 4, 2012
Gol TV	224	1068	June 4, 2012
Latele Novela	225	1095	June 4, 2012
MTV3	226	1073	June 4, 2012
Mun2	227	1074	June 4, 2012
Tele El Salvador	228	1038	June 4, 2012
HTV musica	229	1075	June 4, 2012
Cine Latino	230	1058	June 4, 2012
Azteca America	232	1047	June 4, 2012
Viendo Movies	233	1059	June 4, 2012
Telemicro	234	1024	June 4, 2012
Ecuavisa	235	1031	June 4, 2012
Caracol TV	236	1034	June 4, 2012
WAPA America	237	1026	June 4, 2012