

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 20, 2010

Enclosed with this memorandum are the following items:

- 8-16 Notice regarding a Public Hearing to be held on the United Water Rate Settlement Agreement at Rye City Hall on Thursday, August 26, 2010 at 4:00 p.m.
- 8-17 Memorandum from Police Commissioner William R. Connors dated August 19, 2010 regarding Police Headquarters.
- 8-18 Litigation Update from the Corporation Counsel dated August 20, 2010.
- 8-19 Meeting notice for the week of August 23, 2010 is available on the City website www.ryeny.gov under Calendar.

SDP/emm
Encs.

A Public Hearing on the
United Water Rate Settlement Agreement
for the
City of Rye
and the
Village of Rye Brook

will be held on

Thursday, August 16th at 4:00 p.m.

in Council Chambers at Rye City Hall

located at 1051 Boston Post Road in Rye

The Public is Invited to Attend



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



August 19, 2010

Memorandum for: Scott D. Pickup, City Manager
George Mottarella, P.E., City Engineer/Director of Public Works
Scott Fontecchio, General Foreman
Kristen Kelley Wilson, Esq., Interim Corporation Counsel
Vincent Toomey, Esq., Labor Counsel

Subject: **NYS DEPARTMENT OF LABOR PUBLIC EMPLOYEE SAFETY
AND HEALTH BUREAU (PESH) INSPECTION OF POLICE
HEADQUARTERS – AUGUST 19, 2010**

At approximately 1:00 P.M. on Thursday, August 19, 2010, Sushil Mahalwal, Senior Industrial Chemist of the New York State Department of Labor Division of Safety and Health/PESH Bureau, visited Police Headquarters to conduct an unannounced inspection regarding a complaint filed approximately one month ago by the Rye Police Association. The complaint, a copy of which is attached, stated "Alleged mold in various of [sic] police station (lobby, men's locker room, janitor's closet, weight room, boiler room, female locker room, shower areas and throughout building)."

Mr. Mahalwal requested the presence of the highest ranking member of the Police Department as well as the highest ranking representative of the Rye Police Association who was working. Police Officer Julio Rossi, the Association's Sergeant at Arms, was summoned from patrol. He subsequently notified Police Officer Michael Kenny, Secretary of the Association, who was off duty and responded to Headquarters. Both officers and Mr. Mahalwal conferred with Police Officer Franco Compagnone, President of the Association, by telephone.

As you are aware, the City conducted mold testing in Police Headquarters on July 15, 2010. The results showed no indication of mold problems, and a copy of the report was provided to the Rye Police Association on July 29, 2010. I provided a copy of the report to Mr. Mahalwal. I also advised him that on Monday, August 9, 2010, several members of the Department reported an irritating moldy odor in the building. Mr. Fontecchio and I, along with HVAC contractors who were present at the time, examined the building extensively and found no apparent signs of mold or moisture, although the intermittent odor was detectable. A mop was located outside the building that had a similar scent, and we believe at this time, pending any other developments, that the mop and non-chemical floor cleaning fluids used by the custodian may have been the source of

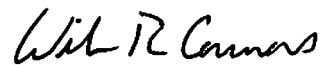
the odor. The mop was discarded and the custodian was directed to clean the floor using only water until further notice. As of this time, the odor has not returned.

Mr. Mahalwal advised that PESH protocol was to conduct air testing for three items: carbon dioxide; carbon monoxide; and organic chemicals. He tested three areas – the basement weight room, the male locker room, and the desk – for a total of nine air samples. All were negative.

He advised that he would forward a copy of his report in approximately one month.

Submitted for your information.

WRC/wrc



William R. Connors
Police Commissioner



Notice of Alleged Safety or Health Hazards

Wed Jul 21, 2010 2:08pm

		Complaint Number	200991503
Establishment Name	Rye City PD		
Site Address	21 McCullough Place, Rye, NY 10580		
	Site Phone	(914) 967-1234	Site FAX
Mailing Address	1051 Boston Post Road, Rye, NY 10580		
	Mail Phone	(914) 967-5400	Mail FAX
Management Official		Telephone	
Type of Business			

HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists.

DESCRIPTION:

Alleged mold in various of police station (lobby, men's locker room, janitor's closet, weight room, boiler room, female locker room, shower areas and throughout building).

LOCATION:

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Interim Corporation Counsel
SUBJECT: Litigation Update
DATE: August 20, 2010

LITIGATION

OSBORN v. CITY OF RYE

No new developments.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City submitted comments to ALJ O'Connell regarding Harrison's revised application.

151 PURCHASE STREET ASSOCIATES V. CITY OF RYE, ET AL.

No new developments.

SCHUBERT V. CITY OF RYE, ET AL.

No new developments.

R.B. CONWAY V. CITY OF RYE

No new developments.

DELLI PAOLI V. ZONING BOARD OF APPEALS

No new developments.

SHEW v. CITY OF RYE

No new developments.

MOLLOY v. PLANNING COMMISSION

No new developments.

TOWNSEND v. BOARD OF APPEALS

No new developments.

PANETTA v. PLANNING COMMISSION

No new developments.

HEAL the HARBOR v. CITY OF RYE

No new developments.

SCHUBERT v. PLANNING COMMISSION, et al

No new developments.

CASPI v. CITY OF RYE, et al

This matter is pending in the United States District Court, Southern District of New York. The next conference is scheduled for September 23, 2010 in front of Magistrate Judge George A. Yanthis.

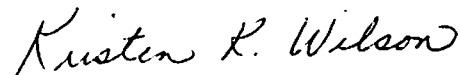
BASSETT v. CITY OF RYE, et al

The trial in the above matter is calendared for trial on October 18, 2010.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Interim Corporation Counsel

KKW/dfn