

APPROVED MINUTES of the Special Meeting of the City Council of the City of Rye held in City Hall on June 5, 2013 at 8:00 A.M.

PRESENT:

LAURA BRETT
PETER JOVANOVIH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: DOUGLAS FRENCH Mayor
RICHARD FILIPPI
JULIE KILLIAN
Councilmembers

The Council convened at 8:05 a.m. for an attorney/client meeting. The public portion of the meeting began at 9:15 a.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. Appeal of denial of FOIL requests by Timothy Chittenden

The Council considered the appeals of the following FOIL requests:

Incalcaterra Records 1

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Incalcaterra Records 1 for Vehicle and Traffic Summonses and Supporting Depositions issued by P.O. Incalcaterra is hereby denied based on the fact that the Police Department does not maintain these records. In addition, a diligent

search has been performed and no additional records were found for speed verification stats, lost/voided summonses and summons books.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Rye Police Records 6

Councilwoman Parker made a motion, seconded by Councilwoman Brett, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Rye Police Records 6 is denied regarding Activity Sheets pursuant to POL 87(2)(f) and Supplemental Reports pursuant to POL 87(2)(g) and granted as to the request that the 307 responsive pages of Ring Sheets and Overtime Sheets be provided electronically.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Arrest Reports

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of a FOIL request for all records with regard to the December 23, 2010 accident at 125 Osborn Road is hereby granted with respect to the requested documents, which have been provided with redactions.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None

ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Request re: 255 Theodore Fremd Avenue

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of a FOIL request for records related to 255 Theodore Fremd Avenue is hereby denied under POL 87 (2)(e)(i through iv) as it will interfere with an ongoing prosecution.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Incalcaterra Records 3

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Incalcaterra Records 3 seeking arrest reports and vehicle accident reports made by Police Officer Incalcaterra is hereby denied with the representation that the appellant has the ability to narrow the request to more specifically identify the requested records.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Incalcaterra Records 8

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Incalcaterra Records 8 seeking all Activity Reports for Police Officer Incalcaterra from January 1, 2010 through February 2, 2013 is hereby denied under POL 87(2) (f), the public safety exemption.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Rye PD Records 3

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Rye PD Records 3 requesting that the responsive cell phone records be provided electronically is hereby granted; the appeal is denied as to the request for the email communications under POL 87(2)(g).

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Rye PD Records 5

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Rye PD Records 5 regarding police computer transmissions, dash cam videos, recorded radio transmissions, recorded 911 calls on 11/21/2010 between 0001 and 0800 and 1/2/2012 between 0001 and 0800 is hereby denied under POL 87(2)(f) and (g).

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Rye PD Records 2

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Rye PD Record 2 is hereby granted regarding providing radar calibration records electronically and denied regarding copies of vehicle and traffic summonses, car speedometer calibration records, copies of records indicating who from the Police Department received vehicle and traffic ticket books and copies of voided tickets issued because a diligent search has been made for the records and no responsive records have been discovered.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack
NAYS: None
ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

Rye PD Calls for Service 2/1/2010

Councilwoman Brett made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

RESOLVED that the appeal of FOIL request Rye PD Calls for Service 2/1/2010 for CAD Dispatch Reports, calls for service reports and Ring Sheets for 2/1/2010 is hereby granted because it was not forwarded to the appropriate officer when it was received, which resulted in a delay in response. A substantive response to the FOIL request will be provided.

ROLL CALL:

AYES: Councilmembers Brett, Jovanovich, Parker and Sack

NAYS: None

ABSENT: Mayor French, Councilman Filippi and Killian

The Resolution was adopted by a 4-0 vote

4. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 9:25 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk