

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: September 11, 2015

Enclosed with this memorandum are the following items:

- 9-5 Notice regarding a Rye Town Park Commission Meeting to be held on Thursday, September 15, 2017 at 6:00 p.m. at the Crawford Park Mansion.
- 9-6 Notice from the Westchester County Rent Guidelines Board regarding a Public Hearing to be held on Monday, September 21, 2015 at 7:00 p.m. at the Westchester District Rent Office.
- 9-7 Legal Department Update from the Corporation Counsel dated September 11, 2015.
- 9-8 Notice from the Westchester County Department of Health regarding volunteers needed for a emergency preparedness drill to be held on Wednesday, September 30, 2015 from 1:00 to 2:30 p.m. at the Westchester County Center.
- 9-9 Notice from FiOS® TV that NUVOTV on channels 276 SD & 1642 HD will change to FM, featuring music and music-related programming effective September 30, 2015.
- 9-10 Meeting notice for the week of September 14, 2015 is available on the City website www.ryeny.gov under Calendar.



Rye Town Park
95 Dearborn Ave.
Rye, NY 10580
914 967-0965

RYE TOWN PARK COMMISSION **MEETING NOTICE**

Commission Members

Joseph Carvin-President

Joseph Sack, Mayor-City of Rye

Dennis Pilla, Mayor-Village of Port Chester

Paul Rosenberg, Mayor-Village of Rye Brook

Benedict Salanitro, Commissioner

Laura Brett, Commissioner

DATE & TIME: **Thursday, 9/17/2015 @ 6:00PM**

PLACE: **Crawford Park Mansion**
122 North Ridge St.
Rye Brook, NY 10573

Tentative Agenda:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes: 7/21/2015**
- 4. Comments from the Public**
- 5. Park Management Report**
- 6. Financial Report**
- 7. Old Business**
- 8. New Business**

**Westchester County Rent Guidelines Board
C/o NYS Homes and Community Renewal
75 South Broadway, Suite: 350
White Plains, New York 10601
Telephone Number: (914) 948-4434**

Jane Morgenstern, Chair

Board Members:

Velene Acquah
Eddie May Barnes
Eliot Cherson, Esq.
Kenneth J Finger, Esq.
Genevieve H. Roche, Esq.
Michael B. Rosenblatt, Esq.
Elsa Rubin
Rev. Emma Jean Loftin-Woods

NOTICE OF PUBLIC MEETING:

DATE: Monday, September 21, 2015

TIME: 7:00 P.M.

**PLACE: Westchester District Rent Office
75 South Broadway, Suite 350
White Plains, New York 10601**

AGENDA AND PURPOSE OF PUBLIC MEETING:

1. Approval of the minutes of the previous meeting.
2. **Certification of the guidelines** established by the Board for the 2015-2016 guideline period.
3. Review and finalize the **Explanatory Statement** for the 2015-2016 guideline period.
4. Review dates for future meetings.
5. Other business.

For additional information please contact: Robert Rodriguez
RRodriguez@nyshcr.org
(914) 948-4434

Date: September 09, 2015

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: September 11, 2015

CLAIMS

Mr. Carbone filed an amended Notice of Claim seeking additional damages for breach of contract at the Rye Golf Club due to the inability to play on the greens during several months of this past year.

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 city is in receipt of Petitioner's reply papers. 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. **Another compliance conference was held this week and Plaintiff still owes Defendant outstanding discovery documents. Another conference is being held next Friday September 18, 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. **An initial conference was held before Judge Seibel and a short discovery schedule was set, with fact discovery to be completed by December 11, 2015, and expert discovery to be completed by March 11, 2015.**

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

50 Cowles Avenue - A violation was issued to the contractor who had exceeded the thirty (30) calendar day mechanical rock removal limit. **The trial will continue on October 1, 2015.**

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Corporation Counsel

KKW/kkw

Help Westchester County Be Prepared



Volunteers Needed

Wednesday, Sept. 30, 2015

1 p.m. to 2:30 p.m.

Westchester County Center, White Plains

Residents are needed to participate in a county Health Department emergency preparedness drill. Volunteers will walk through a simulated medication distribution exercise. No actual medicine will be dispensed. Advance registration preferred; but walk-ins are welcome.

Register Today

Go to health.ny.gov/Go2Clinic and click on Westchester
Need help registering? (914) 995-7425

Westchester
gov.com

Robert P. Astorino, County Executive
Sherlita Amler, MD, Commissioner
Department of Health



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: SEPT. 8, 2015

VOLUNTEERS NEEDED SEPT. 30 TO HELP WESTCHESTER COUNTY BE PREPARED No experience needed; advance registration required

The Westchester County Health Department is seeking several hundred volunteers to participate in an emergency preparedness drill on Wednesday, Sept. 30 from 1 p.m. to 2:30 p.m. at the Westchester County Center.

People of all ages, including parents with young children and people with disabilities, college students and faculty, community groups, seniors, members of faith-based communities, businesses and the public are encouraged to register in advance. No special training or experience is needed. Playing the part of residents, volunteers will walk through a simulated medication distribution exercise and learn which medication they would be given if they had been exposed to anthrax. No actual medicine will be handed out.

“The health department continuously trains and prepares for emergencies, but this is one exercise where we urge as many residents as possible, from a wide variety of backgrounds, to participate,” said Health Commissioner Sherlita Amler, MD. “I hope that residents and civic groups will answer our call. This exercise will help our department sharpen our readiness skills and it can also be reassuring to residents to see public health professionals working hard to keep you safe.”

To join, go to <http://www.health.ny.gov/Go2Clinic> and click on Westchester to register. View the attachments and remember to print out the free parking pass. If you need help registering, call 914-995-7425. Walk-ins are also welcome. Everything you need to know to participate will be provided to you the day of the exercise.

The purpose of the drill is to test the emergency response capabilities of the Westchester County Health Department, including the ability to dispense medication quickly and accurately to a large group of people. Holding the exercise is required by the state.

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*Additional news available at health.westchestergov.com/health
Connect with us on Facebook: <https://www.facebook.com/wchealthdept>
Follow us on Twitter: [@wchealthdept](https://twitter.com/wchealthdept)*



FiOS® TV Channel and Programming Changes

On September 30, 2015, NUVOTV on channels 276 SD & 1642 HD was replaced with the new network “FM” featuring music and music-related programming. This programming change was initiated by the content provider.