

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 17, 2013

Enclosed with this memorandum are the following items:

- 5-11 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, May 21, 2013 beginning at 6:00 p.m. at Rye Town Hall.
- 5-12 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, May 21, 2013 beginning at 8:00 p.m. in the Rye Middle School Multipurpose Room.
- 5-13 Legal Department Update from the Corporation Counsel dated May 17, 2013.
- 5-14 Press Release from Westchester County Letter regarding Westchester County's Recycling Rate.
- 5-15 Letter from Dan Ahouse, Cablevision Area Director, dated May 3, 2013 regarding the elimination of legacy video packages beginning on June 3, 2013.
- 5-16 Letter from Lincoln Janus, Verizon Communications, received May 17, 2013 regarding upcoming rate increases for subscribers.
- 5-17 Meeting notice for the week of May 20, 2013 is available on the City website www.ryeny.gov under Calendar.



*Rye Town Park
95 Dearborn Ave.
Rye, NY 10580
914 967-0965*

RYE TOWN PARK COMMISSION **MEETING NOTICE**

Commission Members

Joseph Carvin-President
Douglas French, Mayor-City of Rye
Neil Pagano, Mayor-Village of Port Chester
Paul Rosenberg, Mayor-Village of Rye Brook
Benedict Salanitro, Commissioner
Laura Brett, Commissioner

DATE & TIME: Tuesday, 5/21/2013 @ 6:00PM

**PLACE: Rye Town Hall
10 Pearl Street-3rd Floor Courtroom
Port Chester, New York 10573**

Tentative Agenda:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: 4/15/2013**
- 4. Comments from the Public**
- 5. Financial & Operations Reports**
- 6. Review Seaside Johnnies Menu and Uniform**
- 7. Draft Filming Policy**
- 8. Correspondence**
- 9. Old Business**
- 7. New Business**



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

 Elaine Cuglietto
District Clerk
cugliete@ryeschools.org

May 13, 2013

FOR IMMEDIATE RELEASE

May 21, 2013 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, May 21, 2013 beginning at 8:00 PM in the Rye Middle School Multipurpose Room. Prior to the meeting, the Board will meet at 7:00 PM 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.

On the agenda are fiscal, special education, personnel and business items that ordinarily come before the Board.

Presentation and Discussion:

At approximately 9:00 p.m. with the closing of the polls, the Board will adjourn to hear the Board and Budget election results.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak at designated times.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: May 17, 2013

CLAIMS

A notice of claim has been filed by Allen Lustig of 1516 Barbara Lane, Mamaroneck. The notice states that on May 6th Mr. Lustig's parked automobile was damaged by a City vehicle. The claim has been forwarded to our insurance carrier.

A notice of claim has been filed by Robert J. Conway of 15 Purchase Street. The notice states that on May 10th Mr. Conway's parked automobile was damaged by a City vehicle. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

A Notice of Appeal in this matter was filed in the Appellate Division, Second Department.

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

A settlement conference was held with Judge Tolbert's clerk and legal secretary.

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. Time to perfect the appeal has been enlarged.

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.

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)

In a unanimous decision, the Appellate Division, Second Department, upheld the Planning Commission's decision and found that its determination that Howard Place did not provide reasonable access to a street which was suitably improved had a rational basis and was not arbitrary and capricious.

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

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

BUTLER v. PLANNING COMMISSION

The Planning Commission and co-respondents Mathissons filed the appellate briefs in the Appellate Division, Second Department.

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

The City has served its Answer with Affirmative Defenses.

SILVESTER v. CITY OF RYE, et al

Deposition of Plaintiffs took place. Depositions of County and City officials are scheduled for next week.

CITY COURT

People v. Chittenden

Defendant failed to appear and adjournment of Defendant's VTL trial was granted to June 13, 2013 on condition that Defendant pay the People's costs for the delay.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Ned McCormack, Communications Director (914) 995-2932

Contact: Donna Greene (914) 995-2935

FOR IMMEDIATE RELEASE: May 7, 2013

ASTORINO: COUNTY'S RECYCLING RATE CONTINUES TO EXCEED NATIONAL AVERAGE Scarsdale, Pelham Manor top two; followed by White Plains, Briarcliff, Bronxville, Pleasantville, Rye Brook, Rye City and Sleepy Hollow – all at least 70 percent

Residents urged to take the next step and reduce and reuse

In 2012, Westchester County again recycled 52 percent of its total waste stream, with nine municipalities recycling at least 70 percent, County Executive Robert P. Astorino announced today.

“I am very proud of what our residents, local businesses and schools do every day to recycle their waste,” said Astorino. “Our overall recycling rates continue to far outpace the national average of 34 percent, as estimated by the U.S. Environmental Protection Agency. By recycling, we not only help to protect our environment, but we also save tax dollars.”

Astorino singled out nine municipalities for recycling at least 70 percent of their waste: Scarsdale (76 percent), Pelham Manor (74 percent), White Plains (73 percent), Briarcliff (71 percent), Bronxville (71 percent), Rye Brook (71 percent), Pleasantville (70 percent), Rye City (70 percent) and Sleepy Hollow (70 percent).

Full community-by-community list below.

These recycling rates include a wide variety of materials the municipalities collected and diverted for reuse purposes beyond cans, bottles and paper collected curbside, such as large wood debris following Hurricane Sandy, roadway millings, large bulk metals and construction debris.

This is the second consecutive year that the county as a whole recycled 52 percent of its waste. The county benefits financially in two ways: revenues from selling recyclables brought to the county's Material Recovery Facility (“MRF”) in Yonkers (such as newsprint, cardboard, metals, plastics and glass containers) and disposal costs avoided. The MRF is used by 36 of Westchester's 43 municipalities that are part of the county's Refuse Disposal District.

-- more --

Specifically, for 2012 the 70,000 tons of recyclables brought to the MRF generated more than \$6 million in revenue. In addition, the county saved about \$6 million in not having to dispose of these materials as garbage.

During this same time period, the volume of residential trash generated within the county's refuse disposal district – which accounts for about 90 percent of the county's population – decreased for the fifth consecutive year. In 2007, residents disposed of a record high 540,217 tons of garbage, compared to 376,890 tons in 2012, a reduction of 30.2 percent.

Significantly more dollars can be saved, Astorino noted, if county residents went *beyond recycling* and *reduced* the amount of garbage they generate in the first place.

In 2012, county residents generated 3.81 pounds of garbage per person per day (PPPD). While this is better than the national average of 4.43 PPPD, the New York State goal is to get this down to 0.6 PPPD by 2030. As an interim step, Astorino said, if every resident could reduce his waste by one pound per day it could save another \$12 million to \$14 million annually.

“We are talking about huge savings,” he said. “This is why the county government, through our Department of Environmental Facilities, works so hard not only to encourage recycling but to support innovative local programs that promote ways to reduce garbage.”

For example: food waste reduction programs that can redistribute fresh and packaged foods to those that need it and convert food scraps into compost; mulching-in-place lawn maintenance practices (as being promoted by local Love ‘Em and Leave ‘Em programs); and charitable programs for the redistribution of useable items to those in need (as with Furniture Sharehouse and the county's Treasure Hunt program).

Astorino also recently announced a partnership with Friends of Westchester Parks on a reusable bottle initiative aimed at reducing waste and conserving green space. Those who join Friends of parks get a free water bottle. (See: www.FriendsofWestchesterParks.com.)

To calculate the county's recycling rate, the Department of Environmental Facilities analyzes reports by all county municipalities as well as about 150 licensed private haulers who operate in Westchester. These reports detail the amount of trash generated and the amount of materials recycled, including curbside, bulk metal, electronics, yard waste and construction debris. Also included is boat wrap collected every spring from participating marinas, papers shredded by the county's Mobile Shredder and special household wastes delivered to the county's Household-Material Recovery Facility (H-MRF) in Valhalla.

Most of the county's nonrecycled garbage is disposed of at the Charles Point Waste-to-Energy (WTE) Facility in Peekskill, where it is used to produce electricity that powers about 88,000 homes.

Westchester County Recycling Rate 2012

MUNICIPALLY COLLECTED WASTE & RECYCLING IN TONS	
Curbside Commingled Containers and Mixed Paper	71,389
Yard Waste Recycled	290,103
Bulk Metal Recycled	13,803
Construction & Demolition Debris and Sewage Sludge Recycled	126,157
Other Recyclables: Tires, Electronics, Anti-freeze, Motor Oil, Vehicle Batteries, Textiles, Deposit Beverage Containers, & Beneficially Reused WTE Ash	84,378
TOTAL RECYCLED WASTE	585,830
TOTAL DISPOSED WASTE	396,417
TOTAL RECYCLED & DISPOSED	982,247
MUNICIPAL RECYCLING RATE	60%

PRIVATELY COLLECTED WASTE & RECYCLING IN TONS	
Source Separated Recyclables & Scrap Metal	146,039
Yard Waste Recycled	19,066
Construction & Demolition Debris (C&D) Recycled	132,364
Construction & Demolition Debris (C&D) Disposed	136,349
Garbage Disposed	264,737
TOTAL RECYCLED WASTE	297,469
TOTAL DISPOSED C&D AND GARBAGE	401,087
TOTAL RECYCLED & DISPOSED	699,024
PRIVATE HAULER RECYCLING RATE	43%

WESTCHESTER COUNTY TOTAL COLLECTED WASTE & RECYCLING IN TONS	
TOTAL RECYCLED WASTE	883,299
TOTAL DISPOSED WASTE	797,504
TOTAL RECYCLED & DISPOSED	1,681,271
Total Pounds Per Person Per Day Recycled*	1.32
Total Pounds Per Person Per Day Disposed*	3.81
WESTCHESTER COUNTY 2012 RECYCLING RATE	52%

*Does not include yard waste, C&D debris, bulk metal, beneficially reused ash, or sludge.

-- more --

2012 Municipal Recycling Rates

Municipality	Percent Recycled
ARDSLEY	48%
BEDFORD	29%
BRIARCLIFF	71%
BRONXVILLE	71%
BUCHANAN	28%
CORTLANDT	32%
CROTON-ON-HUDSON	49%
DOBBS FERRY	52%
EASTCHESTER	53%
ELMSFORD	56%
GREENBURGH	63%
HARRISON	61%
HASTINGS-ON-HUDSON	35%
IRVINGTON	58%
LARCHMNT/M'MARNCK	63%
LEWISBORO	20%
MAMARONECK (V)	55%
MT. KISCO	50%
MT. PLEASANT	67%
MT. VERNON	26%
NEW CASTLE	62%
NEW ROCHELLE	44%
NORTH CASTLE	49%
NORTH SALEM	38%
OSSINING (TOWN)	45%

-- more --

Municipality	Percent Recycled
OSSINING (VILLAGE)	60%
PEEKSKILL	28%
PELHAM	55%
PELHAM MANOR	74%
PLEASANTVILLE	70%
PORT CHESTER	67%
POUND RIDGE	5%
RYE BROOK	71%
RYE CITY	70%
SCARSDALE	76%
SLEEPY HOLLOW	70%
SOMERS	26%
TARRYTOWN	43%
TUCKAHOE	57%
WHITE PLAINS	73%
YONKERS	43%
YORKTOWN	65%



DAN AHOUSE
AREA DIRECTOR, SUBURBAN NEW YORK
516-803-3778
DAHOUSE@CABLEVISION.COM

May 3, 2013

Via Email & USPS

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

Re: **Grandfathered Video Package Migration**

Dear Mayor French:

This is to notify you that beginning on or after June 3, 2013, Cablevision will be eliminating legacy (grandfathered) video packages. Cablevision introduced new Optimum video packages in March 2012. To offer customers more choice, customers subscribing to legacy packages were given the option to remain on those packages or choose one of the new packages.

Since their introduction over 1 million customers have signed up for one of the new packages. Cablevision will now begin the process of eliminating legacy packages and allowing legacy customers to choose a new package of their choice or be migrated to the new package that most closely resembles their current level of service. Note that the Broadcast Basic Package remains available for new and existing customers. Customers on promotions for a legacy video package that is being eliminated will be able to keep their promotional rate through the end of the promotional period and will be migrated at the end of the promotion.

Legacy customers migrating to comparable packages will experience a rate increase, but will gain between 6 to 23 linear networks and/or premium channels and enhancements and additional On Demand services. In many cases, the rate change is significantly less than the price of the additional channels and services, if purchased on an a la carte basis (See Attached). Legacy customers will not lose any channels they are currently receiving and, like all Cablevision customers, are allowed to change their level of service or disconnect without fee or penalty.

Customers will be notified of these changes 30 days in advance through bill messages, bill inserts or letters. 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,

Dan Ahouse

CABLEVISION OF WESTCHESTER
Six Executive Plaza, Yonkers, NY 10701
914-378-8960

DETAIL ON PRICING AND PACKAGING

Comparable Package Migration	Additional Channels	Price Increase
Family Cable migrates to Optimum Value (\$64.95)	Bloomberg TV Boomerang Crime & Investigation Network (HD only) C-SPAN 3 Reelz Channel H2	\$6.00
iO Package + Family migrates to Optimum Preferred (\$74.95)	NFL Network Encore Encore Action Encore Drama Encore Family Encore Love Encore Suspense Encore West Encore Westerns On Demand Gained: Encore On Demand	\$4.05 Current iO Family customers would spend an additional \$16.90 a month to purchase Encore and Encore On Demand.
iO Silver (with Showtime + SVODs) migrates to Optimum Silver (\$89.95)	HBO HBO Comedy HBO Family HBO Family West HBO Latino HBO Signature HBO Signature West HBO West HBO Zone HBO2 HBO2 West On Demand Gained: HBO On Demand	\$6.00 Current iO Silver (with Showtime + On Demand Services) customers would spend an additional \$19.90 a month to purchase HBO and HBO On Demand.

<p>iO Silver (Showtime without SVOD) migrates to Optimum Silver (\$89.95)</p>	<p>HBO HBO Comedy HBO Family HBO Family West HBO Latino HBO Signature HBO Signature West HBO West HBO Zone HBO2 HBO2 West On Demand Gained: HBO On Demand Showtime On Demand Starz On Demand Encore On Demand</p>	<p>\$7.00 Current iO Silver (Showtime without On Demand services) customers would spend an additional \$29.80 a month to purchase HBO, HBO On Demand, Showtime On Demand and Starz/Encore on Demand.</p>
<p>iO Silver (with HBO) migrates to Optimum Silver (\$89.95)</p>	<p>Showtime Showtime Beyond Showtime Extreme Showtime Family Zone Showtime Next Showtime Showcase Showtime Showcase West Showtime Too Showtime Too West Showtime West Showtime Women On Demand Gained: Showtime On Demand HBO On Demand Starz On Demand Encore On Demand</p>	<p>\$7.00 Current iO Silver (with HBO) customers would spend an additional \$26.80 a month to purchase Showtime, Showtime On Demand, HBO On Demand and Starz/Encore on Demand.</p>

<p>iO Gold (with SVODs) migrates to Optimum Gold (\$109.95)</p>	<p>BTN ESPN Classic Fight Now FOX College Sports Atlantic FOX College Sports Central FOX College Sports Pacific FOX Soccer Plus FUEL TV GOL TV GSN MavTV Neo Cricket NHL Network Outdoor Channel Sportsman Channel TVG Network World Fishing Network On Demand Gained: Cinemax On Demand HBO On Demand</p>	<p>\$6.00 Current iO Gold (with On Demand Services) customers would spend an additional \$16.85 a month to purchase the Sports Package, Cinemax On Demand and HBO On Demand.</p>
<p>iO Gold (excludes SVODs) migrates to Optimum Gold (\$109.95)</p>	<p>BTN ESPN Classic Fight Now FOX College Sports Atlantic FOX College Sports Central FOX College Sports Pacific FOX Soccer Plus FUEL TV GOL TV GSN MavTV Neo Cricket NHL Network Outdoor Channel Sportsman Channel TVG Network World Fishing Network On Demand Gained: Cinemax On Demand TMC On Demand HBO On Demand Showtime On Demand Starz On Demand Encore On Demand</p>	<p>\$7.00 Current iO Gold (without On Demand services) customers would spend an additional \$31.70 a month to purchase the Sports Package, Cinemax On Demand, The Movie Channel On Demand, HBO On Demand, Showtime On Demand and Starz/Encore On Demand.</p>



Dear Municipal Official:

This is to provide you with advance notice of certain upcoming rate increases in order for Verizon to continue to deliver quality FiOS TV service and product innovation.

Effective August 1, 2013, the monthly rate for all FiOS CableCards will increase to \$4.99. Subscribers with CableCards will receive the following bill message beginning June 1, 2013:

FiOS CableCARD Rate Increase

In order to continue to bring you quality service and product innovation, at times we need to raise our rates. Beginning August 1, 2013, the monthly rate for the FiOS CableCARD will increase to \$4.99 per month per card. The monthly rate increase will be \$1.00, \$2.00 or \$2.04 per card depending on your specific service. As always, if you would like to review your current services and your equipment options, visit verizon.com/all.

Additionally effective August 1, 2013, the rate for the below grandfathered FiOS TV plans will increase by \$6 –

PLAN	FROM RATE	TO RATE
Premier	42.99	48.99
Premier 08	47.99	53.99
Premier 09 \$52.99	52.99	58.99
Premier 09 \$57.99	57.99	63.99

Subscribers to these plans will receive the following bill message beginning June 1, 2013:

FiOS Rate Increase

In order to continue to bring you quality service, at times we need to raise our rates. On or after 30 days from the date of this bill, the base monthly rate for your FiOS Bundle plan or your FiOS TV plan will increase by \$6. If you would like to keep your current service as is, no action is required and any credits or discounts remain in effect until their original expiration date. If you have recently upgraded to a new FiOS plan, you may disregard this notice. We offer many other bundle options that can help you get the most for your money. Just call and a FiOS rep will help find the best value for you. You may even be eligible for a special offer when you switch to a new FiOS bundle with a two-year agreement and two-year price guarantee. Call 1-877-850-1165 (Mon.–Fri., 8am–9pm; Sat., 9am–5pm) or go to verizon.com/fios/6cx for more information. Be sure to have your Verizon bill handy for reference.

Sincerely,
Lincoln Janus
Franchise Service Management