

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Scott D. Pickup, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 10, 2013

Enclosed with this memorandum are the following items:

- 5-8 Notice from the Westchester County Department of Health regarding the offer of free live fathead minnows as part of their West Nile Virus prevention effort. The free fish will be distributed on Friday, May 10, 2013 from 11 a.m. to 5 p.m. and Saturday, May 11, 2013 from 9 a.m. to 12 p.m. at 2 Loop Road, Building One at the Westchester County Airport.
- 5-9 Legal Department Update from the Corporation Counsel dated May 10, 2013.
- 5-10 Meeting notice for the week of May 13, 2013 is available on the City website www.ryeny.gov under Calendar.



Robert P. Astorino, Westchester County Executive

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: May 7, 2013

COUNTY HEALTH DEPARTMENT OFFERS FREE MINNOWS TO RESIDENTS Fish are part of the county's West Nile Prevention Strategy

Westchester County is doing something a bit unusual this season to help minnow-mize your chances of becoming infected with West Nile Virus. The Health Department will offer free live fathead minnows to residents on Friday and Saturday that will help prevent their ornamental ponds from becoming breeding sites for mosquitoes that can carry West Nile Virus.

"I hope residents will take advantage of this opportunity to help us curtail the mosquito population," said Health Commissioner Sherlita Amler, MD. "This is a natural strategy that has proven effective in county parks and in other jurisdictions, so we want Westchester residents to share this benefit."

The minnows reduce the mosquito population because they feed on mosquito larvae and pupae before they emerge into adult mosquitoes. They are well suited to ornamental ponds and can help reduce the spread of West Nile Virus because culex pipiens, the mosquito that can be a carrier of West Nile Virus, breeds in standing water, such as ponds and containers. They should be released in ponds that have a minimum of eight to twelve inches of water.

The county has **100 pounds of fathead minnows to distribute Friday, from 11 a.m. to 5 p.m. and Saturday, from 9 a.m. to 12 p.m.** Residents who want the minnows should go to 2 Loop Road, Building One at the Westchester County Airport. The building is the first right from the airport access road.

To eliminate breeding sites for mosquitoes that can carry West Nile Virus, the Westchester County Department of Health will begin its annual West Nile Virus prevention efforts by checking catch basins throughout the county for standing water and applying larvicide as needed starting Monday, May 13.

Health department larviciding teams started in the northern part of the county and will work their way south, evaluating and treating as needed all catch basins on county and municipal roads throughout the county over the next few months.

More

To help prevent mosquitoes from breeding, residents should eliminate standing water from around their properties, especially after it rains. Large areas of standing water on public property that cannot easily be removed should be reported to the Health Department by calling (914) 813-5000.

“Through the combined efforts of residents and county government, we can successfully curb the mosquito population and keep cases of West Nile Virus to a minimum,” Dr. Amler said “Please survey your property routinely and empty standing water from any discarded tires, unchlorinated swimming pools, outdoor pottery, pails, birdbaths or other containers throughout the spring and summer.”

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: May 10, 2013

CLAIMS

A notice of claim has been filed by Shelley Bender of 64 Cedar Place. The notice claims that she incurred damages as a result of a sewer back-up at her residence. The claim has been forwarded to our insurance carrier.

TAX CERTIORARI

CARROLL v. CITY OF RYE

A Notice of Appeal in this matter was filed in 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

A settlement conference was held with Judge Tolbert's clerk and legal secretary.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

Counsel for Westchester Joint Water Works and the City of Rye have both filed a notice of appeal.

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The City and its consultants met with the Town/Village of Harrison and its consultants to discuss the discrepancies in the hydrologic analyses performed in 2010. The City is waiting to hear back from Harrison as to whether Harrison will provide certain data to the City for verification of the flood storage capacity at the Project Home Run site.

BASSETT v. CITY OF RYE

The plaintiff has filed a notice of appeal of the decision of Judge Berliner to the Appellate Division, Second Department. The Appeal has been perfected and we are waiting for notice of oral argument.

CASPI v. CITY OF RYE

An expert has been retained on behalf of the defendants. A few remaining depositions have to be scheduled.

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.

PANETTA v. PLANNING COMMISSION (appeal)

In a unanimous decision, the Appellate Division, Second Department, upheld the Planning Commission's decision and found that its determination that Howard Place did not provide reasonable access to a street which was suitably improved had a rational basis and was not arbitrary and capricious.

PANETTA v. PLANNING COMMISSION (declaratory judgment/42 U.S.C. 1983 claim)

Discovery is complete and the Note of Issue has been filed.

BUTLER v. PLANNING COMMISSION

The Planning Commission and co-respondents Mathissons filed the appellate briefs in the Appellate Division, Second Department.

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

SILVESTER v. CITY OF RYE, et al

Depositions have been scheduled and will be taking place over the next month.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/dfn