

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: July 10, 2015

Enclosed with this memorandum are the following items:

- 7-5 Notice from the Westchester County Department of Health providing tips to reduce the risk of mosquito bites.
- 7-6 Legal Department Update from the Corporation Counsel dated July 10, 2015.
- 7-7 Meeting notice for the week of July 13, 2015 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: July 6, 2015**

### **TAKE SEASONAL PRECAUTIONS TO AVOID WEST NILE VIRUS Westchester County Health Department offers tips to reduce risk of mosquito bites**

The Westchester County Department of Health advises residents to prevent mosquito bites after both Rockland County and New York City reported that batches of mosquitoes have tested positive for West Nile Virus. The mosquitoes were collected in Clarkstown, Queens and Staten Island. While no mosquitoes found in Westchester County have tested positive for the virus to date, this is the time of year when the Health Department expects to find them.

“Given the fact that our neighbors have reported positive mosquitoes, it is safe to assume that mosquitoes carrying West Nile virus are also present here in Westchester County,” said Commissioner of Health Sherlita Amler, M.D. “The recent rain we’ve had also provides optimal breeding conditions for mosquitoes that can carry the virus. I urge all residents to remove standing water from their property and to take personal protective measures against mosquito bites when spending time outdoors.”

Last year, seven positive mosquito batches were found in Westchester County and two human cases of West Nile Virus were reported. The Health Department has sent more than 40 batches of mosquitoes for testing since it began collecting them in early June, and will continue collecting batches of mosquitoes throughout the season.

As part of its integrated pest management strategy, the Health Department evaluated more than 53,000 catch basins. Of those, nearly 40,000 that held standing water have been treated with larvicide, and this work is nearly completed. The department also gave away 400 pounds of free minnows to property owners with ponds. The minnows reduce the mosquito population by feeding on larvae and pupae before they emerge into adult mosquitoes. Once positive pools are identified, the Department will also send out inspectors to try to locate and eradicate any standing water. If needed, storm drains in the area also would be retreated with larvicide.

#### **To help eliminate mosquito breeding grounds:**

- Remove standing water around your home. After it rains, walk around and look for toys, flower pots or similar water-holding containers that should be overturned or put inside to avoid collecting water.

- Cover outdoor trash containers to keep rainwater from accumulating inside.
- Drill holes in the bottoms of recycling containers that are left outdoors.
- Clean roof gutters and remove standing water from flat roofs.
- Drain water in birdbaths, plant pots and drip trays twice a week.
- Sweep driveways after it rains so they are free of puddles.
- Clean and chlorinate swimming pools, outdoor saunas and hot tubs. Keep them empty and covered if not in use; drain water that collects in pool covers.

**To reduce your risk of mosquito bites:**

- Avoid being outdoors in places and during times where and when mosquitoes are active and feeding.
- Use insect repellents with no more than 30 percent DEET, but use them sparingly and with care.
- Select the lowest concentration effective for the amount of time spent outdoors.
- DEET should only be applied once a day. Repellents with a concentration of 10 percent are effective for about two hours, and those with a concentration of 24 percent offer about five hours of protection. Repellents containing DEET are not recommended for use on children under two months of age. Carefully read and follow the package directions, and wash treated skin when mosquito exposure has ended.
- Wear protective clothing such as long pants, long-sleeved shirts and socks when outdoors and at times when mosquitoes are active.
- Make sure doors and windows have tight-fitting screens and repair or replace screens that have tears or holes.

Residents who notice large areas of standing water on public property should report this to the Westchester County Department of Health at (914) 813-5000 or by email at [www.westchestergov.com/health](http://www.westchestergov.com/health).

For more health information, like us on Facebook at [www.Facebook.com/wchealthdept](http://www.Facebook.com/wchealthdept), follow us on Twitter [www.twitter.com/wchealthdept](http://www.twitter.com/wchealthdept) or visit our website, [www.westchestergov.com/health](http://www.westchestergov.com/health).

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: July 2, 2015

**CLAIMS**

**I filed a claim with the City's insurance carrier for costs associated with a damaged utility pole on Boston Post Road. The pole was damaged when the driver lost control of her vehicle drove into it.**

**TAX CERTIORARI**

**MICHAEL ROTH v. CITY OF RYE**

Petitioner has served a Notice of Verified Petition and Petition against the City of Rye challenging the Decision of J.H.O. Maher's dated February 20, 2015 which upheld the City Assessor's original assessment. Petitioner alleges that J.H.O Maher's decision is irrational. The return date is August 7, 2015.

**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.

**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

Discovery is on-going and the deadline has been extended to July 30, 2015.

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

**The City filed its answer and the Third Certified Record of Proceedings. Co-Respondents filed and served their answering papers.**

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. Plaintiff's deposition has been schedule for July 17, 2015.**

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

The City served its Complaint on Travelers. Travelers has answered the Complaint and discovery is taking place.

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