

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: July 3, 2013

Enclosed with this memorandum are the following items:

- 7-1 Notice regarding *A Celebration of Our Nation's 237th Birthday* to be held on Thursday, July 4, 2013 at 10:30 a.m. on the porch of the Rye Free Reading Room.
- 7-2 Notice regarding a Rye City School District Board of Education meeting to be held on Wednesday, July 10, 2013 beginning at 9:00 a.m. in the Rye City School District Central Administration Building.
- 7-3 Legal Department Update from the Corporation Counsel dated July 3, 2013.
- 7-4 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated June 21, 2013 regarding the re-tiering of News12 Traffic and Weather to Broadcast Basic effective July 25, 2013.
- 7-5 Notice from Lincoln Janus, Verizon Franchise Service Manager, regarding the increase of several FiOA TV premium channels and packages effective on or after August 1, 2013.
- 7-6 Meeting notice for the week of July 8, 2013 is available on the City website www.ryeny.gov under Calendar.



Leaders of Tomorrow
and the
Rye Free Reading Room
Present

A CELEBRATION OF OUR NATION'S 237TH BIRTHDAY

Thursday July 4th, 2013

10:30 AM

**Selected Speeches and the
Reading of the Declaration of Independence**

On the Porch of the Rye Free Reading Room

**Followed by Patriotic Singing and the Unfurling of the
American Legion's Historic American Flag
On the Village Green**

Special Thanks to the Rye Recreation Department

**For more information Call Doug Carey 914-305-1721
or send an email message to Rye1904@yahoo.com**





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*

July 1, 2013

FOR IMMEDIATE RELEASE

July 10, 2013 Special Board of Education Meeting

The Rye City School District Board of Education will meet Wednesday, July 10, 2013 beginning at 9:00 AM in the Rye City School District Central Administration Building, 411 Theodore Fremd Avenue, Suite 100S, Rye New York 10580.

It is expected that the Board will adjourn immediately into 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.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: July 3, 2013

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**

In a Decision, Order and Judgment, Judge Tolbert granted Petitioners' motion for summary judgment finding that the use of a portion of Rye Town Park as a restaurant (Seaside Johnnys) is currently being held for a public use. As a result, the previously existing tax exemption for this portion of Rye Town Park will be reinstated.

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)

An Interim Decision from Commissioner Martens was rendered addressing the issues that the City of Rye and other interested parties raised regarding the May 29, 2009 Rulings on Issues and July 15, 2011 Supplemental Rulings (the "Rulings"). The Commissioner upheld the Decisions of the ALJ and the matter is proceeding to an adjudicatory hearing.

BASSETT v. CITY OF RYE

The Appellate Division, Second Department issued a decision reversing the lower court decision of Judge Berliner that set aside the jury verdict and remitted the matter back to him to consider whether a new trial should be granted.

CASPI v. CITY OF RYE

A schedule for summary judgment motions has been calendared by the Court. Defendants must submit motions for summary judgment on or before July 31, 2013. Plaintiff must serve opposition papers by September 16, 2013 and the Reply must be served by October 14, 2013. This is a bundle motion so the Court will receive all documents on October 14, 2013.

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)

I attended a settlement conference on June 6, 2013. The next conference is on July 18, 2013.

BUTLER v. PLANNING COMMISSION

The City's reply brief was filed and served on June 10, 2013. This matter is fully submitted.

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

The City has served its Answer with Affirmative Defenses.

SMALL CLAIMS

MADEO MULTI-MEDIA/NICK MADEO v. RYE GOLF CLUB

A small claims petition was commenced in White Plains Small Claims Court on June 20, 2013. The parties met with an arbitrator and after an initial meeting, the matter was adjourned to July 18, 2013 at 9:30 a.m. for a final decision and/or trial.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW



ROBERT HOCH

GOVERNMENT AFFAIRS

(914) 378-4515 PHONE

(914) 909 0207 FAX

RHOCH@CABLEVISION.COM

June 21, 2013

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

Re: Re-tiering of News12 Traffic and Weather to Broadcast Basic

Dear Mayor French:

Please let this letter serve to notice that effective July 25, the very popular News12 Traffic and Weather will be re-positioned and will be part of the Broadcast Basic Package. Currently this channel is in the Economy Package and in the grandfathered Family Package.

There is no rate change or channel change involved. News12 Traffic and Weather will continue to be seen in SD on channel 61 and in HD on channel 792. A digital cable box, CableCard or Digital TV with QAM tuner is required.

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,

Robert Hoch



Dear Municipal Official:

This is to inform you that due to the rising cost of providing quality premium programming, on or after August 1, 2013, the rates for several FiOS TV premium channels and packages will increase as identified in the following chart. These increases will apply to new subscriptions only:

Premium Channels	Current Price	New price	Increase
Fully Loaded Entertainment Pack	\$ 41.99	\$ 48.99	\$ 7.00
HBO & Cinemax	\$ 26.99	\$ 29.99	\$ 3.00
SHOWTIME STARS Entertainment Pack	\$ 18.99	\$ 19.99	\$ 1.00
HBO	\$ 18.99	\$ 19.99	\$ 1.00
SHOWTIME	\$ 13.99	\$ 15.99	\$ 2.00
STARZ ENCORE	\$ 13.99	\$ 15.99	\$ 2.00
Cinemax	\$ 13.99	\$ 15.99	\$ 2.00
EPIX	\$ 11.99	\$ 15.99	\$ 4.00
SHOWTIME STARS Entertainment Pack with EPIX	\$ 26.99	\$ 28.99	\$ 2.00

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry.

Lincoln Janus
Franchise Service Manager
Verizon Communications
205 North Michigan Ave.
Office 7018E
Chicago, IL. 60601