

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: July 25, 2014

Enclosed with this memorandum are the following items:

- 7-21 Notice regarding the Rye City School District Board of Education Planning meetings to be held on Monday, July 28, 2014 and Tuesday, July 29, 2014 beginning at 6:00 p.m. at the Wainwright House on Stuyvesant Avenue.
- 7-22 Notice regarding a Public Statement Hearing to be held by the New York State Public Service Commission on the pending request of United Water New Rochelle and United Water Westchester to merge the two companies and increase rates. The Public Hearing will be held on Wednesday, August 6, 2014 beginning at 6:00 p.m. in Council Chambers at Rye City Hall.
- 7-23 Legal Department Update from the Corporation Counsel dated July 25, 2014.
- 7-24 Notice from Rob Castagna, Rye City School District Director of Health, Physical Education and Athletics, regarding the 2014 fall night game schedule.
- 7-25 Meeting notice for the week of July 28, 2014 is available on the City website www.ryeny.gov under Calendar.



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 22, 2014

FOR IMMEDIATE RELEASE

July 28, 2014 and July 29, 2014

Board of Education Planning Meetings

The Rye City School District Board of Education will hold its annual planning meetings Monday, July 28, 2014 and Tuesday, July 29, 2014 beginning at 6:00 p.m. at the Wainwright House on Stuyvesant Avenue in Rye. On July 28, 2014 immediately after the meeting is called to order, the Board will adjourn into Executive Session to discuss the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy and the Board will discuss its way of work, set goals for the coming school year, and discuss priorities for the 2014-2015 school year.

On Tuesday July 29, 2014 at 6:00 p.m. there will be a fifteen (15) minute business meeting after which time the public session will conclude and the Board will adjourn into Executive Session.

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
www.dps.ny.gov



PUBLIC SERVICE COMMISSION

AUDREY ZIBELMAN
Chair
PATRICIA L. ACAMPORA
GARRY A. BROWN
GREGG C. SAYRE
DIANE X. BURMAN
Commissioners

KIMBERLY A. HARRIMAN
General Counsel
KATHILEEN H. BURGESS
Secretary

July 18, 2014

Dear Community Leader/Elected Official:

The New York State Public Service Commission (Commission) will hold public statement hearings to seek comment on the pending request of United Water New Rochelle and United Water Westchester to merge their two companies and increase delivery rates for water service in Westchester County. After review of the request and negotiations, a Joint Proposal which modified some of the companies' requests was signed by the companies, Staff of the Department of Public Service and other parties to the case.

The enclosed factsheet contains a summary of the Joint Proposal. A copy of the full proposal and other case documents can be found at the Department's www.dps.ny.gov web site. On the homepage, click on "Search," and enter any one of the following case numbers: 13-W-0539, 13-W-0564 or 14-W-0006 in the "Search by Case Number" field.

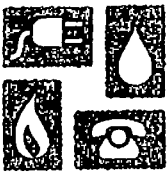
The date, time and location of the public statement hearings, as well as information on how to submit comments on the proceeding, are provided in the fact sheet. I would appreciate your assistance informing your constituents about the hearings and encouraging them to provide comments on the Joint Proposal regarding the merger and rate request.

Thank you.

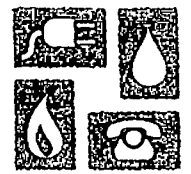
Sincerely,

Douglas Elfner
Director
Office of Consumer Policy

Enclosure



New York State Public Service Commission



United Water New Rochelle/ United Water Westchester Proposed Merger & Rate Increase

In November, 2013, United Water New Rochelle (UWNR) and United Water Westchester (UWW) filed a request with the New York State Public Service Commission (Commission) to increase their delivery rates for water service in Westchester County. The two affiliated companies then filed a joint petition in January 2014 seeking Commission approval to merge UWW into UWNR, with UWW customers subsequently billed at the proposed UWNR rates. The companies' updated one-year rate change proposal would increase the revenues by \$14.5 Million (23%).

Staff of the Department of Public Service (DPS Staff) and other parties in the case examined the Companies' merger and rate request and put forth counter proposals. On July 3, 2014, following negotiations, a Joint Proposal was filed with the Commission in resolution of the issues in the pending cases. The Joint Proposal is signed on behalf of UWNR, UWW, DPS Staff, the Villages of Port Chester and Rye Brook and the City of Rye. A summary of several Joint Proposal provisions can be found on the reverse side of this sheet.

Public Statement Hearings

The Commission will hold two public statement hearings to seek public comment on the Joint Proposal. Interested members of the public are invited to attend and provide their comments regarding the proposed rate increase and merger.

It is not necessary to be present at the start of the hearings, or make an appointment in advance, or present written material in order to speak at the hearings. All comments given at the hearing will be transcribed and become part of the Commission's formal record. The hearings will adjourn no earlier than 7:00 p.m. and will remain open until everyone wishing to speak has been heard or other reasonable arrangements have been made. Please join us at the following locations:

Public Statement Hearings

Date: August 5th, 2014

Time: 6:00 PM

Location:

**New Rochelle City Hall
515 North Avenue
New Rochelle, N.Y 10801**

Date: August 6th, 2014

Time: 6:00 PM

Location:

**Rye City Hall
1051 Boston Post Rd
Rye, N.Y 10580**

Disabled persons requiring special accommodations may place a collect call to the DPS's Human Resources Management Office at 518-474-2520. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711 to reach the Department of Public Service's Human Resource Office at the previously mentioned number. If you have difficulty understanding English, please call the Department at 1-800-342-3377 for free language assistance services.

Summary of Joint Proposal

Rate Increase:

Under the Joint Proposal (JP), a set of terms and conditions were developed for a three year rate plan for the Company's water service. The parties agreed that the proposed rates are just and reasonable, and the proposed merger is the best public interest.

The three year plan runs from November 1, 2014 through October 31, 2017. The proposed rate increases are listed in the chart below. In addition, the JP explores the option of levelizing the rate increase across the three years to reduce the increase that otherwise would have been required for Rate Year One. The levelized option is also included in the chart:

Rate Year	Proposed Rates		Levelized Option	
	Percentage Increase	Base Rate Increase	Percentage Increase	Base Rate Increase
One (Nov. 1, 2014 - Oct. 31, 2015)	10.9 %	\$6.81 million	6.8 %	\$4.25 million
Two (Nov. 1, 2015 - Oct. 31, 2016)	2.00 %	\$1.38 million	6.4 %	\$4.25 million
Three (Nov. 1, 2016 - Oct. 31, 2017)	2.81%	\$1.99 million	6.0%	\$4.25 million

Merger:

The proposed merger will result in one surviving entity operating as United Water Westchester. The parties to the JP state that customers will benefit from the merger by increased operational efficiencies and service improvements. The JP includes a provision to establish a collaborative for developing ways to incentivize customers to conserve water such as rebate programs, sprinkler head replacement programs, and partnering with other utilities to provide information and education to consumers.

Copies of the JP and other case documents can be found by locating the case via the home page of the Commission's website, www.dps.ny.gov, clicking on "Search," and entering any one of the following case numbers: 13-W-0539, 13-W-0564 or 14-W-0006 in the "Search by Case Number" field.

Commission Action

The JP and public comment on the case will be presented to the Commission for consideration. The Commission may accept, reject or modify, in whole or part, the proposal.

Methods for Commenting on the Case

All comments can be submitted at the public statement hearing listed above or through the methods below:

- **Via the Internet or In Writing:** Submit comments electronically to Kathleen H. Burgess, Secretary, at secretary@dps.ny.gov or by mail or delivery to Secretary Burgess at the Department of Public Service, Three Empire State Plaza, Albany, New York 12223-1350. Comments may also be entered directly on the Commission's www.dps.ny.gov website by opening the page for Case 14-W-0006 and clicking on the "Post Comments" link located at the top of the page.
- **Toll-Free Opinion Line:** Individuals may choose to submit comments by calling the Commission's toll-free Opinion Line at 1-800-335-2120. This line is set up to receive in-state calls 24-hours a day. Callers should press "1" to leave comments about "Case 14-W-0006 United Water Westchester/United Water New Rochelle Merger"

Comments submitted via these alternatives are requested by August 1, 2014.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: July 25, 2014

CLAIMS

A notice of claim has been filed by Hillary Southard of Pound Ridge. The notice states that Ms. Southard's automobile was damaged when a tree limb fell on it while the car was parking in a City lot. The claim has been forwarded to our insurance carrier.

A notice of claim has been filed by Sedgwick Claims Management Services as subrogee of Verizon Communications in connection with injuries sustained by an employee of Verizon who fell on a City street. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

This matter is fully submitted before the Appellate Division, Second Department. We are waiting for an oral argument date.

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's reply brief was served and filed. This matter is now fully submitted to the Appellate Division, Second Department. We are waiting for an oral argument date.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

This matter is now fully submitted before the Appellate Division, Second Department and we are waiting for an oral argument date.

181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al

The petitioner has moved for summary judgment. The return date for the motion has been adjourned to August 4, 2014.

LITIGATION

P. STEPHEN LAMONT v. KRISTEN K. WILSON, et al

Defendants appeared before Hon. Nelson Roman in Federal Court, S.D.N.Y., on Wednesday July 23, 2014 to address Plaintiffs' request for a preliminary injunction. On Thursday July 24, 2014, Judge Roman rendered an Order: 1) denying Plaintiffs' application seeking an order activating his membership; 2) denying Plaintiffs' motion to strike Defendants' opposition papers; and 3) denying the motion to intervene.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

A further conference call was held on May 22, 2014 to discuss the status of the City's consultant's review of the pending wetland application. The next call with the mediator is scheduled for mid-July and a tentative adjudicatory hearing has been scheduled for the third week of September.

BASSETT v. CITY OF RYE

A notice of appeal has been filed.

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.

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 co-defendant Calgi Construction has filed for bankruptcy. As a result, the trial has been adjourned.

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

Motions for summary judgment have been filed.

RVIN REYES, et al v. CITY OF RYE, RYE GOLF CLUB, RM STAFFING & EVENTS, INC., MORRIS YACHT AND BEACH CLUB, INC. and SCOTT YANDRASEVICH, Jointly and Severally

Plaintiffs filed a motion for class certification.

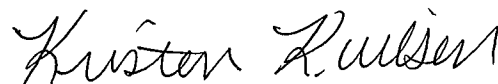
GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

The City of Rye Zoning Board of Appeals has filed the Certified Record, Verified Answer and Memo of Law in opposition to the Verified Petition.

CITY COURT

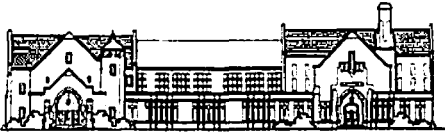
Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



HOME OF THE
GARNETS
THE RYE HIGH SCHOOL
RYE, NEW YORK 10580

ROBERT CASTAGNA
Director of Health,
Physical Education and Athletics
914-967-6100 Ext. 1242
Fax: 914-925-1076
Email: castagnr@ryeschools.org

July, 2014

Dear Rye High School Neighbor:

In accordance with the Board of Education policy on the Use of Permanent Field Lights at John Nugent Stadium, I am informing you of the 2014 fall night game schedule. Should there be any changes or additions to this schedule, you will be notified as soon as possible.

Friday, September 5	Varsity Boys Soccer	7:00 p.m.
Saturday, September 6	Varsity Field Hockey	7:00 p.m.
Friday, September 19	Varsity Girls Soccer	7:00 p.m.
Saturday, September 27	Varsity Football	7:00 p.m.
Friday, October 10	Varsity Football	7:00 p.m.
Friday, October 17	Varsity Football	7:00 p.m.
Saturday, October 18	Varsity Boys Soccer	7:00 p.m.

If you have any questions and/or concerns, please do not hesitate to call me at (914) 967-6100, ext. 1541.

Sincerely,

Rob Castagna

cc: Dr. Frank Alvarez, Superintendent
Ms. Patricia Taylor, Principal, RHS
Dr. Ann Edwards, Principal RMS
Mr. Robert Zegarelli, Asst. Principal, RHS
Mr. Rolf Koehler, Security, RHS
Mr. William Pease, Police Commissioner
Lieutenant Falk, Rye Police
Ms. Sally Rogol, Rye Recreation
Mr. Doug Scott, Rye Recreation