

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 9, 2015

Enclosed with this memorandum are the following items:

- 1-4 Notice regarding the NY Rising fourth and final Public Event to be held on Monday, January 12, 2015 from 7:00 to 9:00 p.m. at the Rye Free Reading Room.
- 1-5 Legal Department Update from the Corporation Counsel dated January 9, 2015.
- 1-6 Notice from the Westchester County Rent Guidelines Board regarding a Public Meeting to be held on Wednesday, January 14, 2015 at the Westchester District Rent Office in White Plains.
- 1-7 Notice from the Westchester County Department of Health regarding the availability of free flu shots and other vaccines at their Yonkers and White Plains clinics.
- 1-8 Notice from the Westchester County Department of Health providing advice on staying safe during the cold weather.
- 1-9 Meeting notice for the week of January 12, 2015 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



The NY Rising Community Reconstruction Program, developed under Governor Cuomo's leadership, is providing your community with assistance to rebuild Rye better than before.

**City of Rye 4th and Final Public Engagement Event  
Monday, January 12, 2015 from 7 to 9 PM  
Rye Free Reading Room**

All are invited to attend the NY Rising fourth and final public engagement event. The meeting will begin with a power point presentation that provides an overview of the NY Rising Program, the planning process and role of the Committee, a succinct description of proposed and featured projects and a brief discussion of next steps. Please join us!

**[www.stormrecovery.ny.gov/nycrcr](http://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: January 9, 2015

**TAX CERTIORARI**  
**CARROLL v. CITY OF RYE**

In a Decision and Order, the Appellate Division reversed the lower court's Judgment, denied Carroll's Petitions and dismissed the proceedings. The Appellate Division also awarded costs to the City. The Decision and Order validates the Assessor's assessment of Carroll's property, as well as her methodology for the assessment of new homes. The Appellate Division determined that Carroll failed to establish that (1) there was an unconstitutional selective reassessment of his property; (2) the City assessed newly constructed property at a higher percentage of market value than existing property; and (3) the Assessor overvalued his property. In order to pursue the matter further, Carroll would have to seek review by the Court of Appeals.

**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 January 6, 2015. **A date for a hearing on damages was calendared for March 13, 2015. A Notice of Appeal has been filed appealing the decision on Summary Judgment.**

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 BRIAN GILMARTIN in their individual capacities as members of the City of Rye Board of Fire 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. **The Defendants time to answer or otherwise move has been extended to January 16, 2015.**

### CITY COURT

#### Small Claims

#### ANN BLUMENSAADT V. CITY RYE, ET AL.

**This matter was settled with payment of \$250 from the City of Rye ad \$250 from a co-defendant.**

Routine calendar with no unusual dispositions.

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/dfn

# WESTCHESTER COUNTY RENT GUIDELINES BOARD

c/o NYS Homes and Community Renewal

75 South Broadway, 3<sup>rd</sup> Floor

White Plains, New York 10601

Telephone 914-948-4434

Jane Morgenstern, Chair

## Board Members

Eddie Mae Barnes

Kenneth J. Finger, Esq.

Carol Ann Kope

Genevieve H. Roche, Esq.

Elsa Rubin

Joseph G. Whelan, Jr., CPA

Rev. Emma Jean Loftin-Woods

## NOTICE OF PUBLIC MEETING

**DATE:** Wednesday, January 14, 2015

**TIME:** 7:00 PM

**PLACE:** Westchester District Rent Office  
75 South Broadway, 3<sup>rd</sup> floor  
White Plains, New York 10601

## AGENDA

1. Call to Order.
2. Set dates for 2015 public meetings and hearings to set 2015-2016 guidelines.
3. Review of Owner Survey forms to determine changes, if any.
4. Other Business.

For additional information please contact: Robert Rodriguez  
[rodriguez@nyshcr.org](mailto:rodriguez@nyshcr.org)

Date: January 7, 2015



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: Jan. 6, 2015**

### ASTORINO ANNOUNCES FREE FRIDAY VACCINE CLINICS

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

With flu season in full swing, the Westchester County Health Department is offering residents the opportunity this month to get free flu shots, along with vaccines to protect against six other diseases at its Yonkers and White Plains clinics.

“Getting vaccinated is a great way to keep a new year’s resolution to live healthier,” said County Executive Robert P. Astorino.

The health department clinics will offer:

- Free flu vaccines to residents ages 19 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:

- Zoster vaccines for ages 60 and up to protect against Shingles
- Flu vaccine for children ages six months through 18 years
- MMR for women of childbearing age who neither received this vaccine nor had measles, mumps or rubella

Call now for your appointment. Supplies are limited. Clinics will be held:

- Jan. 9 and Jan. 23 at our Yonkers Clinic, 20 S. Broadway, 2<sup>nd</sup> floor, call 231-2500
- Jan. 16 and 30 at our White Plains Clinic, 134 Court St., call 995-5800

“We have vaccines for children, students, adults and seniors – and these vaccines provide safe and effective protection for a number of diseases,” said Commissioner of Health Sherlita Amler, MD.

To date, the Health Department has expanded access to adult vaccines by giving more than 2,000 vaccines at a variety of clinics countywide.

To prevent spreading the flu, cough or sneeze into your elbow and wash your hands often with soap and water frequently. 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 health information, 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).



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: January 7, 2015

### **HEALTH DEPARTMENT OFFERS WARM ADVICE ABOUT THE COLD Protect against hypothermia and frostbite. Be safe when using alternate heating sources.**

With this week's arctic blast of wintry weather, the Westchester County Department of Health reminds residents to take precautions against hypothermia and frostbite and to take care when heating their homes using alternate heating sources.

"It's a good idea to check on your older or homebound neighbors who live alone when the weather is cold," said Westchester County Executive Robert P. Astorino. "Just being neighborly and asking if they need anything helps keep people safe."

Health Commissioner Sherlita Amler, MD, advised residents to bundle up before they spend time outdoors.

"Low temperatures can be life-threatening, especially for seniors and infants," she said. "To avoid frostbite and hypothermia, be sure to wear a hat and gloves and lots of layers when heading outdoors."

Seniors and infants less than one year of age should never sleep in a cold room and should be dressed in warm clothing to prevent the loss of body heat. If a safe temperature cannot be maintained inside your home, make temporary arrangements to stay elsewhere.

Warning signs of hypothermia in adults include shivering, confusion, memory loss, drowsiness, exhaustion and slurred speech. Infants with hypothermia may appear sluggish, with very low energy and bright red, cold skin.

Frostbite is another cold weather concern and is especially dangerous because it often happens with little warning. Numbness can occur so quickly that the individual, unaware of being frostbitten, may remain outside, increasing the chance of permanent damage. Older people, and those with diabetes, are especially vulnerable to frostbite because of impaired circulation.

**MORE**

**Tips to prevent frostbite and hypothermia:**

- Dress warmly in windproof clothing.
- Go indoors when you begin to feel cold.
- Wear several layers of loose-fitting clothing to trap body heat.
- Remember gloves, scarves and a hat that covers the ears.

If you think that someone is suffering from hypothermia or frostbite, call a medical provider immediately.

Never use a generator inside your house or in partly enclosed areas, such as garages, basements, porches, crawlspaces, sheds, carports or breezeways, even if your windows are open. Generators should only be operated outside, away from open windows. Carbon monoxide in the generator's fumes can build up and cause carbon monoxide poisoning, which can lead to death. Additionally, if you plan to cook on a barbeque grill or camp stove, remember these also produce carbon monoxide and are for outdoor use only.

The Health Department also reminds residents to take the following precautions when using alternate heating sources in their homes:

- Use fireplaces, wood stoves, or other combustion heaters only if they are properly vented to the outside and do not leak flue gas into the indoor air space.
- Always follow the manufacturer's instructions when using alternate heating sources like space heaters and wood burning stoves.
- Ensure adequate ventilation if you must use a kerosene heater.
- Use only the type of fuel your heater is designed to use - don't substitute.
- Do not place a space heater within three feet of anything that may catch on fire, such as drapes, furniture, or bedding, and never cover your space heater.
- Never place a space heater on top of furniture or near water.
- Never leave children or pets unattended near a space heater, fireplace or wood burning stove.

For more information on cold weather safety, contact the Westchester County Department of Health at (914) 813-5000 or visit our website at [www.westchestergov.com/health](http://www.westchestergov.com/health). You can also follow us on Twitter @wchealthdept or like us on Facebook at Facebook.com/wchealthdept.