

APPROVED MINUTES of the Special Meeting of the City Council of the City of Rye held in City Hall on August 27, 2008 at 8:00 A.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
PAULA J. GAMACHE
GEORGE S. PRATT
JOSEPH A. SACK
Councilmembers

ABSENT:

MACK CUNNINGHAM
CATHERINE F. PARKER

Mayor Otis called the meeting to order at 8:00 A.M.

1. Roll Call

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

Agenda items 2 and 3 were discussed together.

2. Appeal of the form in which a response to a Freedom of Information Law request for a copy of the Cloz lease and subsequent Assignment was provided

Corporation Counsel Kevin Plunkett said that neither appeal was the result of a denial of a F.O.I.L. request but rather involves the form in which the documents would be provided. The documents located that were responsive to the request were hard copies from the official files. The party requesting the documents has requested that they be sent to him electronically, which would involve scanning them. Mr. Plunkett added that Robert Freeman of the Committee on Open Government has indicated that if anything out of the ordinary must be done to provide a document electronically there is no requirement to do so. Mr. Plunkett was concerned that the Council may be setting a precedent by requiring staff to scan the documents requested in these matters and asked them to consider the staff time involved when F.O.I.L. requests were received involving even larger documents. He said his recommendation was that the Council deny the pending appeals and not set a precedent. City Manager Shew said that when the City has the documents in electronic format they are provided in that manner but at this point most City documents are maintained in paper format. He added that in the future, as the City purchases equipment with the capacity for high-speed scanning, more documents could be scanned and maintained in electronic format.

Councilman Ball inquired about the City's responsibility to scan documents rather than furnishing a hard copy in order to verify that the process of scanning the documents in question

would create a significant work flow and time difference. Mayor Otis said that scanning would only be required if the function of the scanner was the same as photocopying. Councilwoman Gamache asked if unsigned copies of the requested agreements could be provided electronically to satisfy the request. Mayor Otis and Councilman Pratt did not agree with that suggestion, saying that some agreements go through many drafts before being finalized and that many times additions are made to the final agreement by hand when it is signed and, therefore, would not be in an electronic draft.

Councilman Sack raised the question of changing the appeals process in the City's F.O.I.L. procedures to alleviate the requirement for the Council to meet to hear an appeal within 10 days, which often requires holding a special meeting. He suggested that the Corporation Counsel should be responsible for deciding F.O.I.L. appeals. Mayor Otis said that changing the F.O.I.L. procedures was not an agenda item at this meeting but could be added to the agenda of the next Council meeting. He said that he felt it was a good idea for appeals to come before the Council because it serves as a system of checks and balances but added that possibly the procedures could be changed to say that appeals could be made to the Corporation Counsel if the next regular Council meeting did not fall within the 10-day requirement.

Councilman Sack made a motion, seconded by Councilman Pratt to adopt the following Resolution:

RESOLVED, that the appeal of the form in which a response to a Freedom of Information Law request for a copy of the Cloz lease and subsequent Assignment was provided is hereby denied because the documents requested are not maintained in electronic format.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Gamache, Pratt and
Sack

NAYS:

ABSENT: Councilmembers Cunningham and Parker

3. Appeal of the form in which a response to a Freedom of Information Law request for a copy of the Employment Agreement with the City Manager was provided

Councilman Sack made a motion, seconded by Councilman Pratt to adopt the following Resolution:

RESOLVED, that the appeal of the form in which a response to a Freedom of Information Law request for a copy of the Employment Agreement with the City Manager was provided is hereby denied because the document requested is not maintained in electronic format.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Gamache, Pratt and
Sack

NAYS:

ABSENT: Councilmembers Cunningham and Parker

4. Adjournment

There being no further business to discuss, Councilman Pratt made a motion, seconded by Councilman Ball and unanimously carried, to adjourn the meeting at 8:29 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk