

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Eleanor M. Militana, Interim City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 22, 2015

Enclosed with this memorandum are the following items:

- 5-19 Reminder that Rye City Hall Summer Hours will go into effect beginning Tuesday, May 26, 2015.
- 5-20 Legal Department Update from the Corporation Counsel dated May 22, 2015.
- 5-21 Notice from Westchester County regarding Safety First at Westchester County Beaches.
- 5-22 Notice from Westchester County regarding Memorial Day Weekend safety tips.
- 5-23 Meeting notice for the week of May 26, 2015 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.



# **CITY HALL HOURS**

**(MEMORIAL DAY – LABOR DAY)**

**MONDAY - FRIDAY**

**8:30 A.M. TO 4:30 P.M.**

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**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: May 22, 2015

**SETTLEMENT**

**In April, I reported to you that Kimberly Doros of Rye Brook had filed a claim for damages to her automobile caused when she hit the remains of a parking meter that had been knocked down by a snowplow. Our insurance carrier has settled the claim for the amount of \$2,516.25.**

**TAX CERTIORARI**

**CARROLL v. CITY OF RYE**

The City has filed its opposition papers and the matter is now fully submitted.

**THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE**

Oral argument took place in front of the following judges: Mastro, J.P., Skelos, Dickerson and LaSalle.

**WESTCHESTER JOINT WATER WORKS v. CITY OF RYE**

City of Rye's opposition brief will be filed and served on Monday April 27, 2015.

**181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al**

I appeared at a court conference with Judge Tolbert and his law clerk on April 21, 2015. Motions for summary judgment are still pending.

**LITIGATION**

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

A conference call with the Administrative Law Judge and the parties took place on April 15, 2015 to discuss the status of the appeals and to see if the parties wanted to continue to hold the trial in abeyance pending the Commissioner's Interim Decision. We still are waiting for a decision from the Commissioner and the parties all agreed to continue to hold the trial in abeyance for at least the next 45 days.

**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.

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 new discovery schedule was discussed and agreed upon by the parties.

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

**A Notice of Verified Amended Article 78 Petition and Memorandum of Law was served this week. This is the third time that Petitioners have served papers regarding this matter. The return date is June 19, 2015. Petitioners are asking for the Supplemental Finding of the Zoning Board of Appeals filed on April 16, 2015 to be rescinded. The Zoning Board of Appeals granted the necessary three area variances to construct a single family home.**

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

Plaintiff has requested a conference to address his request to file a Second Amended Complaint.

CHITTENDEN v. COMPAGNONE

I appeared at the second preliminary conference and a discovery schedule was agreed upon by counsel.

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

Judge Neary rendered a decision dismissing the Petition and finding that the project in question was a Type II action not subject to SEQRA.

CITY OF RYE v. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

Travelers filed a notice of removal of the matter to federal court.

### **NOTICE OF DANGEROUS CONDITION**

**The City received a copy of a “Notice of Dangerous Condition” regarding any future bow and arrow or other permitted deer hunting.**

### **CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

*Kristen K. Wilson*

Kristen K. Wilson  
Corporation Counsel

KKW/dfn



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: May 19, 2015**

### **ASTORINO ADVISES SAFETY FIRST AT COUNTY BEACHES Parental Supervision is Key; Swim Only in Guarded Areas, Drink Water and Apply Sunscreen Often**

As Westchester County beaches prepare to open for the season this weekend, County Executive Robert P. Astorino and Health Commissioner Sherlita Amler, MD, want residents to follow some sound advice to keep their families safe at the shore.

“Westchester County beaches will be staffed this weekend with a full roster of lifeguards, but parents and guardians are our first line of defense,” Astorino said. “Please always keep your eyes on your children when they are in or near the water and be sure they swim only when and where lifeguards are on duty.”

County beaches open Saturday and county pools are set to open June 26. Westchester County’s popular Learn-to-swim program is offered at Tibbetts Brook Park in Yonkers and Saxon Woods Pool in White Plains. For more information or to register for the program, go to [westchestergov.com/parks](http://westchestergov.com/parks). Swimming lessons are also offered at many Ys and at municipal pools.

“Knowing how to swim is not only a great skill to have but it can lead to a lifetime of fun and recreational fitness, and can even save your life,” Astorino said.

Drowning is the leading cause of unintentional injury death among children ages 1 to 4 years old and the second leading cause of unintentional injury death among children ages 5 to 9 years old, according to the Centers for Disease Control and Prevention.

Sunburn and stroke can also cause health risks. Beach goers should always take precautions to stay hydrated and protect their skin from the effects of the summer sun.

“Be sure you and your family drink lots of water throughout the day at the pool or shore to avoid heat exhaustion,” said Sherlita Amler, MD, Commissioner of Health. “Wear a hat and sunglasses, avoid the midday sun and reapply sunscreen with a sun protection factor of at least 15 every two hours, especially after you swim or sweat, to avoid sunburn.”

**More**

Dr. Amler had additional water safety advice for parents.

“It’s also critical to always stay within arm’s reach of infants and toddlers in the water and to always keep your eyes on children playing in or near the shore,” Amler said. “Pool floats, inner tubes, water wings and noodles are no substitute for close supervision. Swimming and alcohol, just like boating and alcohol, don’t mix.”

Amler also offered the following tips to stay safe around pools and beaches this summer:

- Learn how to swim and teach your child how to swim.
- Don’t swim in pools or lakes that are closed.
- Never leave a child unattended in or near the water and always watch your children closely around all bodies of water.
- Designate a water watcher to supervise children in the pool, spa or at the shore. This person should not be reading, texting, using a smart phone, or otherwise distracted.
- Learn how to perform CPR on children and adults.
- Keep children away from pool drains, pipes, and other openings to avoid entrapments.
- Ensure any pool and spa you use has drain covers that comply with federal safety standards, and, if you do not know, ask your pool service provider about safe drain covers.
- At the beach, never fight currents; swim parallel to shore and at an angle if you find yourself in a rip current.

For more health and safety tips, visit [www.westchestergov.com/health](http://www.westchestergov.com/health) and [www.westchestergov.com](http://www.westchestergov.com);

Like us on Facebook at wchealthdept or follow us on Twitter at 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: May 19, 2015**

### **MEMORIAL DAY WEEKEND SAFETY TIPS Health Department offers outdoor safety tips for holiday weekend and beyond**

As you prepare for outdoor celebrations to mark Memorial Day weekend and the unofficial start of the summer season, Westchester County Health Commissioner Sherlita Amler, MD, and the Westchester County Department of Health have a dozen tips to help you celebrate safely this holiday weekend and throughout the season.

“Heat stroke and dehydration can take you by surprise,” Dr. Amler said. “The elderly, young children and those with high blood pressure, heart disease, or lung conditions must be especially careful to avoid heat-related illnesses. High humidity and some medications can also increase a person’s risk for heat stroke.”

#### **Here are 11 more tips:**

- **Drink water or uncaffeinated beverages every hour or two to avoid heat exhaustion and take breaks from the sun.** Signs of heat exhaustion include headache, nausea or vomiting, dizziness and exhaustion, as well as cool, moist, pale or flushed skin. Move out of the sun and apply cool, wet cloths to the skin.
- **Spray insect repellent containing DEET** on your clothes and exposed skin to avoid mosquito bites, and follow the directions on the label.
- **Empty out standing water** from all outdoor containers to keep mosquitoes from breeding; add a small amount of bleach to birdbaths.
- **Avoid attracting animals** by collecting and disposing of food and litter.
- **Perform tick checks** on people and pets after spending time outdoors. To remove ticks safely, follow the steps at [www.westchestergov.com/health](http://www.westchestergov.com/health).

**More**

- **Barbecue safely** by thawing meat and poultry slowly in the refrigerator or under cold running water before cooking. Harmful bacteria usually grow in the "danger zone" between 40° and 140° F, so marinate and hold meat and poultry in the refrigerator until you are ready to grill it.
- **Transport food safely** by packing it into a cooler filled with ice to keep it at 40°F or below. Keep the cooler out of the direct sun and avoid opening the lid too often. Keep beverages in a separate cooler.
- **Cook your food to the right temperature**, which is 160 degrees for ground beef and pork, 165 degrees for chicken and hot dogs should be cooked to steaming hot. Always use a food thermometer to be sure the food has reached a safe internal temperature.
- **Keep cold foods cold and hot foods hot.** Discard any food left out for more than two hours after cooking, or one hour if it more than 90°F outside.
- **Don't cross-contaminate.** Don't reuse marinades on cooked food unless you boil them first, and don't use the same plate, cutting board and utensils for vegetables or for cooked food that you used for raw meat.
- **Wash hands**, surfaces and utensils frequently with soap and water or antiseptic wipes.

For more information, like the Westchester County Health Department at Facebook.com/wchealthdept, follow us on Twitter @wchealthdept, visit [www.westchestergov.com/health](http://www.westchestergov.com/health) or call 914-813-5000.