

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: November 21, 2014

Enclosed with this memorandum are the following items:

- 11-7 Notice regarding a Rye Town Park Commission meeting to be held on Tuesday, November 25, 2014 beginning at 6:00 p.m. at Rye Town Hall.
- 11-8 Notice from the Westchester County Health Department providing tips for safe Thanksgiving Holiday cooking.
- 11-9 Legal Department Update from the Corporation Counsel dated November 21, 2014.
- 11-10 Letter from Dan Ahouse, Cablevision Area Director of Government Affairs, dated November 17, 2014 introducing a new residential college sports package called the "Optimum College Sports Pak" effective December 17, 2014.
- 11-11 Letter from Dan Ahouse, Cablevision Area Director of Government Affairs, dated November 17, 2014 regarding a change in the tiering of four channels. There are no additional costs for the channels and the channel locations will remain unchanged.
- 11-12 Meeting notice for the week of November 24, 2014 is available on the City website [www.ryeny.gov](http://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

Joseph Sack, 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, 11/25/2014 @ 6:00PM**

**PLACE:**                      Village of Port Chester Courtroom  
350 North Main Street – 2<sup>nd</sup> Floor  
Port Chester, NY 10573

### **Tentative Agenda:**

- 1.      Roll Call**
- 2.      Pledge of Allegiance**
- 3.      Approval of Minutes: 10/21/2014**
- 4.      Comments from the Public**
- 5.      Management Report**
- 6.      Correspondence**
- 7.      Old Business – Dog Sub-Committee Update**
- 8.      New Business**



Robert P. Astorino, Westchester County Executive

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## NEWS RELEASE

Sherlita Amler, MD, Commissioner, Department of Health  
Ned McCormack, Communications Director  
Contact: Caren Halbfinger (914) 813-5013 / after hours: 813-5000

**For Immediate Release: November 21, 2014**

### **SERVE A GREAT MEAL, NOT SALMONELLA THIS THANKSGIVING Westchester County Health Department offers tips for safe holiday cooking**

Don't wing it – follow expert advice from the health department to safely prepare and cook your Thanksgiving feast and avoid food borne illnesses.

“When you're rushing to get a big holiday meal on the table, it's easy to make a mistake or take a shortcut that could cause your guests to become ill,” said Sherlita Amler, MD, Commissioner of Health. “Follow our safe food handling and cooking tips and your guests will remember their visit and the meal for all the right reasons.”

Frequent hand washing by the chef is the key to safe food handling.

“Remember to thoroughly wash your hands between the preparation of uncooked poultry and ready to serve foods,” said Peter DeLucia, Assistant Commissioner of Public Health Protection. “Preparing a safe and healthy Thanksgiving meal is not an easy task for even the most seasoned of chefs, so residents should follow these six tips to ensure a safe and happy holiday meal.”

- 1. Thaw** - Allow at least two to three days to thaw a frozen turkey in the refrigerator. To eliminate any chance of cross contamination, don't place thawing turkey or any raw meat, (even if commercially wrapped), in a spot where it could drip on fresh fruit and vegetables that won't be cooked before serving. Never defrost a turkey by leaving it out at room temperature.
- 2. Separate and Prepare** - Bacteria on raw poultry can contaminate your hands, utensils, and work surfaces as you prepare the turkey. Use different cutting boards for raw meat, poultry, seafood, and veggies. Keep the raw turkey away from vegetables and side dishes that won't be cooked. Wash hands, surfaces, and utensils often to avoid spreading bacteria when preparing food.

### Turkey Tips P.2

3. **Stuff** - To avoid undercooked stuffing that can cause a food borne illness, bake stuffing separately in a shallow pan, where it can quickly reach 165°F. Many food borne outbreaks have been caused by stuffed, roasted turkey. That's because it takes a long time for heat to penetrate deep into the cavity, so bacteria can survive inside the bird.
  
4. **Cook** -Turkeys should be cooked to a minimum internal temperature of 165°F. How long it will take to reach this temperature will vary significantly depending on oven temperature, temperature fluctuation and turkey weight. It's essential to have a 0 to 220 degree probe thermometer at home to accurately measure food temperature. To be safe, take the turkey's temperature by inserting the probe thermometer deep into the meat.
  
5. **Properly Cool Leftovers** - Improper cooling practices are one of the most frequent causes of food borne illness. Leftover turkey, stuffing, etc., needs to be refrigerated within two hours. If you prepare foods in advance such as soups and stocks, make sure to cool them in the refrigerator, uncovered in shallow pans. They can then be transferred to large covered vessels after reaching refrigerator temperature. Be sure not to pack your refrigerator with leftovers so tightly that the cool air can't do its job. The rule of thumb is to avoid filling containers with food deeper than four inches and then stacking multiple containers upon each other. Once the food is cooled to under 45°F it's safe to stack away!
  
6. **Reheat** – Leftovers, including turkey meat, stuffing and stock should be reheated to at least 165°F before serving.

For more food preparation safety tips, go to [www.westchestergov.com/health](http://www.westchestergov.com/health), like us on Facebook at [www.facebook.com/wchealthdept](https://www.facebook.com/wchealthdept) or follow us on Twitter @wchealthdept. The health department can be reached at (914) 813-5000.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: November 21, 2014

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

Oral argument was held on Monday November 10, 2014 in front of 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**

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**

WJWW has filed a motion to renew/reargue the matter before the Appellate Division, Second Department and simultaneously sought leave to file an appeal with the Court of Appeals. **Opposition papers were served on November 14, 2014.**

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

The return date for the motion has been adjourned.

**LITIGATION**

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

A conference all was held on November 13, 2014 to discuss the scheduling for appeals by DEC staff and the T/V of Harrison. In addition, the ALJ gave parties until December 5, 2014 to respond to issues raised by the City of Rye pertaining to the proposed amended negative declaration issued by DEC staff.

**CASPI v. CITY OF RYE**

This case has been transferred to Hon. Rakoff, U.S.D.J, S.D.N.Y. sitting in Manhattan. The trial date is currently February 2, 2015.

**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

**A settlement conference was held on November 17, 2014.**

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

A conference was held on September 12, 2014 in front of Judge Roman. The matter was referred to Magistrate Davison for all discovery. Plaintiffs' counsel has indicated that he would move for class certification by January 15, 2015.

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

I appeared before Hon. Barry Warhit on Wednesday October 29, 2014 per the Decision and Order. Judge Warhit subsequently amended his Decision and Order to be more specific and clear in that he intended to remand the ZBA's findings and decision back to the Board to be more specific and detail its findings based on the record before it.

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

Plaintiff did not officially file and serve the Second Amended Complaint for which he had asked permission from Judge Roman. **Defendants' Motion to Dismiss must be served on or before November 26, 2014.**

ALAN KACHALSKY v. THE CITY OF RYE, NEW YORK and the RYE CITY POLICE DEPARTMENT and P.O. ED BALLS

A notice of Removal to Federal Court, S.D.N.Y. was filed and served.

CHITTENDEN v. COMPAGNONE

I appeared at the preliminary conference to discuss the case and a potential scheduling order. Plaintiff Lucille Chittenden's attorney failed to make an appearance. After several attempts to contact Plaintiff's counsel, the nonappearance was noted and a new conference date was scheduled.

DOUGLAS E. LIMAN v. NICK EVERETT, MARTHA MONSERRATE, LAURA BRETT, BARBARA CUMMINGS, HUGH GREECHAN, PETER OLSEN, ALFRED VITIELLO, constituting the PLANNING COMMISSION OF THE CITY OF RYE, PANKAJ GUPTA and EMILY GUPTA, PAM McGUIRE and EUGENE McGUIRE

The City was served with an Article 78 proceeding seeking to vacate and nullify actions taken by the Planning Commission in approving a development project proposed by Applicants Pankaj and Emily Gupta. The petition seeks an Order annulling the Planning Commission's Resolution granting a Wetland and Watercourse Permit to the applicants.

**CITY COURT**

PEOPLE v. CHITTENDEN

**The Appellate Term dismissed the appeal for failure to prosecute.**

Respectfully submitted,

*Kristen K. Wilson*

Kristen K. Wilson  
Corporation Counsel

KKW/dfn



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

November 17, 2014

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

Re: Channel Re-tiering

Dear Mayor Sack:

Please let this letter serve to notice that effective December 17, 2014, Cablevision will change the tiering of four of our channels as follows:

- **FXX** (SD 142 /HD 797) will be added to the Optimum Value & above packages (from Optimum Preferred and above) and grandfathered Family and above (from grandfathered iO package).
- **Fox Business Network** (SD 106/HD 772) will be added to the Optimum Value & above packages (from Optimum Preferred and above) and grandfathered Family and above (from grandfathered iO package).
- **National Geographic** (SD162 /HD 726) will be added to the Optimum Economy, Value & above packages (from Optimum Preferred and above) and grandfathered Family and above (from grandfathered iO package).
- **Fox Sports 2** (SD 403) will be added to Optimum Preferred & above packages (from Optimum Gold) and grandfathered iO Package. **Fox Sports 2** will also remain in Optimum Sports & Entertainment Pak

There are no additional costs for the channels and the channel locations will not change.

Customers will be notified on air and through bill messaging of the re-tiering. In addition, customers can always find Optimum's current programming line-ups and packaging information on Cablevision's consumer website [www.Optimum.com](http://www.Optimum.com).

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

Sincerely,

Dan Ahouse

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



November 17, 2014

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

Re: Launch of Optimum College Sports Pak

Dear Mayor Sack:

Please let this letter serve to notice that effective December 17, 2014 Cablevision will introduce a new residential college sports package called the "Optimum College Sports Pak." The "Optimum College Sports Pak" will retail for \$2.95 and consist of the following seven sports channels:

Programming	Channel #
BTN	413 - existing
CBS Sports Network	143 - existing
ESPNU	144 - existing
ESPN Goal Line/Buzzer Beater	152 - existing
Fox College Sports Atlantic	455 - re-launching
Fox College Sports Central	456 - re-launching
Fox College Sports Pacific	457 - re-launching

The "Optimum College Sports Pak" will be available to residential subscribers in all areas with Economy or grandfathered Family and above programming tiers. The existing channels will continue to be offered in all other packages where they are authorized in today.

Customers will be notified on air and through bill messaging of the video programming launch. In addition, customers can always find Optimum's current programming line-ups and packaging information on Cablevision's consumer website [www.Optimum.com](http://www.Optimum.com).

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

Sincerely,

Dan Ahouse

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