

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: August 21, 2015

Enclosed with this memorandum are the following items:

- 8-8 Notice from the Westchester County Department of Health reminding residents to use repellents and remove standing water to reduce risk from mosquitoes.
- 8-9 Legal Department Update from the Corporation Counsel dated August 21, 2015.
- 8-10 Notice from Verizon regarding a FiOS® TV Channel Change to take place on October 1, 2015.
- 8-11 Meeting notice for the week of August 24, 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: August 20, 2015

RESIDENTS REMINDED TO USE REPELLENTS AND REMOVE STANDING WATER Health Department Finds First Mosquito Batches of the Season with West Nile Virus

The Westchester County Department of Health is reminding residents to dump out standing water on their property after it rains, and to use insect repellents when outdoors in the early morning and late afternoon to avoid being bitten by mosquitoes that could carry West Nile Virus.

This week, New York City has reported the first case of West Nile, involving a man living in Brooklyn. Westchester has yet to report a human case of the virus, but the county has tested more than 150 mosquito batches and has learned that four of those batches were carriers of the disease. These batches were collected by County Health Department staff in Greenburgh, Yonkers, Rye and Mount Vernon and were sent to New York State Department of Health for testing.

Last year, six positive mosquito batches were found in Westchester County and two human cases of West Nile Virus were reported.

“While finding mosquitoes with the virus in Westchester is to be expected, their presence should serve as a reminder to all residents to remove standing water from their property and to take personal protective measures against mosquito bites when spending time outdoors,” said Westchester County Commissioner of Health Sherlita Amler, M.D.

The Health Department will continue mosquito surveillance efforts throughout the county. These efforts will include mosquito trapping and testing, as well as surveying catch basins for mosquito larvae or standing water.

The Health Department prepared for the summer mosquito season by applying larvicide to catch basins throughout the county in an effort to prevent the spread of mosquito-borne diseases such as West Nile Virus.

The Health Department is recommending that residents:

- Avoid the outdoors in the late afternoon and early evening when mosquitoes are active and feeding, and use insect repellents when outdoors during these times. Be sure to follow the instructions on the label. Adults can apply insect repellents with up to 30 percent DEET on infants over two months of age by applying the product to their own hands and then rubbing their hands on their children. Products containing DEET are not recommended for use on children under two months of age. Wear protective clothing, such as long pants, long-sleeved shirts and socks, when outdoors, especially in areas where mosquitoes are active and feeding.
- Check around property for tin cans, plastic containers, ceramic pots or similar water-holding containers that should be discarded or turned over to prevent collecting water.
- Check and remove standing water from children's toys and play houses left outside.
- Remove discarded tires.
- Drill holes in the bottoms of all recycling containers that are left outdoors.
- Turn over plastic wading pools, buckets and wheelbarrows when not in use.
- Change the water in birdbaths at least twice weekly.
- Sweep driveways after it rains to clear puddles.
- Keep storm drains and gutters clear of leaves and debris.
- Clean and chlorinate swimming pools, outdoor spas and hot tubs, and drain water that collects on their covers.

Residents who notice large areas of standing water on public property that could serve as potential mosquito breeding grounds should report this information to the Westchester County Department of Health by calling (914) 813-5000 or emailing the Health Department through its website at www.westchestergov.com/health.

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*Additional news available at health.westchestergov.com/health
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Follow us on Twitter: [@wchealthdept](https://twitter.com/wchealthdept)*

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: August 21, 2015

CLAIMS

A claim was filed by Mr. John Friede claiming that the gate on his property was damaged by a City of Rye garbage truck.

A claim was filed by Mrs. Leslie Molinoff seeking reimbursement for her pool membership fee paid to the City because claimant sold her house.

A claim was filed by Mr. Donald Carbone seeking reimbursement of membership fees to the Rye Golf Club due to damage to the greens.

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 September 14, 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. We are still waiting for a decision.

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 trial has been calendared to commence in November 2015.

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

The parties appeared before Hon. Nelson Roman. Plaintiffs anticipate making a Rule 23 motion. A motion schedule was established. Next status conference is calendared for November 20, 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

Judge Roman rendered an Opinion and Order granting Defendants' motion to dismiss.

CHITTENDEN v. COMPAGNONE

The non-party deposition of Sergeant Charlie Hunter took place on August 14, 2015. **Additional non-party depositions and other outstanding discovery will take place over the next several weeks.**

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

A violation was issued to the contractor who had exceeded the thirty (30) calendar day mechanical rock removal limit. No disposition was reached and the matter has been calendared for a trial on September 10, 2015.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/kkw



FiOS® TV Channel Change

On or after October 1, 2015 the Tennis Channel will move from channels 303 SD/803 HD to channels 92 SD/592 HD.