

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 8, 2013

Enclosed with this memorandum are the following items:

- 3-4 Financial Facts regarding City of Rye Labor Contracts.
- 3-5 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, March 19, 2013 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 3-6 Legal Department Update from the Corporation Counsel dated March 8, 2013.
- 3-7 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated March 1, 2013 regarding rate adjustments which will go into effect on April 1, 2013.
- 3-8 Letter from Lincoln Janus, Verizon Franchise Service Manager, dated March 5, 2013 regarding an upcoming change to the Verizon Network which may require certain subscribers to exchanges their current High Definition Set Top Boxes (STB) to access the HD channels impacted by this change.
- 3-9 Meeting notice for the week of March 11, 2013 is available on the City website www.ryeny.gov under Calendar.



Financial Facts about Rye City Labor Contracts

Dear Resident:

For the last five years, the City and the Rye PBA have been in negotiations over a new labor agreement. Despite many attempts to resolve outstanding issues, we are at an impasse and have proceeded to binding arbitration.

What's at Stake?

The last collective bargaining agreement between the City and the PBA covered 2003-2008 and resulted in a 3% per year (15% cumulative) salary increase with no increased employee contribution to health insurance or other benefits.

The PBA has proposed a 3% increase for two years, a 6% cumulative salary increase, with no increased employee contribution to health insurance or other benefits.

Under such an agreement, the base patrolman top pay would increase from \$84,712 in 2008 to \$92,567 in 2011. If this same percentage increase continues to 2013, the new base pay would be \$98,204.

If the cost for Health Insurance and Pension is added to the patrolman top grade salary, the base compensation for this employee would rise to \$ 144,630 in 2013.

The cost of health insurance for a full-year family plan has increased from an annual premium of \$16,524 in 2008 to \$22,464 in 2013. The cost of this 36% increase has been absorbed by the City since officer contributions have been capped at 4% of gross salary during this period. This has decreased the percentage share of total health insurance expense paid by a patrolman from a premium contribution rate of 20.51% of a family plan premium in 2008 to 15.08% contribution rate for a family plan premium in 2013.

The cost for the City to maintain an officer in the New York State Retirement System has increased from a pension contribution rate of 14.50 % of salary in 2008 (approximately \$12,283 per year) to 28.40% in 2013 (approximately \$24,058 per year).

The City of Rye has proposed a fair wage increase in the range of 2% per year accompanied by increased employee contributions to health insurance and a more flexible step plan for new hires. The City's proposal reflects the current economic

realities facing the City and is consistent with increases negotiated with other bargaining units in Rye and in neighboring communities. The range of salary increase that is possible will depend on whether certain options are chosen, such as adding a health insurance contribution for the 12 non-contributing officers (12 current officers) or a less than fully retroactive pay agreement. Salary increases are permanent and compound with benefits such as pension, overtime and holiday pay which are based on salary, and increase labor costs even further.

Notably, Rye City Management and non-union employees have received the following modest changes in compensation:

2009	2%
2010	0%
2011	2% non-pensionable bonus
2012	1.5% increase effective June 1
2013	1.75% increase effective June 1

The most recent settlements with the CSEA DPW covered 2010 and 2011, with a wage freeze for the first six months of the contract year. Wage increases were 2% per year.

The CSEA Clerical Unit also has a 3 year agreement (2011-13) with a wage freeze in the first 30 months of the agreement term, with a 2% increase in the final 6 months. This agreement also increased the cap on the employees' health insurance contribution to 5% of base pay.

The UFFA (Fire Department) has a contract agreement, which has been expired since 12/31/09.

Next Steps:

The City of Rye, in order to achieve financial sustainability, must find a way to balance dramatically increased benefit costs, along with higher salaries, while working within the mandated tax cap. That is why we continue to seek contracts -- not just for the Police -- that will lessen impact of higher benefits costs. We esteem the contributions Rye employees make to our safety and well being; and we respect the need to limit the tax burden on Rye residents.

Sincerely,

Mayor French and the Rye City Council



The Rye City School District

411 Theodore Fremd Avenue, Suite 100S

Rye, New York 10580

Tel: (914) 967-6100 Ext. 6278 Fax: (914) 967-6957

W Elaine Cuglietto
District Clerk
cugliete@ryeschools.org

March 6, 2013

FOR IMMEDIATE RELEASE

March 19, 2013 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, March 19, 2013 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet in Executive Session for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

At 8:00 p.m. The Rye City School District Board of Education will conduct its regularly scheduled Board of Education Meeting. The Board will conduct a Public Hearing in the form of an Open Topics Forum, during which Board members will meet with small groups. Board members will take notes and report the comments and concerns of the small groups to the re-assembled larger group.

On the agenda are fiscal, special education, personnel and business items that ordinarily come before the Board as well as further discussion of the 2013-2014 budget.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak during the public hearing on the budget.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: March 8, 2013

CLAIMS

A notice of claim has been filed by Katherine Gilbert of 53 Beverly Drive. The notice states that on February 14th, Ms. Gilbert was injured when she slipped and fell on “black ice” on a sidewalk on Boston Post Road near Parsons Street. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

The City received Notice of Entry this week indicating that the Judgment had been filed with the Court on March 1, 2013.

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.

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 Appeal has been perfected and we are waiting for notice of oral argument.

CASPI v. CITY OF RYE

An expert has been retained on behalf of the defendants. A few remaining depositions have to be scheduled.

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)

Oral arguments were held in the Appellate Division, Second Department in Brooklyn.

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

Discovery is complete and the Note of Issue has been filed.

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

A notice of appeal has been filed on behalf of the Planning Commission. The City Council has voted to perfect the appeal. The appeal must be perfected by March 11, 2013.

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
GOVERNMENT AFFAIRS
(914) 37804515 PHONE
(914) 909-0207 FAX
RHoch@CABLEVISION.COM



March 1, 2013

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

Dear Mayor French:

Programming costs, and in particular the cost to carry sports related programming, have seen sustained and significant increases in recent years. In spite of these increased costs and despite providing Residential, Business and Entertainment customers with additional channels, on demand content, and new TV to Go services that allow customers to view the programming they receive both in and out of the home, Optimum has chosen not to increase video rates since December 2010. In order to address a portion of the dramatic programming cost increases Cablevision has faced since 2010, three rate adjustments will go into effect on April 1, 2013:

- A *Sports Programming Surcharge* of \$2.98/month will be applied to residential and commercial customer packages with the exception of Broadcast Basic and the Economy packages.
- A \$2/month increase of the Spanish-language package, which includes more than 45 Spanish-language channels, will be applied to the iO en espanol and Optimum en espanol packages.
- An Optimum Business increase of \$4/month will be applied to commercial customers subscribing to all Optimum Business and Entertainment packages with the exception of the Broadcast Basic package.

The three rate adjustments do not apply to certain customers on promotional pricing or bulk billing arrangements.

Customers will be notified of these changes 30 days in advance through bill messages. In addition, customers can always find the most current channel line-up for their community on our website at www.optimum.com.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Hoch". The signature is fluid and cursive, with a small flourish at the end.

Robert Hoch



Dear Municipal Official:

This is to notify you about upcoming programming changes to Verizon's FiOS TV service as more fully described in the attached sample customer notice. On or after April 15, 2013, Verizon will make a change to our network which may require certain subscribers to exchange their current High Definition Set Top Boxes (STB) to access the HD channels impacted by this change (listed below). The exchange is provided at no cost to subscribers. Subscribers can make the STB exchange directly through their FiOS TV by following a few easy steps. Cable cards provided by Verizon are compatible with the network enhancements being made and do not require an exchange.

- The channels impacted by Verizon's network change on or after April 15, 2013 are:

IMPACTED CHANNELS			
Channel Name	Channel Number	Channel Name	Channel Number
ES.TV	558	HBO Family	906
ESPN Goal Line/Buzzer Beater	571	HBO Family (West)	907
Tennis Channel	592	HBO Latino	912
World Fishing Network	597	HBO Latino West	913
Cars.TV	599	MoreMax (West)	923
Pets.TV	633	Action Max	924
MyDestination .TV	674	Thriller Max	926
Recipe.TV	676	W Max	928
Comedy.TV	695	At Max	929
MGM HD	744	ESPN 3D	1002

Customers have 24/7 access to channel lineups by visiting us online at verizon.com/fiostvchannels.

Sincerely,

Lincoln Janus
Richard Hillstrom
Verizon Franchise Service Managers

Important Notification Regarding Your FiOS® TV Equipment

Dear Valued Verizon Customer,

To provide you the very best entertainment experience, Verizon continues to enhance our FiOS® Network. We wanted you to be aware of an upcoming change that may impact how you view certain HD channels.

On or after April 15, 2013, we will be making a change to our network which may require that you exchange your current High Definition Set Top Box** (STB) if you want to access the HD channels impacted by this change (listed below). The exchange is provided **at no cost to you**. If you choose to exchange your STB, it's a simple process. You can order a new STB directly from your FiOS TV and we will promptly mail it to you, along with a box and pre-paid label so you can easily return your old STB.

- You are **not required** to exchange your Set Top Box.
- If you want to view the impacted channels below on or after April 15, 2013, then you may be required to exchange your current Set Top Box **at no cost to you**.
- Set Top Box exchange is a simple process - your FiOS TV will guide you through the process in a few easy steps. On or after April 15, 2013, when you tune to one of the impacted channels below, your FiOS TV will recommend you exchange your Set Top Box, and show you how to do so.
- Verizon will ship your new Set Top Box promptly, and include a box and pre-paid shipping label to return your old Set Top Box. We'll also include simple instructions for connecting your new Set Top Box.
- If you have multiple boxes that are impacted by this network change, your FiOS TV will prompt you to exchange all boxes that require a replacement, again **at no cost to you**.

Here are the channels impacted by our network change on or after April 15, 2013:

IMPACTED CHANNELS			
Channel Name	Channel Number	Channel Name	Channel Number
ES.TV	558	HBO Family	906
ESPN Goal Line/Buzzer Beater	571	HBO Family (West)	907
Tennis Channel	592	HBO Latino	912
World Fishing Network	597	HBO Latino West	913
Cars.TV	599	MoreMax (West)	923

Revised 2/27

Pets.TV	633	Action Max	924
MyDestination .TV	674	Thriller Max	926
Recipe.TV	676	W Max	928
Comedy.TV	695	At Max	929
MGM HD	744	ESPN 3D	1002

To determine if your HD STB(s) must be exchanged to view the impacted channels:

- Press the MENU button on your remote.
- Navigate to CUSTOMER SUPPORT, Select IN-HOME AGENT, Choose SET TOP BOX EXCHANGE and then Press OK.

You can then follow the onscreen prompts to determine if your HD STB(s) must be replaced and submit a STB exchange request.

We apologize for any inconvenience and look forward to continuing to provide you with the very best entertainment over the FiOS network.

Sincerely,

Your Verizon Team

****Cable cards provided by Verizon are compatible with the network enhancements being made and do not require an exchange. If you use a cable card and experience issues viewing any of the channels listed above please go to verizon.com/support > Click FiOS TV > Click Set Top Box & DVR > Click on Learn about Cable Cards**