

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Eleanor M. Militana, Interim City Manager

SUBJECT: Enclosures - Council Packet

DATE: June 26, 2015

Enclosed with this memorandum are the following items:

- 6-12 Notice from Westchester County regarding safe swimming at Westchester County pools.
- 6-13 Legal Department Update from the Corporation Counsel dated June 26, 2015.
- 6-14 Meeting notice for the week of June 29, 2015 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: June 24, 2015

ASTORINO ADVISES SAFE SWIMMING AT COUNTY POOLS Parental Supervision is Key; Swim Only in Guarded Areas, Drink Water and Apply Sunscreen Often

As Westchester County pools prepare to open for the season on June 26, County Executive Robert P. Astorino and Health Commissioner Sherlita Amler, MD, shared some water safety tips for residents and their families.

“Westchester County pools will be staffed this weekend with trained and conscientious 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 make sure they never swim alone and swim only when and where lifeguards are on duty.”

County pools are set to open Saturday; county beaches opened May 23. 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. Swimming lessons are also offered at many Ys and at municipal pools.

“Teaching your children how to swim is one of the most valuable lessons parents can provide,” Astorino said. “Knowing how to swim can lead to a lifetime of fun and recreational fitness, and can even save your life.”

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

More

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.”

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 to swim and never to swim alone.
- 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 and www.westchestergov.com;

Like us on Facebook at wchealthdept or follow us on Twitter at wchealthdept.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: June 26, 2015

CLAIMS

A notice of claim has been submitted by Jolanta Fidun for damage to her vehicle while she was traveling along Purchase Street, Theodore Fremd Road, and Harrison Avenue. The claim has been forwarded to our insurance carrier for review and timeliness.

TAX CERTIORARI

CARROLL v. CITY OF RYE

The Second Department denied appellant Carroll's motion for leave to reargue or, in the alternative, for leave to appeal to 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

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)

The DEC Commissioner rendered a decision in which he partially upheld and partially reversed the ALJ's interim decision. The DEC Commissioner upheld the ALJ's decision finding that the negative declaration was rational and based on the record before it. In addition, the Commissioner reversed the ALJ's decision and found that Harrison's application did meet the standards under the Freshwater Wetland Act.

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

Depositions commenced this week and discovery is on-going.

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 were served. 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 a compliance conference and depositions were scheduled.

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

The City served its complaint on Travelers and we are waiting for Travelers to file and serve its answer.

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
Corporation Counsel

KKW/kkw