

APPROVED MINUTES of the Special Meeting/Trailways Workshop of the City Council of the City of Rye held in City Hall on January 9, 2008 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: GEORGE S. PRATT

1. Pledge of Allegiance

Mayor Otis called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Otis asked the City Clerk to call the roll; a quorum was present to conduct official city business.

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to adjourn to the Mayor's Conference Room for an Attorney/Client conversation. Mayor Otis made a motion, seconded by Councilwoman Gamache to conclude the Attorney/Client conversation at 9:13. The Council returned to the regular meeting at 9:15 P.M.

3. Appeal of denial of FOIL request by Rye Police Association

Mayor Otis said the Council had been deliberating on an appeal of denial of a F.O.I.L. request by the Rye Police Association which had been discussed at the January 9, 2007 meeting. He said the Council had made a full review of all the documents involved in the F.O.I.L. request and have deemed that it is reasonable that the records recommended for release to the applicant be submitted electronically and that the recommendation not to release records deemed exempt pursuant to the public safety and/or interdepartmental communication exemption be sustained. Councilman Ball said that having carefully reviewed Public Officer's Law (POL) §§87(2)(g) and (f) which legislates the Freedom of Information Law, he was now confident that the recommendation before them should be approved.

Mayor Otis made a motion, seconded by Councilman Cunningham, to adopt the following resolution:

WHEREAS, on November 13, 2007, Mr. Timothy Chittenden, as President of the Rye Police Association, submitted an electronic FOIL request to Rye Police Commissioner William R. Connors (the “Commissioner”) for “All emails from every member of the Rye Police Department either to or from Lt. Jeffrey Reichert, Lt. Robert Falk or Commissioner Connors regarding the 2008 Squad Assignments” (the “Foil Request”); and

WHEREAS, the Commissioner reviewed all the responsive records and provided copies of same to the law offices of Vincent Toomey, Esq. (Labor Counsel) for review; and

WHEREAS, Labor Counsel reviewed each responsive record and determined whether each record was disclosable or if the record fell under one of the exemptions under FOIL; and

WHEREAS, it was determined that 47 pages of records contained responsive material; and

WHEREAS, the Commissioner notified Mr. Chittenden that the 47 pages were available for viewing and that other responsive records were being withheld under Public Officers Law (“POL”) §§87(2)(g) and (f); and

WHEREAS, the Foil Request did not specify that Mr. Chittenden only wanted the responsive documents in electronic format; and

WHEREAS, since all of the responsive documents needed to be printed to provide copies of same to Labor Counsel for review and because the additional time and potential issues associated with relocating and re-reviewing the electronic forms of the emails in order to and cut and paste the disclosable emails (or portions thereof) into a new electronic document, it was initially determined that providing Mr. Chittenden with hard copies complied with the Foil Request and with the amendments pertaining to electronic documents under FOIL; and

WHEREAS, on December 26, 2007, Mr. Chittenden clarified that he only wanted the responsive emails in electronic format and not hard copies despite his request for both electronic and hard copies; and

WHEREAS, the City Council, in an effort to comply with the spirit of the FOIL amendments to provide documents electronically, when practicable, and since the e-mails are already in electronic format recommends that the responsive records that are not exempt be sent to Mr. Chittenden electronically; and

WHEREAS, one or both of the following the two exemptions under FOIL – the intra-agency exemption (POL § 87(2)(g)) and endangerment to life or safety (POL § 87(2)(f)) - did apply to several of the responsive records; and

WHEREAS, the City Council finds that it is imperative that certain intra-agency documents and documents that may endanger the life or safety of a person be withheld under POL §§ 87(2)(g) and (f); and

WHEREAS, the City Council wants to ensure an agency’s right, as permitted under FOIL, to withhold intra-agency documents that are internal deliberations, opinions, advice, evaluations, proposals, recommendations or other subjective material; now, therefore, be it

RESOLVED that the City Council hereby finds that the Commissioner correctly found that certain records should be withheld under POL §§87(2)(g) and (f) and upholds the Commissioner’s determination.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker and Sack

NAYS: None

ABSENT: Councilman Pratt

4. Workshop discussion on Boston Post Road and Temporary Trailways and Traffic Safety Committee Report

Mayor Otis noted that the purpose of the workshop was not to make decisions, but to clarify their thoughts on the Temporary Trailways and Traffic Safety Committee Report and prepare questions for staff and consultants so that priorities can be set and decisions can be made. He thanked everyone involved, especially *Doug French, Chair of the Recreation Commission*, for overseeing and coordinating the reports of the various sub-committees (Boston Post Road, School, Recreation and Nature Trailways, Funding and Grants). Councilman Cunningham, who, with the Mayor, was the Council liaison to the Committee, thanked Mr. French and the staff. He cited the need to coordinate the “diet concept” for the Boston Post Road (shrinking it to three lanes) from the High School down to the Mamaroneck line with the budgeted plan to repave the road from the Rye Golf Club to the same line. (Note: Buckhurst Fish and Jacquemart, consultants for the re-striping of the road will attend the January 16, 2008 City Council Meeting. The Staff hopes to have the bid package for the repaving for the Council in May.) He noted that school enrollment is projected to increase and the goal of the Committee is to create ways to make it easier to walk.

Doug French said the plan before the Council is really a “first pass” which offers many observations and recommendations which will need to be prioritized, reviewed by staff, engineers and assigned a cost. He said everyone should remember that the term “trailways” does not refer to nature paths, but is used as a generic term for moving about in Rye. The goal was

“how to make Rye more active” and how to have a plan in place to coordinate with the outside groups (the County, the Greenway Project) which are working on Safe Routes to School projects and the Playland project to connect the train stations with Playland. They want to know if they are on the right path. Step #1 was to survey the streets and look at connecting opportunities (re-striping, sidewalk repairs and additions, new paths) for many user groups (Seniors, recreational walkers, students, bikers). For example, how do we get students across Forest Avenue to Midland? How do we get them across the Boston Post Road to the High School? The Committee is in general agreement that the Boston Post Road should remain the same width, but be reduced to three lanes.

He said *Greg Howells, Director of the YMCA*, had been very instrumental in developing the educational process, meeting with the Wellness Committees of the schools. Mr. Howells said that he hoped priorities could be set which aided their grant application for the Safe Routes to School Grant. The projects requested should be satisfactory to the schools and the Council. For example, a good project might be to accomplish the physical traffic changes being considered near the High School. Mr. Howells cautioned that projects requested have to be ready to begin, so all permits, access to the right of ways need to be done before the grant request is completed. The deadline for the grant is April 1, 2008.

Mayor Otis said he favored emphasis on gaps in the sidewalks rather than improvement projects (60-40%); Councilman Cunningham said he would reverse the percentage to make improvements 60% and new projects 40%. Councilman Ball urged priority for finding a way to get students across Forest Avenue to Eve Lane. The Mayor said something has to be done about the Forest Avenue corridor. Councilman Sack said Oakland Beach should be a priority. Councilwoman Gamache urged sidewalk repairs. Councilman Cunningham urged connecting the Central Avenue Bridge to the Rye Nature Center.

In summary, it was decided that next steps should be as follows:

- The Committee should review the sidewalk map and prioritize sidewalk gaps and areas for improvement, keeping in mind which projects would be best for the YMCA grant and the existing planned repavement schedule.
- The Committee should reach out to the Board of Education to get them involved and engaged and aware of the various timelines. Set a time to get on their agenda.
- The priorities should be reported back to Council and staff by January 31, 2008 for discussion at the February 13, 2008 meeting of the City Council.
- Neighbors in the section of town at the north end of Purchase Street should be notified (perhaps by a flyer) about the idea of creating a roundabout to replace the blinking lights so the subject can be discussed at the February 13, 2008 Council Meeting.

6. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn the meeting at 10:30 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk