

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 15, 2014

Enclosed with this memorandum are the following items:

- 8-8 Notice regarding the City of Rye 2nd Public Meeting for the NY Rising Community Reconstruction Program to be held on Tuesday, September 9, 2014 from 7:00 p.m. to 9:00 p.m. at the Rye Free Reading Room.
- 8-9 Legal Department Update from the Corporation Counsel dated August 15, 2014.
- 8-10 Notice from Westchester County regarding depression providing information about the mental health resources available in Westchester County.
- 8-11 Notice from Westchester County regarding bats and the appropriate response if a bat is found in your home.
- 8-12 Meeting notice for the week of August 18, 2014 is available on the City website www.ryeny.gov under Calendar.



NY RISING

Community Reconstruction Program

Rye's future is up to you!

City of Rye 2nd Public Meeting

Tuesday, September 9, 2014 from 7 to 9 PM

Rye Free Reading Room, 1061 Boston Post Road



Come to the 2nd public engagement event to **help to define Strategies and brainstorm Projects** for this plan.

- What are key flooding issues facing Rye?
- How can Rye be better prepared to handle another storm event in the future?
- What would a more resilient Rye look like?



The NY Rising Community Reconstruction Program, developed under Governor Cuomo's leadership, is providing your community with assistance to rebuild Rye better than before. As part of this process, we will be reaching out to you at four community meetings to solicit your input on how Rye can become stronger and better prepared for future storms.

Meeting sponsored by:

Rye Planning Committee and the NY Rising Community Reconstruction Program

For more information or to submit your comments and photos visit:

www.stormrecovery.ny.gov/nycrcr

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: August 15, 2014

CLAIMS

A notice of claim has been filed by Ann Blumensaadt of Greenwich. The notice states that Ms. Blumensaadt was injured when she fell on the sidewalk near Starbucks. The claim has been forwarded to our insurance carrier. An action has also been commenced by the claimant in the Rye City Court Small Claim Part.

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 return date for the motion has been adjourned to August 18, 2014.

LITIGATION

MARLENE JIMENEZ a/k/a MARLENE JIMENEZ TORRICO v. CITY OF RYE and DANIEL CAMACHO JR.

A summons and complaint was served on the City this week seeking damages in connection with injuries suffered by the plaintiff as a result of her automobile being in collision with a City vehicle in October 2013. A notice of claim had previously been filed in December 2013.

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 Town/Village of Harrison has requested a brief adjournment of the administrative trial as Harrison plans on submitting a revised application to the DEC for review.**

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.

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

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

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

The Defendants have filed a letter request with Judge Roman to file a motion to dismiss.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson
Corporation Counsel

KKW/dfn



Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Sherlita Amler, MD, Acting Commissioner, Department of Community Mental Health

Ned McCormack, Communications Director

Contact: Caren Halbfinger (914) 813-5013 / after hours: 813-5000

FOR IMMEDIATE RELEASE: August 12, 2014

CELEBRITY SUICIDE SPARKS CONVERSATION ABOUT DEPRESSION Astorino reminds residents that help is as close as the phone

The death by suicide this week of Robin Williams, an actor who had spoken publicly about his battles with drugs, alcohol and depression, has sparked a national conversation about ways to get help for others with similar problems.

One in 10 Americans suffers from depression each year, and more than 30,000 take their own lives, according to the Centers for Disease Control & Prevention in Atlanta. Nearly 250,000 Americans are treated at hospitals after suicide attempts. Suicide is a public health problem that can be prevented with appropriate treatment for the underlying mental health issues.

“Westchester has excellent mental health resources available in a crisis and for the long term,” said County Executive Robert P. Astorino. “Help is just a phone call away for residents who feel overwhelmed or who believe someone close to them is at risk.”

Available resources include:

- the National Suicide Prevention Lifeline (800) 273-TALK
- 911
- St. Vincent’s Hospital Crisis Prevention and Response Team at (914) 925-5959.
- Westchester/Putnam Suicide Coalition - www.westputspc.org
- American Foundation for Suicide Prevention Westchester Chapter– www.afsp.org/westchester - telephone (914) 610-9156 or email westchesterny@afsp.org

Westchester County has been at the forefront of addressing issues around mental health as a public health concern. In 2013, County Executive Astorino created the “Safer Communities” initiative. A major focus of Safer Communities includes addressing overall emotional wellness for youth and adults and providing education and training on mental health illness and suicide prevention. The training programs include Youth Mental Health First Aid, safeTALK and Applied Suicide Intervention Skills Training (ASIST).

More

“We can all help prevent tragedies in our own communities by learning to recognize and take seriously the signs of depression,” said County Health Commissioner Sherlita Amler, MD. “Subtle signs include withdrawal from family, friends and activities that were previously enjoyed or an increased use of alcohol or drugs. While some who are suicidal say they wish they were dead, talk about wanting to hurt themselves, or die or express hopelessness, not all do. However, talk like this should never be brushed aside.”

For additional information contact the Department of Community Mental Health at (914) 995-5225.



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: August 13, 2014

BATS ARE BACK: IF YOU FIND A BAT IN YOUR HOME, CATCH AND KEEP IT FOR TESTING!

Bats are back, making their way into Westchester homes this month, and the Westchester County Health Department wants residents to know what to do if these unwelcome visitors drop in.

“We’d like everyone to catch the bat,” said Health Commissioner Sherlita Amler, MD. “Most of the time, the bats tested are not rabid, so you and your family can be spared unneeded treatment. But rabies is fatal, so without the bat to test, you will most likely have to get rabies shots.”

During the first week in August, 43 bats were brought to the health department for testing because they were found in a home. Since none of those bats tested positive for rabies, none of these residents had to be treated preventively for rabies. However, so far this month, 17 people who were exposed to a bat but did not catch it for testing had to begin preventive treatment for rabies.

There is a better way. If you find a bat in your home, don’t panic and never let the bat fly out the window. **To learn how to safely capture a bat in your home, watch the video on the health department website at www.westchestergov.com/health. If there’s a chance that a person or pet in your house had contact with the bat, catch that bat and call the health department at 914-813-5000 to arrange to have it tested for rabies.**

For those who capture the bat, 97 percent of the bats tested do not have rabies, so those residents are spared the series of rabies shots. As long as the bat is not rabid, no one will need rabies shots. But if the bat is rabid, a series of life-saving vaccines must begin soon.

For each of the past five years, about 148 Westchester residents have required rabies treatment after being exposed to bats that could not be caught for testing. In most cases, treatment could have been avoided if the bat had been caught and tested for rabies. Whenever a bat is found in a room with a sleeping or mentally impaired person or with a young child or pet, contact with the bat must be suspected and it is essential to call the Westchester County Health Department at (914) 813-5000.

MORE

Here's how to safely catch a bat:

1. Close windows and doors so the bat cannot escape.
2. Wear thick gloves and grab a container (such as a coffee can), a piece of cardboard and some tape.
3. Wait until the bat has settled on a wall.
4. Place the container over the bat, trapping it against the wall.
5. Slide the cardboard between the wall and container to trap the bat inside.
6. Tape the cardboard to the container
7. It's critical to keep it on ice in a cooler or double-bag it and place it in the freezer.
8. Call the Health Department at (914) 813-5000 for advice on submitting the bat for testing.

It's also a good idea to learn how to bat-proof your home, by adding screens to your eaves and attic openings. Another favorite place for bats to hang out is inside your closed patio umbrella, so beware when you open it.

From 1995 to 2011, 49 people died of rabies in the U.S; 35 of them had been exposed to bats, according to the Centers for Disease Control & Prevention.

For more information on rabies, Like us at www.Facebook.com/wchealthdept, Follow us on Twitter @wchealthdept, call the Westchester County Health Department at (914) 813-5000, or visit our website at www.westchestergov.com/health.