

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 24, 2014

Enclosed with this memorandum are the following items:

- 10-13 Notice regarding a Free Rabies Clinic sponsored by the Westchester County Health Department to be held on Sunday, October 26, 2014 from 11:00 a.m. to 3:00 p.m. at the New Rochelle Humane Society in New Rochelle.
- 10-14 Notice from the Town of Rye's African American Cemetery Committee regarding a Veteran's Day ceremony to be held on Saturday, November 8, 2014 at 10:00 a.m. at 215 North Street in Rye.
- 10-15 Legal Department Update from the Corporation Counsel dated October 24, 2014.
- 10-16 Letter from Dan Ahouse, Cablevision Director of Government Affairs, regarding new channels on Optimum beginning November 18, 2014.
- 10-17 Meeting notice for the week of October 27, 2014 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



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: October 20, 2014**

### **FREE RABIES CLINIC SUNDAY, OCT. 26 IN NEW ROCHELLE One-day vaccination clinic sponsored by the Westchester County Health Department**

Dogs, cats and ferrets owned by Westchester County residents can get free rabies vaccinations on **Sunday, Oct. 26** from **11 a.m. to 3 p.m. at the New Rochelle Humane Society, 70 Portman Road in New Rochelle.** No appointment is needed. For more information, call the Humane Society at 914-632-2925. Cats and ferrets must be in carriers and dogs must be on a leash. Aggressive dogs must be muzzled. No examinations will be given.

“Vaccinating your pet against rabies will protect your pet and your family in case your pet has contact with a rabid or potentially rabid animal,” said Westchester County Health Commissioner, Sherlita Amler, MD.

Under New York State law, dogs and cats must receive their first rabies vaccine no later than four months after birth. A second rabies shot must be given within one year of the first vaccine, with additional booster shots given every one or three years after that, depending on the vaccine used. Owners who fail to get their pets vaccinated and keep the vaccinations up-to-date may be fined up to \$2,000.

Rabies is a fatal disease that is spread through the bite or saliva of infected animals. Those animals most commonly infected are raccoons, skunks, bats and foxes. However, domestic animals such as cats and dogs are also at risk because they can easily contract rabies from wild or stray animals.

A pet that is up-to-date with its rabies vaccinations would only need to get a booster dose of vaccine within five days of the pet’s exposure to a known or suspect rabid animal. Animals not up-to-date with rabies vaccinations would need to be quarantined or potentially euthanized following contact with a rabid or suspect-rabid animal.

**MORE**

A change in an animal's behavior is often the first sign of rabies. A rabid animal may become either abnormally aggressive or unusually tame. It may lose fear of people and become docile or it may become particularly excited and irritable. Staggering, spitting and frothing at the mouth are sometimes noted in infected animals. Adults should encourage children to avoid touching unfamiliar animals and to immediately tell an adult if they have been bitten or scratched by an animal.

All animal bites or contacts with animals suspected of having rabies must be reported to the Westchester County Health Department at (914) 813-5000. After hours, callers should follow instructions in the recorded message for reporting public health emergencies 24 hours a day.

To learn more about rabies and its prevention, residents can visit the Health Department's website at [www.westchestergov.com/health](http://www.westchestergov.com/health), like us on Facebook at facebook.com/wchealthdept or follow us on Twitter @wchealthdept.



**Joseph Carvin**  
Supervisor  
Town of Rye, NY



**Joan Grangenois-Thomas**  
President  
PCRNAACP



**David Thomas**  
President  
Building Community Bridges



**American Legion Post #93**

## **INVITATION**

Dear Friends of the Town of Rye:

The Town of Rye's African American Cemetery Committee invites you to participate in a Veteran's Day ceremony to remember and honor those buried at the Cemetery:

**10 a.m., Saturday, November 8, 2014**  
**(adjacent to the Greenwood Union Cemetery)**  
**215 North Street,**  
**Rye**

As brief background, the land for the cemetery was donated to the Town of Rye in 1860 by Underhill and Elizabeth Halstead with the condition that it "shall forever hereafter kept, held and used for the purpose of a cemetery or burial place for the colored inhabitants of the said Town of Rye, and its vicinity free and clear of any charge therefor..."

If you have any questions or need additional information please call David Thomas at (914) 886-5710 or send an email to [parksdept@townofryeny.com](mailto:parksdept@townofryeny.com)

Thank you.

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: October 24, 2015

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

**The Appellate Division Second Department has scheduled the oral argument for Monday, November 10th at 10 a.m. in White Plains.**

**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**

The Appellate Division, Second Department, reversed the lower court and found that the City of Rye did have standing to seek dismissal of the proceedings based on a failure to comply with RPTL 708(3) and found that the City's records clearly showed that some of the property was located within the Rye Neck Union Free School District's property.

**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)**

The T/V of Harrison filed an amended application with the NYSDEC. There is a comment period that has a deadline of October 6, 2014. A request for an extended comment period has been made.

**CASPI v. CITY OF RYE**

The City's motions for summary judgment were granted and the City, Commissioner Connors and Lt. Verille were dismissed from the case. The motion for summary judgment against Officer Anfusio was denied and Plaintiff's cause of action for failure to intervene remains. Summary judgment was also denied as to Officers Rosace and Compagnone.

**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

This matter was certified on October 15, 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

Hon. Barry E. Warhit issued an Opinion, Decision and Order of the Court remanding the matter back to the Board of Zoning Appeals for a more detailed decision. All parties are ordered to appear before Judge Warhit on October 28, 2014 for a conference.

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 21, 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, SDNY was filed and served.

CHITTENDEN v. COMPAGNONE

Chittenden filed a motion for default judgment. Compagnone filed his answer and moved to dismiss for failure to serve a notice of claim on the City. Judge Mary Smith denied Plaintiff's motion and has ordered the parties in for a conference on November 10, 2014.

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.

WESTCHESTER COUNTY DEPARTMENT OF ENVIRONMENTAL FACILITIES v. CITY OF RYE

On Wednesday, I appeared with Scott Fontecchio for a hearing in front of an administrative law judge regarding a violation the City was issued for commingling recyclable material with other non-recyclable household waste. After the hearing, the City's violation was dismissed and a warning was issued without a fine.

**IN THE MATTER OF ROBERT BUTLER, ET AL. v. CITY OF RYE PLANNING  
COMMISSION, ET AL.**

The Court of Appeals dismissed appellants' motion for leave to appeal.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

Handwritten signature of Kristen K. Wilson in cursive script.

Kristen K. Wilson  
Corporation Counsel

KKW/dfn



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

October 17, 2014

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

RE: Programming Change

Dear Mayor Sack:

Beginning November 18<sup>th</sup> through November 20<sup>th</sup>, 12 new channels will join the Optimum en español lineup. There is no change to the monthly price for this service.

The 12 new Optimum en español channels are as follows:

1. Antena 3	Channel 1044		7. El Gourmet	Channel 1019
2. Atres Series	Channel 1092		8. El Garage Channel	Channel 1020
3. BuenaVision TV	Channel 1027		9. TBN Enlace	Channel 1096
4. Centro América	Channel 1030		10. Enlace Juvenil	Channel 1098
5. Cine Mexicano	Channel 1057		11. NTN24	Channel 1021
6. TV Dominicana	Channel 1029		12. Pasiones	Channel 1090

As part of the changes to the Optimum en español programming, the Optimum channel line-up will no longer include *La Familia*, *Latin American Sports*, *Latele Novela*, *María + Visión*, *Multimedios*, *Sorpresa* and *Tele El Salvador*.

With these new channels to the package, including the 12 additions, Optimum en español will now offer over 55 Spanish-language networks as part of the package. Customers will be notified of these programming changes on air and through bill messages. In addition, customers can always find the most current channel line-up for their community on our website at [www.optimum.com](http://www.optimum.com).

Should you have any questions, please do not hesitate to call me.

Sincerely,

Dan Ahouse