

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 28, 2012

Enclosed with this memorandum are the following items:

- 9-13 Notice regarding the *Edith Read Wildlife Sanctuary Fall Festival* to be held on Saturday, October 13, 2012 from 12:00 p.m. to 5:00 p.m. at the Edith Read Wildlife Sanctuary.
- 9-14 Notice from the Rye Historical Society regarding the *Annual History Walking Tour* to be held on Sunday, October 14, 2012 with departures from 9:40 a.m. through 2:40 p.m.
- 9-15 Legal Department Update from the Corporation Counsel dated September 28, 2012.
- 9-16 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated September 21, 2012 regarding the removal of the Sundance Channel 192 from the Premium Channel subscription.
- 9-17 Letter from Captain Noel Rodriguez of The Salvation Army dated September 12, 2012 requesting permission to place a Christmas kettle on Purchase Street during the 2012 holiday season from November 8th through December 24th.
- 9-18 Meeting notice for the week of October 1, 2012 is available on the City website www.ryeny.gov under Calendar.



FALL FEST 2012

Edith G. Read Wildlife Sanctuary

SATURDAY, OCTOBER 13

NOON – 5PM

Join us and discover a hidden jewel of Rye: the Edith G. Read Wildlife Sanctuary. Nestled behind Playland on the Long Island Sound, The Sanctuary offers 179 acres of beautiful wooded trails, a nature center, abundant wildlife and amazing water views of the Long Island Sound and Manursing Lake.

- **ANIMAL WORKSHOP:** The Nature Company
- **BIRDS OF PREY EXHIBITION:** Sky Hunters in Flight
- **STORIES IN THE "BAM-BOO! FOREST":** Jonathan Kruk
- **KIDS' CORNER:** Westchester Children's Museum
- **LIVE MUSIC:** Arcadia Jazz Trio & Hudson Crossing bluegrass
- **BEE-HAVE:** Fun-filled facts about our bee hives
- **CAPTURE THE SOUND:** Paint your own landscape
- **PUMPKIN PATCH:** Pick your own in time for Halloween
- **FAMILY PORTRAITS:** Perfect for holiday cards
- **FACE PAINTING, BALLOON MAN** and much more!
- **FOOD:** Kelly's Sea Level, Johnson Louisiana Food Truck, Andy's Pure Food, Longford's Own-Made Ice cream & 350° Classic Bakeshop
- **50/50 RAFFLE:** Buy a chance to win half the pot! Tickets on sale now for \$10. Call (914) 409-5432

\$10 adults \$5 for children

FREE PARKING

SPONSORED BY: Rye Country Day School, Chris Fitzgerald General Contractor, Houlihan Lawrence Inc., Mercury Solar Systems, USAlliance, Birdie's Auto Spa, Crisfield's Prime Meats, Down to Earth Landscaping, Ferris Photography, Hickory & Tweed Ski Shop, Hill & Hill Dentistry, Honey Travel, Inc., Piazza Pizzeria, Ralph's Wines & Spirits, Rockridge Deli & Flowers, Rye Art Gallery & Framing, Rye Green Limo, Rye Health & Fitness, Rye Road House, Ryan Printing, TD Bank, The Rye Record, Vellone Promotions, White Plains Rural Cemetery

RYE HISTORICAL SOCIETY

Annual History Walking Tour

“Rye 1850 – 1950: Evolution of a Suburb”



On Sunday, October 14th, the Rye Historical Society will present its popular fall history walking tour. This year the tour will begin with the arrival of the railroad in the middle of the 19th century and end with the post WWII period in the middle of the 20th century.

During that span of 100 years, Rye evolved from the small agricultural community it had been since the 17th century into the vibrant suburb we know today. The tour will begin near the location of the original railroad station on the corner of Purchase Street and Theodore Fremd Avenue and end near Christ’s Church. Docents at the various stops along the route will discuss the impact the arrival of the railroad; the evolution of the Purchase Street commercial district and Rye’s residential neighborhoods; the impact of two World Wars and the Depression; the progression in local governance from village to city; and the history of religious, educational and civic institutions in this suburban community.

Sunday, October 14, 2012 – departures 9:40am – 2:40pm

Tours will take approximately 2 hours, departing every 20 minutes with the first tour departing at 9:40 AM and the last tour starting at 2:40 PM. Check-in will be at the corner of Purchase St. and Theodore Fremd Avenue.

Mail this form along with your payment to: RYE HISTORICAL SOCIETY, 1 Purchase St., Rye, NY 10580. Call 914-967-7588 for more information or questions.

Cost per person: Members \$25 Non-Members \$30 Students \$10

Please indicate your requested start time _____ No. in group _____ Total \$ _____

Name _____ Email _____

Phone _____ Address _____

Payment can be made by check payable to Rye Historical Society or by credit card.

Amex _____ Visa _____ Master Card _____ Exp. Date _____

Card Number _____ Signature _____

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: September 28, 2012

CLAIMS

A Notice of Claim has been filed by Anelise Calmet of 51 Hill Street. The notice states that Ms. Calmet's parked automobile was damaged when a branch from a city tree fell on it during the recent wind and rain storm. The claim has been forwarded to our insurance carrier.

**TAX CERTIORARI
CARROLL v. CITY OF RYE**

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

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and
Board of Assessment Review of the CITY OF RYE**

The City has served and filed its reply papers in further support of its cross-motion for summary judgment. This matter is now fully submitted before Judge LaCava.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City and its consultants met with the Town/Village of Harrison and its consultants to discuss the discrepancies in the hydrologic analyses performed in 2010. The City is waiting to hear back from Harrison as to whether Harrison will provide certain data to the City for verification of the flood storage capacity at the Project Home Run site.

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

Depositions of Lt. Verille and the expert witnesses are still outstanding. All other depositions have concluded.

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.

PANETTA v. PLANNING COMMISSION (appeal)

The City's Brief in Opposition has been filed. The matter is fully submitted before the Appellate Division, Second Department. We are waiting a date for oral argument.

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

A discovery schedule has been agreed upon by both parties.

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

The City has filed an appeal with the Appellate Division, Second Department in this case in order to protect the City's interests. The City has six months to perfect the appeal.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



Robert Hoch, Director
Government Affairs
(914) 378-4515 phone
(914) 909-0207 fax
rchoch@cablevision.com

September 21, 2012

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

Re: The Sundance Channel

Dear Mayor French:

Please let this letter serve to notice that effective, October 24, 2012, the Sundance Channel 192 will no longer be offered as a Premium Channel subscription or as an a la carte service. The Sundance Channel will be available on the same channel position, iO 192, to customers in the grandfathered iO Package and to the iO Preferred Package or above customers.

Customers will be notified of the re-tiering through on air and bill messaging. In addition, customers can always find the most current packaging and rate 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, appearing to read "Robert Hoch". The signature is stylized and includes a small flourish at the end.

Robert Hoch

WILLIAM BOOTH
FOUNDER
LINDA BOND
GENERAL



ISRAEL L. GAITHER
TERRITORIAL COMMANDER
LT. COLONEL GUY D. KLEMANSKI
DIVISIONAL COMMANDER

THE SALVATION ARMY

Founded in 1865 by William and Catherine Booth

PORT CHESTER CORPS
36 BUSH AVENUE
PORT CHESTER, N.Y. 10573
(914) 939-2725 - FAX: (914) 939-5397

September 12, 2012

Mr. Scott Pickup
City Manager
Rye City Government
1051 Boston Post Road
Rye, New York 10580
914-967-7404

Re: Annual Christmas kettle Campaign

Dear Mr. Pickup,

The Salvation Army of Port Chester will be starting its annual Christmas Kettle Campaign. We are asking if you would kindly help us by letting a volunteers stand on the walkway to car park in Purchase street between the Rye Country Store and Belle Cleaners Store, to collect money for the less fortunate of our community.

We will be starting on November 8th, through December 24th 2012.

We really appreciate all you can do for us and we really look forward in working with you this year.

If you have any question please feel free to contact us at 914-939-2725

Thank you for your cooperation and God Bless you.

Sincerely,

.....
Captain Noel Rodriguez
Commanding Officer
Port Chester Corps

.... there is no reward equal to that of doing the most good to the most people in the most need.

A bequest to The Salvation Army will perpetuate your interest.