

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Marcus Serrano, City Manager

SUBJECT: Enclosures - Council Packet

DATE: October 16, 2015

Enclosed with this memorandum are the following items:

- 10-10 Notice regarding a Rye Town Park Commission Meeting to be held on Tuesday, October 20, 2015 beginning at 6:00 p.m. in the Port Chester Village Court.
- 10-11 Legal Department Update from the Corporation Counsel dated October 16, 2015.
- 10-12 Notice from the Westchester County Department of Health regarding a free rabies clinic to be held on Sunday, October 25, 2015 from 11:00 a.m. to 3:00 p.m. at the New Rochelle Humane Society.
- 10-13 Meeting notice for the week of October 19, 2015 is available on the City website [www.ryeny.gov](http://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:      Tuesday, 10/20/2015 @ 6:00PM**

**PLACE:                      Port Chester Village Court  
350 North Main Street – 2<sup>nd</sup> Floor  
Port Chester, NY 10573**

### **Tentative Agenda:**

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

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Corporation Counsel  
SUBJECT: Litigation Update  
DATE: October 16, 2015

**CLAIMS**

No new claims were filed this week.

**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.

**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 on November 4, 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. This matter is fully submitted.

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. A Notice To Admit was served on September 30, 2015. Plaintiff has twenty days to answer or otherwise respond. The next Conference is calendared for October 21, 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.

CHITTENDEN v. WILSON, ET AL.

Mr. Chittenden commenced an Article 78 Proceeding against Kristen Wilson, Marcus Serrano and others alleging violations of the Public Officers Law. This matter is fully submitted.

BALLANTONI v. CITY OF RYE, CONSOLIDATED EDISON, and PERSICO CONTRACTING AND TRUCKING, INC.

Plaintiffs served the City of Rye, Consolidated Edison and Persico Contracting with a Summons and Verified Complaint alleging that the City was negligent in performing construction work in and around 81 High Street and created a dangerous condition. Plaintiff fell and sustained injuries. The matter is venued in Westchester County Supreme Court.

JACQUELINE FITZPATRICK v. CITY OF RYE, CONSOLIDATED EDISON and WESTCHESTER COUNTY

Plaintiff served the City with a Summons and Complaint alleging that the City, Consolidated Edison and Westchester County were negligent in maintaining Highland Road near Mendota Avenue. On December 11, 2014, Plaintiff tripped and fell while crossing Highland Road and sustained a shoulder fracture and other bruising. The matter is venued in Westchester County Supreme Court.

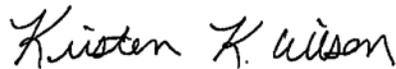
**AGUIRRE and SANCHEZ v. COUNTY OF WESTCHESTER, ET AL.**

**Plaintiffs commenced a federal lawsuit in the Eastern District of New York alleging violations of their civil rights under the Constitutions of the United States and New York State. Plaintiffs were arrested in Queens and subsequently indicted in Westchester County Supreme Court for Assault in the Second Degree and Robbery in the Second Degree. On November 26, 2012, Westchester County Court Judge Hubert issued a decision and order dismissing the indictment. The matter has been forwarded to the City's insurance carrier for a coverage determination.**

**CITY COURT**

**Routine calendar with no unusual dispositions.**

Respectfully submitted,



Kristen K. Wilson  
Corporation Counsel

KKW/kkw



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: October 13, 2015**

### **FREE RABIES CLINIC SUNDAY, OCT. 25 IN NEW ROCHELLE One-day vaccination clinic sponsored by the Westchester County Health Department**

Free rabies vaccines are available for dogs, cats and ferrets owned by Westchester County residents on **Sunday, Oct. 25 from 11 a.m. to 3 p.m. at the New Rochelle Humane Society, 70 Portman Road in New Rochelle.** No appointment is needed. For more information, call the Humane Society at 914-632-2925. Cats and ferrets must be in carriers and dogs must be on a leash. Aggressive dogs must be muzzled. No examinations will be given.

“Vaccinating your pet against rabies will protect your pet and your family in case your pet has contact with a rabid or potentially rabid animal,” said Westchester County Health Commissioner, Sherlita Amler, MD.

Under New York State law, dogs and cats must receive their first rabies vaccine no later than four months after birth. A second rabies shot must be given within one year of the first vaccine, with additional booster shots given every one or three years after that, depending on the vaccine used. Owners who fail to get their pets vaccinated and keep the vaccinations up-to-date may be fined up to \$2,000.

Rabies is a fatal disease that is spread through the bite or saliva of infected animals. Those animals most commonly infected are raccoons, skunks, bats and foxes. However, domestic animals such as cats and dogs are also at risk because they can easily contract rabies from wild or stray animals.

A pet that is up-to-date with its rabies vaccinations would only need to get a booster dose of vaccine within five days of the pet’s exposure to a known or suspect rabid animal. Animals not up-to-date with rabies vaccinations would need to be quarantined or potentially euthanized following contact with a rabid or suspect-rabid animal.

**MORE**

A change in an animal's behavior is often the first sign of rabies. A rabid animal may become either abnormally aggressive or unusually tame. It may lose fear of people and become docile or it may become particularly excited and irritable. Staggering, spitting and frothing at the mouth are sometimes noted in infected animals. Adults should encourage children to avoid touching unfamiliar animals and to immediately tell an adult if they have been bitten or scratched by an animal.

All animal bites or contacts with animals suspected of having rabies must be reported to the Westchester County Health Department at (914) 813-5000. After hours, callers should follow instructions in the recorded message for reporting public health emergencies 24 hours a day.

To learn more about preventing rabies, go to [www.westchestergov.com/health](http://www.westchestergov.com/health), like us on Facebook at [facebook.com/wchealthdept](https://facebook.com/wchealthdept) or follow us on Twitter @wchealthdept.