

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 9, 2014 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
RICHARD MECCA
RICHARD SLACK
Councilmembers

ABSENT: TERRENCE McCARTNEY, Councilman

The Council convened at 7:00 p.m. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into executive session to discuss collective bargaining. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 7:35 p.m. The regular meeting convened at 7:40 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. Introduction of Police Commissioner William A. Pease, Jr. and recognition of Lt. Scott J. Craig, Sgt. Julio C. Rossi and Police Officer James P. Foti

City Manager Culross welcomed retired Police Commissioner William A. Pease, Jr. back to the position. Commissioner Pease introduced Lt. Scott Craig and Sgt. Julio Rossi, members of the Department who have recently been promoted, and Officer James Foti, who has recently transferred to the Rye Police Department from Mount Vernon.

4. General Announcements by the Council

Announcements were made regarding meetings, events and activities that may be of interest to City residents. Additionally, in recognition of the upcoming 50th Anniversary of the dedication of City Hall, Mayor Sack announced that the Mayor Morehead Benefactor Campaign has been established. Information regarding the campaign can be found on the City website.

5. Draft unapproved informal minutes of the regular meeting of the City Council held June 11, 2014

This agenda item was deferred.

6. Issues Update/Old Business

Corporation Counsel Wilson provided a status update on the Beaver Swamp Brook litigation. A conference call was held with the Town of Harrison, the City of Rye and an Administrative Law Judge who is serving as a mediator. The City was unable to agree to consent to Harrison's proposed revisions to the Project Home Run area. The City is working with a consultant on what would be the best resolution regarding flood storage capacity and impacts to the wetland at the site. It is hoped that the consultant will have an answer within a week or two. A proceeding is scheduled in Harrison for the third week of September in front of the actual Administrative Law Judge.

7. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing

Councilman Slack provided an update from the Council sub-committee that has been working with Tenen Environmental on an independent review of the environmental situation at the property. Tenen has been collecting information from the State and County. It is hoped that they will be able to complete their work by the next meeting, when they will make a presentation of their findings.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing to the August 4th City Council meeting.

8. Public Hearing to amend local law Chapter 76, "Dogs," Section §76-5, "Running at large prohibited" and Section §76-6, "When leash required" to establish regulations for the leashing of dogs at Rye Town Park

Councilwoman Brett made a motion seconded by Councilwoman Killian and unanimously carried, to open the public hearing.

Councilwoman Brett provided an overview on the conflicts between people who want to allow dogs to be off leash in the park and people who want dogs them leashed. She also

provided an overview of what was discussed at the last Rye Town Park Commission meeting; the work of a “Dog Sub-committee” that has been established to work on the issues; and their idea to create a registration system for people who want to keep their dogs off leash. Corporation Counsel Wilson spoke about liability issues if dogs were allowed off leash in the park.

Members of the public spoke about the proposed local law. *Susan van Dijk* and *Deirdre Curran* expressed their support for the proposed local law, with Ms. Curran asking the Council to consider also including hours later in the day when dogs can be off leash as well. *Linda Wells and Bill Bisceglia*, both board members of the Friends of Rye Town Park, presented a suggestion on behalf of the Friends for creating an enclosed dog run in the park near the corner of Dearborn and Forest Avenues. *Jamie Jenson* said the best solution would be to have an enforced off leash solution but did not agree with the location for a dog run proposed by the Friends of Rye Town Park. *Joan Steer* did not agree that a contained area was the best solution.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to keep the public hearing open until the September 10th City Council meeting.

9. Public Hearing to amend local law Article 6, “Council” of the Charter of the City of Rye to amend §C6-2 “Powers and duties” to add Section G to provide all Council members with the same authority as the Mayor as outlined in Section C7-1G to “examine the books, papers and accounts of any board, commission, department, office or agency of the city.”

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to open the public hearing.

Mayor Sack said that the reason for the proposed local law was to provide all members of the Council with the same powers as the Mayor to examine the books and records of the City.

There was no one from the public who wished to speak on the proposed local law.

Councilman Mecca made a motion seconded by Councilwoman Brett and unanimously carried, to close the public hearing.

Mayor Sack made a motion, seconded by Councilwoman Brett, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 2 2014**

**A Local Law to amend Article 6, “Council”, §C6-2,
“Powers and duties” of the Charter of the City of Rye
by adding section G to provide all Council members with
the same authority as the Mayor as outlined in**

**§C7-1G to “examine the books, papers and
accounts of any board, commission, department,
office or agency of the city.”**

Be it enacted by the City Council of the City of Rye as follows:

Section 1: Article 6. Council

§C6-2. Powers and duties.

- A. The legislative power of the city and the determination of all matter of policy shall be vested in the Council.
- B. It shall be the duty of the Council to require that all city officers faithfully perform their duties, maintain peace and good order within the city, and cause the laws, local laws and ordinances to be enforced within the city.
- C. The Council shall appoint the City Manager as hereinafter provided and shall appoint a Corporation Counsel or hire an attorney as an independent contractor. Such Counsel or attorney shall be engaged in the practice of law in this state for at least five years immediately preceding his appointment or hiring.
- D. The Council shall supervise the work of the boards, commissions and officers appointed by the Council or the Mayor with the approval of the Council and such boards, commissions and officers shall be responsible directly to the Council.
- E. The Council may require any officer or employee to render to it a verified account of all moneys received or disbursed by him and to appear and submit to an examination under oath by the Council or any committee thereof as to any matter in connection with his official duties. A willful refusal or neglect to obey any such order shall be deemed sufficient cause for a fine not to exceed \$100, suspension without pay for a period not exceeding two months or removal from office or employment.
- F. The Council shall award all contracts for public work and all purchase contracts, requiring competitive bidding under the General Municipal Law.
- G. The Council shall have the authority at all times to examine the books, papers and accounts of any board, commission, department, office or agency of the city.

Section 2. This local law will take effect immediately upon filing in the Office of the Secretary of State.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Local Law was adopted by a 6-0 vote.

- 10. Authorization for City Manager to enter into a settlement agreement regarding the United Water rate case

City Manager Culross summarized the settlement that was reached between United Water and the City of Rye and Villages of Rye Brook and Port Chester. The request to merge United Water Westchester and United Water New Rochelle to operate as one company will not be permitted but a three year rate agreement has been negotiated, which takes effect in November, that allows for rate increases of approximately 2% in the first year and 3% in the next two years. The settlement must be approved by the New York State Public Service Commission.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into a Settlement Agreement regarding the United Water rate case.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

11. Residents may be heard on matters for Council consideration that do not appear on the agenda

Lynn Mazzola spoke about an issue with the dumpster at Seaside Johnny's in Rye Town Park.

12. Consideration to set a Public Hearing to amend local law Article 6, "Council", Section §C6-2, "Powers and duties", Article 8 "City Manager", Section §C8-6, "Powers and duties of City Manager" and Article 12 "Department of Police", Section §C12-1, "Head of Department; subordinates" of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner

Mayor Sack said the City Manager would continue to have the ability to hire the Police Commissioner but, due to the importance of the position, it would be subject to the approval of the City Council.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to adopt the following Resolution:

WHEREAS, the Council wishes to consider amending Article 6, “Council”, by amending §C6-2, “Powers and duties”; Article 8 “City Manager” by amending §C8-2, “Powers and duties of City Manager”; and, Article 12, “Department of Police, §C12-1, “Head of Department; subordinates” of the Charter of the City of Rye in order to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on September 10, 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

PUBLIC NOTICE
CITY OF RYE

**A Local Law to amend Article 6, “Council”, §C6-2,
“Powers and duties”; Article 8 “City Manager”, §C8-2,
“Powers and duties of City Manager”; and Article 12
“Department of Police”, §C12-1, “Head of Department; subordinates”
of the Charter of the City of Rye to provide the City Council
with the authority to approve the appointment,
suspension or removal of the Police Commissioner**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 10th day of September 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, at which time interested persons will be afforded an opportunity to be heard concerning a proposed local law to amend Article 6, “Council”, §C6-2, “Powers and duties”; Article 8 “City Manager”, §C8-2, “Powers and duties of City Manager”; and Article 12 “Department of Police”, §C12-1, “Head of Department; subordinates” of the Charter of the City of Rye to provide the City Council with the authority to approve the appointment, suspension or removal of the Police Commissioner.

Copies of said proposed local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: August 29, 2014

13. Consideration to set a Public Hearing to amend local law Chapter 197, "Zoning", of the Rye City Code by adding Section 197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council

Mayor Sack said the proposed local law does not reverse the ban on banks in the Central Business District, but rather creates the ability for the City Council, under certain circumstances, to allow a bank in a particular location if specific criteria are met. Corporation Counsel Wilson said she believed the proposed local law offered the most efficient process because it would put all of the authority and discretion at the City Council level to issue the special use permit. The proposed local law will be sent to the Planning Commission and Zoning Board for their review and comment

Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution:

WHEREAS, the City Council wishes to consider amending Chapter 197 "Zoning" Code of the City of Rye, New York by adding §197-15; and

WHEREAS, it is now desired to call a public hearing on such proposed amendment to the Zoning Code, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 4, 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed amendment to the Zoning Code.

Section 2. Such notice of public hearing shall be in substantially the following form:

PUBLIC NOTICE

CITY OF RYE

Notice of Public Hearing on a proposed local law to amend Chapter 197, "Zoning", of the Rye City Code by adding §197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of August, 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 197, "Zoning", of the Rye City Code by adding §197-15, "Special Permit for Historic Preservation in the B-2 Central Business District" to permit banks on the first floor of a building when certain conditions are met upon approval of a Special Use Permit by the City Council..

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: July 23, 2014

14. Consideration to set a Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-7, "Speed limits", to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue, and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee

Mayor Sack noted that additional roads had been included in the proposed PILOT area in order to avoid traffic being pushed to other roads by people trying to avoid the lower speed limit. Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee (TPS) said that TPS is updating their PILOT study to include the additional roads. There was a discussion among the Council regarding what should be included in the PILOT law such as including a timeframe; a way of allowing for future PILOT programs; and, including the removal of rocks in the right-of-ways. A question was also raised regarding gathering speed data on the additional roads that will now be included in the PILOT program.

Councilwoman Killian made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to consider amending Chapter 191, "Vehicles and Traffic" of the Code of the City of Rye by amending Sections 191-7; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 4, 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 191, Vehicles & Traffic of the Rye City Code by amending §191-7, “Speed limits” to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of August 2014 at 7.30 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend §191-7, “Speed limits” to lower the speed limit to 25 miles per hour on select roads, including Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue and Milton Road, during the Pilot Study recommended by the Traffic and Pedestrian Safety Committee.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: July 23, 2014

15. Consideration to set a Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”.

Subsection (B) “Two-hour limit” to prohibit parking on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street and Section §191-21, “Parking, standing or stopping” to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee, explained the reasoning for the proposed local law. There was a brief discussion on the advisability of reducing the number of on-street parking spaces in an area where business is expanding.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to consider amending Chapter 191, “Vehicles and Traffic” of the Code of the City of Rye by amending §191-20 (B) and §191-21; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 4, 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 191, Vehicles & Traffic of the Rye City Code by amending §191-20, “Parking time limited” Subsection (B) “Two-hour limit” to prohibit parking on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street and §191-21, “Parking, standing or stopping” to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of August 2014 at 7.30 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend §191-20, “Parking time limited” Subsection (B) “Two-hour limit” to

prohibit parking on the north side of Central Avenue from the west side of the bridge over the Blind Brook to Walnut Street and §191-21, "Parking, standing or stopping" to prohibit parking on the north side of Central Avenue from the Boston Post Road to the west side of the Blind Brook.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: July 23, 2014

16. Consideration to set a Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces

Councilwoman Killian made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to consider amending Chapter 191, "Vehicles and Traffic" of the Code of the City of Rye by amending §191-20 (E); and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 4, 2014 at 7:30 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 191, Vehicles & Traffic of the Rye City Code by amending §191-20, "Parking time limited"

Subsection (E) “Fifteen-minute limit” to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of August 2014 at 7.30 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend §191-20, “Parking time limited” Subsection (E) “Fifteen-minute limit” to designate two parking spaces on the south side of Sylvan Road closest to Midland Avenue as fifteen minute parking spaces.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: July 23, 2014

17. Resolution to transfer \$10,000 from the Contingency account to fund the restoration and placement of the City of Rye Mile Markers.

Councilwoman Brett said that Mile Markers 25 and 26 have been looked at by a conservator for restoration and the City has an estimate for restoration of both stones. It will cost approximately \$5,000 for the restoration and another \$5,000 for the replacement of the stones.

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

WHEREAS, City staff has determined that the amounts required for the cost of restoration and placement of the City of Rye Mile Markers were not anticipated and were not provided for in the adopted 2014 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$150,000, now, therefore, be it;

RESOLVED, that the City Comptroller is authorized to transfer \$10,000 from the General Fund Contingent Account to the Street Maintenance Account.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

Mayor Sack made a motion, seconded by Councilman Slack and unanimously carried to adjourn into executive session at 10:05 p.m. to discuss potential litigation matters. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 10:57 p.m. The regular meeting reconvened at 11:00 p.m.

18. Designation of two members to the Boat Basin Nominating Committee

Mayor Sack made a motion, unanimously approved by the Council, to designate George Szczerba (Commission Member not up for reelection) and Alan Caminiti (Permit holder elected to Nominating Committee in 2013 election) to the 2014 Boat Basin Commission Nominating Committee.

19. Appeal of denial of FOIL requests by Timothy Chittenden

Corporation Counsel Wilson discussed the various FOIL appeals:

Appeal No. 1: “All correspondence, including emails, to and from Kristen Wilson and any member of the Rye City Council and any other employee, official or agent of the City of Rye with regard to the City of Rye insurance claim filed on or about August 15, 2013.” Ms. Wilson said that responsive records, which had originally been sent to the wrong email address, were sent to the requestor today and other responsive records were withheld pursuant to Public Officers Law §87(2)(e) (iii) and (g). She advised that the Council grant the appeal to the extent the records were not provided until today but uphold the exemptions under which the documents were denied.

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

RESOLVED, that the appeal of the response to a FOIL request submitted by Timothy Chittenden for “All correspondence, including emails, to and from Kristen Wilson and any member of the Rye City Council and any other employee, official or agent of the City of Rye with regard to the City of Rye insurance claim filed on or about August 15, 2013” is granted to the extent that the records were not provided until today, but denied as to the exemptions under which certain records were originally withheld (POL §87(2)(e)(iii) and (g)) and the denial is expanded to include the exemption under POL §87(2)(a).

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

Appeal No. 2: “All car to car computer transmissions, headquarters (HQ) to car and car to HQ computer transmissions, all license plates run through on any car or HQ computer, all video or digital recordings of in and outside of HQ, all recordings of the HQ phones from 4 p.m. to midnight (B tour) on March 18, 2014.” Ms. Wilson said the request was denied for the following reasons: car to car transmissions and HQ to car transmissions was denied under POL §87(2)(g) as inter-agency communications; there were no records responsive to the request for license plate runs; the video recording of inside and outside of HQ was denied under POL §87(2)(e); and the recordings of the HQ phones from 4 p.m. to midnight was denied under POL §87(2)(b).

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

RESOLVED, that the appeal of a response to a FOIL request submitted by Timothy Chittenden for “All car to car computer transmissions, headquarters (HQ) to car and car to HQ computer transmissions, all license plates run through on any car or HQ computer, all video or digital recordings of in and outside of HQ, all recordings of the HQ phones from 4 p.m. to midnight (B tour) on March 18, 2014” is hereby denied according to the following sections of the Public Officer Law: car to car transmissions and HQ to car transmissions was denied under POL §87(2)(g); there were no records responsive to the request for license plate runs; the video recording of inside and outside of HQ was denied under POL §87(2)(e); and the recordings of the HQ phones from 4 p.m. to midnight was denied under POL §87(2)(b).

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian and Mecca
NAYS: Councilman Slack
ABSENT: Councilman McCartney

The Resolution was adopted by a 5-1 vote.

Appeal No. 3: “All letters, memorandums, correspondence and all other documents concerning the suspension, resignation and reinstatement of Rye Police Auxiliary Police Officer John Holmes since 1/1/2009.” Ms. Wilson said that the responsive records were sent to the requestor with redactions made pursuant to POL §87(2)(b) to protect the personal privacy of a complaining witness.

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

RESOLVED, that the appeal of a response to a FOIL request submitted by Timothy Chittenden for “All letters, memorandums, correspondence and all other documents concerning the suspension, resignation and reinstatement of Rye Police Auxiliary Police Officer John Holmes since 1/1/2009” is hereby denied because the responsive records were sent to the requestor with redactions made pursuant to POL §87(2)(b).

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian and Mecca
NAYS: None
ABSTENTION: Councilmembers Brett and Slack
ABSENT: Councilman McCartney

The Resolution was adopted by a vote of four in favor with two abstentions.

Appeal No. 4: “All emails to and from William Connors, Robert Falk and any City of Rye official including but not limited to the Rye City Council, City Manager, Corporation Counsel and the City Clerk concerning the arrest of John Holmes, the suspension of John Holmes, the reinstatement of John Holmes and any uniforms provided by John Holmes since 1/1/2013.” Ms. Wilson said that the requestor was provided with the actual documents but the emails were denied under POL §87(2)(g) as inter-agency materials where were not FOILable.

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

RESOLVED, that the appeal of the response to a FOIL request submitted by Timothy Chittenden for “All emails to and from William Connors, Robert Falk and any City of Rye official including but not limited to the Rye City Council, City Manager, Corporation Counsel and the City Clerk concerning the arrest of John Holmes, the suspension of John Holmes, the reinstatement of John Holmes and any uniforms provided by John Holmes since 1/1/2013” is hereby denied because the requestor was provided with the actual documents but the emails were denied under POL §87(2)(g).

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

Appeal No. 5: “All records of the Motor Vehicle Accident that occurred on the night of May 2, 2014, on Boston Post Road at or near the intersection with Sonn Drive including but not limited to all incident reports, all accident reports, photos and diagrams from all agencies, all cad dispatch reports, all reports and cad dispatch reports for all other involved agencies dispatched and all supplementary reports.” Ms. Wilson said the request was originally denied because it was under investigation by another agency, but any routine cad report would be disclosable if it was in the City’s possession. She advised the Council to grant the appeal to the extent there are any cad or other routine reports that are available in the City. Councilman Slack suggested that the cad reports should be reviewed to see if they fall under another exemption under FOIL and only provide the reports that do not fall under one of the exemptions.

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

RESOLVED, that the appeal of the denial of a FOIL request submitted by Timothy Chittenden for “All records of the Motor Vehicle Accident that occurred on the night of May 2, 2014, on Boston Post Road at or near the intersection with Sonn Drive including but not limited to all incident reports, all accident reports, photos and diagrams from all agencies, all cad dispatch reports, all reports and cad dispatch reports for all other involved agencies dispatched and all supplementary reports” is granted to the extent that there are cad reports which are routine investigatory reports that don’t reveal anything about the undergoing investigation.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

Appeal No. 6: “All names of all attorneys and all invoices for all legal fees and expenses from all attorneys for all litigation, including but not limited to, any litigation involving Cosimo Panetta v. the City of Rye, any agent of the City of Rye and any boards and commissions.” Ms. Wilson recommended granting the appeal to the extent that the requestor will be provided a link by close of business on Friday subject to the appropriate redactions being made.

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

RESOLVED that the appeal of a response to a FOIL request submitted by Timothy Chittenden for “All names of all attorneys and all invoices for all legal fees and expenses from all attorneys for all litigation, including but not limited to, any litigation involving Cosimo Panetta v. the City of Rye, any agent of the City of Rye and any boards and commissions” is hereby granted subject to any necessary redactions and that the responsive documents will be provided by close of business on Friday.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

Appeal No. 7: “All video and digital recordings from the Locust Avenue Firehouse on May 25, 2014 from 6 p.m. to midnight.” Ms. Wilson said that the requestor was provided with a response indicating that the City had possession of the equipment but we were unable to tape it. He was provided an opportunity to come in and view it if he could or with an IT person of his choosing. She recommended that the City deny the appeal.

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

RESOLVED, that the appeal of the response to a FOIL request submitted by Timothy Chittenden for “All video and digital recordings from the Locust Avenue Firehouse on May 25, 2014 from 6 p.m. to midnight” is hereby denied.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

Appeals Nos. 8 and 10: “All records since January 1, 2011, of all emails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcaterra, Richard Runes, Louis Olivier” and “All records from 1/1/2008 thru 12/31/2010 of all emails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcaterra, Richard Runes, Louis Olivier.” Ms. Wilson recommended

that no Council action was necessary because City staff is still gathering the documentation and the requestor has been notified of that fact. No Council vote was taken.

Appeal No. 9: “All documents, all building department records (including but not limited to building permits and statements of final costs), all formulas used, all industry standards used and any other records used by the City of Rye to raise Manursing Island Club’s property assessment from \$274,875 to \$334,875 in 2010 or 2011.” Ms. Wilson said that responsive records were sent to the requestor but he believes there are more records. She recommended denying the Appeal because there are no other records.

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

RESOLVED, that the appeal of a response to a FOIL request submitted by Timothy Chittenden for “All documents, all building department records (including but not limited to building permits and statements of final costs), all formulas used, all industry standards used and any other records used by the City of Rye to raise Manursing Island Club’s property assessment from \$274,875 to \$334,875 in 2010 or 2011” is hereby denied because the requestor was provided with records responsive to the request.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack
NAYS: None
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

20. Miscellaneous Communications and Reports

Councilwoman Brett noted that the Parsons family donated the Square House and all of the land that is the Village Green and the Library to the City.

21. New Business

Mayor Sack said that Councilwoman Killian, Councilwoman Mecca and Councilwoman Bucci will serve on a Council subcommittee to conduct a search for a new City Manager.

22. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 11:30 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk