

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 6, 2013

Enclosed with this memorandum are the following items:

- 12-1 Notice from Sustainable Playland regarding a Presentation to provide information on the SPI plan for Rye Playland to be held on Wednesday, December 11, 2013 at 7:00 p.m. at the Rye Free Reading Room.
- 12-2 Legal Department Update from the Corporation Counsel dated December 6, 2013.
- 12-3 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated November 26, 2013 regarding changes to the rates and fees for some Cablevision video services effective January 1, 2014.
- 12-4 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated November 27, 2013 regarding the removal of the **SOAPnet** channel effective December 31, 2013.
- 12-5 Meeting notice for the week of December 9, 2013 is available on the City website www.ryeny.gov under Calendar.



Sustainable Playland

MORE PARK. MORE PLAY.

RYE COMMUNITY MEETING

Please join us for an informational presentation about this important component of the SPI plan to reinvigorate and restore the park. Representatives of Playland Sports will be on hand to outline their concept for an exciting new year-round, state-of-the-art sports facility that will provide opportunities for a range of athletic activities for all ages.

Wednesday, December 11 from 7-9 pm at the Rye Library

Sustainable • Open Spaces • Non-Profit • Community • Public-Private Partnership • Historical Restoration • LI Sound • Environment • Beach • Amusement Park • Ice Skating • Arts & Education • Water Deck • Great Lawn • Ball Fields • Plaza • Restaurants • Recreation • Family



www.sustainableplayland.org



THE FACTS

ABOUT THE FIELD ZONE AT

PLAYLAND



Sustainable Playland
MORE PARK. MORE PLAY.



How tall is the proposed field house?

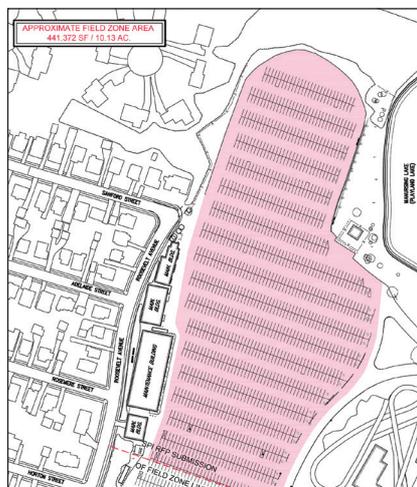
At 35-feet high, the proposed sports facility is 5 feet lower than the main existing maintenance building, ensuring that the sight lines of nearby properties won't change. The existing maintenance buildings, which will remain, will block the views of the sports facility and parking lot from these residences.

Is this building larger than the Sports Underdome in Mount Vernon and Chelsea Piers in Stamford, Conn.?

No. These two existing facilities are much larger. At 400,000 square feet, Chelsea Piers is over four-times the size of this sports facility while the Sports Underdome, at 7 1/2 stories, is twice as tall.

Has the Field Zone increased in size since the initial plan submission?

No. The footprint of the current Field Zone is 3.4 acres or 33% smaller than originally submitted in the RFP to the County.



Will the sports facility height be affected by current FEMA construction standards or have any affect on flooding in the area?

The sports facility will meet all FEMA construction standards and not exceed 35' in height. According to Leonard Jackson Assoc., a consultant to FEMA, the construction of the facility will have no measurable affect on flooding in the area for coastal flooding conditions.

What will it look like inside?

Indoor amenities will include two soccer/lacrosse fields and six volleyball courts that can be converted into three high school regulation basketball courts. The indoor facility will have viewing areas for spectators and a full service cafe with healthy food options. There will also be restrooms, meeting areas, party rooms and administrative offices.

For more Field Zone facts:

Attend the Sustainable Playland information presentation Wednesday, December 11th, 7-9 pm at the Rye Library.

Or visit:

www.playlandsports.com
www.sustainableplayland.org



**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: December 6, 2013

CLAIMS

A notice of claim has been filed by Marlene Jimenez of Port Chester. The notice claims that Ms. Jimenez suffered personal injuries as the result of her automobile being in collision with a City vehicle. The claim has been forwarded to our insurance carrier.

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

The Record on Appeal and City's appellate brief were filed on Monday, September 23, 2013 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 Notice of Appeal has been filed in connection with this matter.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

The City of Rye has filed its brief with the Appellate Division, Second Department

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A conference call was held with the Administrative Law Judge (ALJ), who asked if the parties were amenable to trying mediation on the discovery disputes. An initial meeting will be held in mid-December with another ALJ who would act as a mediator over these disputes. If and when the disputes are resolved, the matter would proceed to the Adjudicatory Hearing in January or February.

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

Motions for summary judgment were denied without prejudice and will be refiled at the completion of briefing as part of the bundling rule. As a result, once the motion is fully briefed, all papers will be submitted to the Court for review at one time.

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 (declaratory judgment/42 U.S.C. 1983 claim)

I attended a settlement conference on July 18, 2013. A trial date has been calendared for February 4, 2014.

BUTLER v. PLANNING COMMISSION

Oral Arguments in connection with this matter have been scheduled for December 19th 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.

OMNI CONTRACTING V. CITY OF RYE

The trial date has been calendared for March 3, 2014.

AMERICAN LEISURE ACTIVITIES OF NEW YORK CITY INC. v. CITY OF RYE

In August I reported to you that a notice of claim had been served on the City claiming breach of contract on the part of the City. A summons and complaint was served by plaintiff seeking judgment in the amount of \$42,239.96.

WILBOURN CONSTRUCTION, LLC v. ELQ INDUSTRIES, INC., FIDELITY AND DEPOSIT COMPANY OF MARYLAND, AND CITY OF RYE

The City, as one of several defendants, was served with a Summons and Complaint and Notice of Pendency by Wilbourn Construction, LLC. The plaintiffs claim that they are owed money in connection with work performed as a subcontractor on the Central Avenue Bridge project. The papers have been forwarded to our insurance carrier.

CITY COURT

People v. Chittenden

The trial in this matter has been adjourned until December 18th.

Respectfully submitted,

Kristen K Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn



ROBERT HOCH, COUNSEL
GOVERNMENT AFFAIRS
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(914) 909 0207 FAX
rhoch@cablevision.com

November 26, 2013

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

Dear Mayor French:

This is to advise that as of January 1, 2014, there will be changes to the rates and fees for some Cablevision video services. Certain of these changes are the result of increased programming costs, particularly the cost to carry sporting events and sports related programming. For a full list of the changes, please see attached.

In addition, there will be changes (also effective January 1, 2014) to the Optimum Voice and Optimum Online services (see attached). Certain state and federal taxes and fees will be broken out as separate line items on the monthly bills of Optimum Voice customers. Optimum Online's basic service rate will also increase for a small number of customers.

Customers are being notified 30 days in advance of these changes through bill messages or inserts. In addition, rate information will be available on our website at www.optimum.com.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Hoch". The signature is fluid and cursive, written over a light blue horizontal line.

Robert Hoch

CABLEVISION OF WESTCHESTER

* Provided for informational purposes only.
Six Executive Plaza, Yonkers, NY 10701
914-378-8960



Robert Hoch
Government Affairs
(914) 378-4515 phone
(914) 909 2123 fax
rhoch@cablevision.com

November 27, 2013

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

Re: Channel Removal: **SOAPnet**

Dear Mayor French:

Please let this letter serve to provide notice that Cablevision has been informed by the Disney-ABC Television Group that effective, December 31, 2013 it will cease to transmit SOAPnet programming. **SOAPnet** will no longer be available on Cablevision systems.

Customers will be notified on air and through bill messaging of the elimination of **SOAPnet**. In addition, customers can always find the most current pricing and packaging 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 fluid and cursive, written over a light blue horizontal line.

Robert Hoch