

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 1, 2014

Enclosed with this memorandum are the following items:

- 8-1 Notice from Dan Ahouse, Cablevision Area Director of Government Affairs, regarding the postponement of the premium channel realignment.
- 8-2 Legal Department Update from the Corporation Counsel dated August 1, 2014.
- 8-3 Notice from Verizon regarding an increase to certain premium channels and packages effective on or after September 21, 2014.
- 8-4 Meeting notice for the week of August 4, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



DAN AHOUSE  
AREA DIRECTOR, GOVERNMENT AFFAIRS  
[dahouse@cablevision.com](mailto:dahouse@cablevision.com)  
914-378-4533

July 25, 2014

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

RE: Postponement of Premium Channel Realignment

Dear Mayor Sack:

On July 11, 2014, Cablevision notified you that, effective August 18 through August 22, 2014, TMC, Stars, Encore, HBO, Showtime and Cinemax channels were to be relocated and standardized in the 300 channel range. These premium channel line-up changes have been postponed without a new date at this time.

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

Sincerely,

A handwritten signature in black ink that reads "Dan Ahouse". The signature is written in a cursive, flowing style.

Dan Ahouse

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: August 1, 2014

**CLAIMS**

**A notice of claim has been filed by Gil Perry of 42 Tyler Circle. The notice states that Mr. Perry's automobile, which was parked in his driveway, was damaged by the dolly used by City sanitation workers. The claim has been forwarded to our insurance carrier.**

**A notice of claim has been filed by MetLife as subrogee of Maria and Marcelo Delmar. The notice states that the insured's automobile was damaged when it was backed into by a City vehicle. 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 18, 2014.**

**LITIGATION**

**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.

**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' motion to conditionally certify a Fair Labor Standards Act Collective Action and Authorize Notice to be Issued to All Persons Similarly Situated was granted. A pre-trial conference is scheduled for September 12, 2014.**

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

**This matter is now fully submitted and we are waiting for a decision.**

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.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn

IMPORTANT INFORMATION REGARDING YOUR VERIZON FiOS TV SERVICE

Dear Valued Customer,

Thank you for your business with Verizon.

Technology is moving fast and we continue to make investments in our network. To continue to provide your business with quality service and entertainment, we need to raise our rates at times. Please note that on or after September 21, 2014, the monthly rates of our Premium channels will increase as shown below.

<b>Premium Channels &amp; Packages</b>	<b>Current Monthly Price</b>	<b>Increase</b>	<b>New Monthly Price</b>
<b>Fully Loaded Entertainment Pack</b>	\$39.99	<b>\$9.00</b>	<b>\$48.99</b>
<b>Showtime Starz Entertainment Pack</b>	\$16.99	<b>\$3.00</b>	<b>\$19.99</b>
<b>Showtime Starz Entertainment Pack + EPIX</b>	\$24.99	<b>\$4.00</b>	<b>\$28.99</b>
<b>HBO + Cinemax</b>	\$24.99	<b>\$5.00</b>	<b>\$29.99</b>
<b>HBO</b>	\$16.99	<b>\$3.00</b>	<b>\$19.99</b>
<b>Cinemax</b>	\$11.99	<b>\$4.00</b>	<b>\$15.99</b>
<b>Starz/Encore (standalone)</b>	\$11.99	<b>\$4.00</b>	<b>\$15.99</b>
<b>Showtime/The Movie Channel (Standalone)</b>	\$11.99	<b>\$4.00</b>	<b>\$15.99</b>
<b>EPIX</b>	\$9.99	<b>\$6.00</b>	<b>\$15.99</b>
<b>Polish Channel</b>	\$17.99	<b>\$3.00</b>	<b>\$20.99</b>
<b>Starz Encore Pack for Ultimate HD</b>	\$9.99	<b>\$4.00</b>	<b>\$13.99</b>
<b>Spanish Language Package</b>	\$12.99	<b>\$2.00</b>	<b>\$14.99</b>
<b>Showtime Starz Entertainment Pack &amp; Sports</b>	\$18.99	<b>\$3.00</b>	<b>\$21.99</b>
<b>HBO/Showtime/Starz Entertainment Pack</b>	\$27.00	<b>\$4.00</b>	<b>\$31.00</b>
<b>HBO/Cinemax Showtime Starz Entertainment</b>	\$37.00	<b>\$4.00</b>	<b>\$41.00</b>

We know that as a business owner, you are concerned about managing your expenses. Call us today at 1.800.VERIZON (1.800.837.4966) for an account review and ensure that you have the best services for your business and your budget.

We look forward to continuing to serve you.

Sincerely,

Your Verizon Team