

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: December 5, 2014

Enclosed with this memorandum are the following items:

- 12-1 Notice regarding the 50<sup>th</sup> Anniversary Celebration of the dedication of Rye City Hall to be held on Wednesday, December 10, 2014 beginning at 7:00 p.m. in Council Chambers, Rye City Hall.
- 12-2 Notice from Rye Recreation regarding the annual Holiday Sing-a-Long to be held on Sunday, December 7, 2014 beginning at 4:00 p.m. at Rye Recreation.
- 12-3 Legal Department Update from the Corporation Counsel dated December 5, 2014.
- 12-4 Notice from the Westchester County Health Department regarding a free vaccine clinic they will be hosting on Tuesday, December 9, 2014 from 10:00 a.m. to 6:00 p.m. at the Westchester County Center in White Plains.
- 12-5 Letter from Dan Ahouse, Cablevision Area Director of Government Affairs, dated November 26, 2014 regarding a change to select video service and equipment rates effective January 1, 2015.
- 12-6 Letter from Dan Ahouse, Cablevision Area Director of Government Affairs, dated November 26, 2014 regarding the deletion of Movie Pak Channel 510 effective December 3, 2014.
- 12-7 Notice from Verizon regarding a FiOS® TV Channel and Programming change effective December 8, 2014.
- 12-8 Meeting notice for the week of December 8, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

50<sup>th</sup> Anniversary Celebration  
of the Dedication of  
Rye City Hall



**Celebrate the Spirit of Generosity  
John Motley Morehead III  
Mayor of Rye, 1926-1930  
whose donation built Rye City Hall**

**DATE:** Wednesday, December 10, 2014

**TIME:** 7:00 p.m.

**PLACE:** Council Chambers, Rye City Hall

All members of the community are invited to this historic event. Light refreshments will be served.

RYE RECREATION'S

# *Holiday Sing-a-Long*

SUNDAY, DECEMBER 7TH

4PM *Magical Holiday Show*

5PM *Bonfire and Sing-a-Long*

AT RYE RECREATION PARK

FOR MORE DETAILS CALL 967-2535



## 'Tis the season for giving!

Rye Recreation and the Rye Police Association are working together to support the United States Marine Corp Reserve's Toys for Tots program. We are collecting new unwrapped books and toys for underprivileged children in the Westchester County area. It is our hope to spread the Holiday Spirit and give a gift to a child in need. Please help support our efforts.

Help make this a memorable holiday for all.

Please bring your unwrapped book or toy to the Bonfire.



**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: December 5, 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**

Opposition papers were served on November 14, 2014.

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

**The City's Cross-Motion for Summary Judgment and papers in opposition to Petitioner's motion for summary judgment were filed and served. The return date for the motion is January 30, 2015.**

**LITIGATION**

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

**On December 1, 2014, the T/V of Harrison filed an appeal with respect to ALJ O'Connell's October 31, 2014 memorandum regarding the September 15, 2014 negative declaration. DEC staff has until December 5, 2014 to file its appeal/objections and ALJ O'Connell will issue a ruling during the week of December 15, 2014 or soon thereafter. Appeals from the December 15, 2014 ruling will be due on or about January 17, 2015 (assuming the ruling is served on or around December 15). Replies will be due on or about January 31, 2015.**

**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

**Defendants served its Motion to Dismiss on P. Stephen Lamont. Lamont must serve his opposition, if any, prior to December 30, 2014. Defendants' reply must be served by January 14, 2015.**

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.

JOHN CASTELHANO as President of the RYE PROFESSIONAL FIRE FIGHTERS ASSOCIATION, LOCAL 2029, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO v. CITY OF RYE BOARD OF FIRE WARDENS, PETER COTTER, MICHAEL BILLINGTON, RICHARD BARBER, JOSEPH CARLUCCI, JOHN FALLON, ARCADIO OCASIO, RICHARD CADIGAN, PETER ANFUSO, JAMES BURKE, JOHN ALFANO and

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Wardens

A verified complaint has been served by the City's Professional Fire Fighters against the Board of Fire Wardens seeking reimbursement of their share of the 2013-2014 foreign fire insurance monies and the appointment of Local 2029 as the receiver of the monies payable under Section 9104 and 9105 of the Insurance Law.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn



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: Dec. 1, 2014**

### **ASTORINO ANNOUNCES FREE CATCH UP VACCINE CLINIC**

Health Commissioner Urges All Residents to Get Flu Shots and Other Needed Vaccines

Before the holiday season kicks into high gear, give yourself and your family the gift of good health – get the vaccines you need at a free vaccine clinic provided by the Westchester County Health Department on Dec. 9 at the Westchester County Center, from 10 a.m. to 6 p.m. Supplies are limited, so please register in advance.

“Make your health a priority this holiday season by registering for our free vaccine clinic for Westchester County residents,” said County Executive Robert P. Astorino.

The health department clinic will offer:

- free flu vaccines to residents ages 4 and up and
- free HPV and meningococcal vaccine for college students.

Residents who are uninsured or whose insurance doesn't cover vaccines also may receive these vaccines:

- Zoster vaccines for ages 60 and up to protect against Shingles
- MMR for women of childbearing age who neither received this vaccine nor had the diseases measles, mumps and rubella
- Tdap for residents ages 19 and up who never received a Tdap vaccine. This vaccine provides protection against tetanus, diphtheria and pertussis and is especially important for adults who spend time with infants, who are not fully protected from these diseases.

Westchester residents are encouraged to register at [www.health.ny.gov/Go2Clinic](http://www.health.ny.gov/Go2Clinic). Residents without internet access can call 914-995-7425. Walk-ins are also welcome. Supplies of each vaccine are limited and are not guaranteed.

“Good health is our most precious gift at any time of year,” said Sherlita Amler, MD, Commissioner of Health. “Sign up as soon as possible for this clinic, because we are offering residents the chance to catch up on a variety of safe and effective vaccines they may have missed, and some of them are quite costly. Families should also schedule flu shots right away for family members six months and older – including pregnant women.”

**More**

To date, the health department has expanded access to adult vaccines by giving nearly 1,000 vaccines at clinics at the County Center, Westchester Community College and at Hope Community Center, New Rochelle; Grace Church, White Plains; Neighbors' Link, Mount Kisco and Don Bosco Center in Port Chester. In addition to flu shots, residents also were offered vaccines that provide protection against pertussis, pneumonia, measles, mumps and rubella, HPV and shingles.

Each year in the U.S., about more than 200,000 people are hospitalized with flu complications. People most at risk for complications from the flu include pregnant women, adults age 50 and older, children under the age of five and their caregivers, residents of nursing homes and other long-term care facilities and anyone who has certain underlying medical conditions.

To prevent spreading the flu, cough or sneeze into your elbow and wash your hands often with soap and water. If you do get a respiratory infection, stay home until 24 hours after your fever subsides to avoid spreading your germs. Clean surfaces you touch frequently, such as doorknobs, water faucets, refrigerator handles and telephones. Get plenty of rest, exercise and eat healthy food.

For more information about the flu, contact the Westchester County Department of Health at (914) 813-5000 or go to [www.westchestergov.com/health](http://www.westchestergov.com/health); Like us on [Facebook.com/wchealthdept](https://www.facebook.com/wchealthdept) and Follow us on [Twitter @wchealthdept](https://twitter.com/wchealthdept).



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

November 26, 2014

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

Re: 2015 Rate Event

Dear Mayor Sack:

This is to advise that as of January 1, 2015 there will be changes to select video service and equipment rates affecting Cablevision's customers in the City of Rye.

As a result of increased programming costs, particularly the cost to carry sporting events, sports related programming and network programming, the "Sports Programming Surcharge" will be renamed the "Sports and Broadcast TV Surcharge" and will increase to \$5.98. The surcharge will continue to apply to all customers with the exception of Broadcast Basic and Economy packages.

Additionally, the price of Broadcast Basic for all commercial customers will decrease to \$22.15. The equipment rate (for set-top-boxes and remotes) will increase to \$7.80 for residential and commercial customers.

Customers are being notified 30 days in advance of these changes through bill messages or inserts. In addition, rate information is available on our website at [www.optimum.com](http://www.optimum.com).

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

Sincerely,

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

Dan Ahouse

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



November 26, 2014

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

Re: Deletion of Movie Pak (SVOD) Channel 510

Dear Mayor Sack:

This is to advise that effective December 31, 2014 Movie Pak (SVOD) on channel 510, offered as an a la carte channel for \$5.95 per month, will no longer be available in your service area.

Customers will be notified on air and through bill messaging. 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).

Sincerely,

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

Dan Ahouse



### **FiOS® TV Channel and Programming Changes**

On or after December 8, 2014, WGN America was removed from the FiOS TV lineup for subscribers to the following packages – Local TV, Select 2013 and 2014, La Conexion, Mundo and Mundo Total.

For all other subscribers, on or after December 8, 2014, WGN America will be repositioned to channel 68.