

***APPROVED MINUTES*** of the Regular Meeting of the City Council of the City of Rye held in City Hall on September 10, 2014 at 7:30 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:00 p.m. Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried to immediately adjourn into executive session to discuss personnel and litigation. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 7:25 p.m. The regular meeting convened at 7:30 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. Moment of Silence in remembrance of 9/11

Mayor Sack called for a moment of silence in memory of the victims of 9/11.

3. Roll Call

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

4. Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have reached milestones in their service to the City of Rye

Mayor Sack acknowledged the service of several staff members who were not in attendance:

<u>Employee</u>	<u>Department</u>	<u>Years of Service</u>
Todd Barnum (retired)	Fire	25.5
Lt. Jeffrey Reichert (retired)	Police	36

Sgt. Charles Hunter	Police	25
Edward Iannarelli	Public Works	26
Robert Slater	Public Works	26
Lt. Joseph Verille	Police	36

Presentations of Certificates of Appreciation were made to three employees in attendance by the Mayor, City Manager and their respective Department Heads:

<u>Employee</u>	<u>Department</u>	<u>Years of Service</u>
Sgt. Robert Vogel	Police	31
Craig Casterella	Public Works	31
Michael Pearce	Public Works	41

4A. Recognition of the Rye Little League 10 and 11 year old Baseball Team as winners of the 2014 New York District 20 Little League Baseball Championship

Mayor Sack and Councilman McCartney presented Proclamations to the Rye Little League 10 and 11-year old Baseball Team in recognitions of their winning the 2014 New York District 20 Little League Baseball Championship. Team members included: Aidan Ahearn, Jack Bartlett, Justin Cheigh, Tommy Junior, Liam Lavelle, Blake Norton, Dominic Sculti, Aidan Sullivan, Mark Surhoff, Matthew Tepedino, Sean Thompson and Kotaro Tsunematsu. The team was coached by Leon Sculti and Mark Surhoff and managed by Myles Lavelle.

4B. Approval of the election of one new member to the Rye Fire Department

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the election of Daniel Ponignamo to the Poningoe Engine and Hose Company of the Rye Fire Department, as approved by the Fire Wardens at their August 4, 2014 meeting.

5. General Announcements by the Council

Announcements were made regarding various achievements, activities and events that may be of interest to members of the community.

6. Draft unapproved minutes of the regular meeting of the City Council held August 4, 2014

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the regular minutes of the City Council meeting held on August 4, 2014, as submitted.

7. Issues Update/Old Business

County Legislator and former City Council Member Catherine Parker updated the Council on the following issues:

- Affordable Housing Settlement – The Huntington Analysis has been completed that looks for clusters of minority populations. The City of Rye is not on the list of communities where, under the Federal Standard, there is exclusionary housing. Ms. Parker read a section of the report that concludes that the City’s Zoning Code does not perpetuate racial and ethnic cluster by restricting multi-family or affordable housing to districts with a large minority population and does not restrict the development of housing that minority groups might use. She added that the Settlement is not about high-rise housing projects, but is subsidized rent or ownership for housing for people who earn up to 60% of the median income. Ms. Parker also reported on aspects of the Housing Settlement that are not specific to Rye.
- Playland – Ms. Parker said there may be an opportunity to get an experienced operator for Playland for 2015. There were two other proposals during the RFP process from experienced amusement park operators – one from a group called Standard Amusements, which would like to do a restoration of the park, and the other from a group called Central Amusements, which includes a former Director of Playland. She said that both groups are well funded and seem eager to work with the Rye community. There was a discussion between Legislator Parker and Mayor Sack regarding the differing positions of the County and City regarding the City’s right of approval of any project that is proposed for Playland. Ms. Parker was urged to support the City’s position that any project would need to come before the City’s land use boards for approval. The beach at Playland will be open for dogs from September 22<sup>nd</sup> until April 26<sup>th</sup>.

Councilwoman Brett reported that the Landmarks Advisory Committee is working on designating historic districts for the community as a way to provide tax incentives. The first neighborhood being considered is the downtown area. She said there is a question about the process that would be followed. Corporation Counsel Wilson said that the City Council would have to hold a public hearing on the proposed historic district because it would require a change to the City Code.

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

Matthew Carroll of Tenen Environmental (Tenen) provided an update on the additional work requested by the Council at the previous meeting to prepare an “apples to apples” comparison of historic groundwater results to provide a better summary of where the samples were collected and what the concentration changes were over time; to complete a site inspection;

and to review the future response from the applicant with regard to the Environmental Assessment Form (EAF). They collected all the data that has been sampled over the years for the DEC, the Westchester County Department of Health, and the applicant, primarily from two wells, that shows a strong decrease until 2009 when the DEC closed out the spill and since then there have been low levels of concentrations from 2009 through March 2014 when the last groundwater samples were collected. Tenan was asked to collect a confirmatory round of groundwater samples to continue the historic record. The groundwater at the site is currently lower than what would be necessary to take similar representative samples. They will monitor the groundwater and if the situation arises where samples can be taken, they will notify the Council. The characteristics of the site layout are consistent with their initial recommendations to prevent any future groundwater or vapor from entering the site and to cap the soil outside of the building. They also reviewed the EAF provided by the applicant and ask that the applicant provide the City with a formal determination on endangered species on the site from the State. They also suggest that the applicant provide a wetland survey completed by a certified soil scientist to determine if there are federal or local wetlands. Documents received from the State regarding the adjoining Manufactured Gas Plant (MGP) are being reviewed. There does not appear to be any impacts from this site. They also believe that the applicant should provide the Council with any available archeological studies for the site.

Public Comment: *Carolyn Cunningham* said she believed that the contamination issue could be put at rest in connection with the issue of a Senior Affordable Housing site. *John Shoemaker* said he did not believe that the “apples to apples” comparison was done and that questions from the last meeting had not been answered. *Steven Rattner* spoke in favor of the project which he said would be good for Rye.

Mr. Cooper was asked to provide a graph memorializing data that the Council has been seeking and it was noted that the developer still has some items to provide to the City as per Council request.

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing to the October 8<sup>th</sup> meeting.

9. Continuation of 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

The Public Hearing remained open from the August meeting.

Public Comment: *Bob Zahm* said there was nothing in the documents that speaks to the “Smoke Shop” problem. He asked the Council if it was their intention to provide a way for the Smoke Shop to stay in place, how they would codify it. *John Zegras*, urged the Council to save the Smoke Shop calling it “a part of the life that has passed us by.” *Tony D’Onofrio* (owner of the Smoke Shop) said he wants to stay and the only option appears to be the bank.

Mayor Sack said there was a two part process: (1) pass the legislation to allow for the special use permit, and, (2) negotiation of the terms of the permit. There was a discussion among the members of the Council on the mechanics of how the special use permit would work; the discretion the Council would have in negotiating the terms of the permit; and public policy reasons for the change. Corporation Counsel Wilson said that the proposed law could not preserve an actual business but could require a particular type of use. Mayor Sack suggested that the public hearing should be kept open and preliminary discussions held to come up with a draft special use permit.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried to continue the public hearing to the October 8<sup>th</sup> meeting.

10. Continuation of 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 said he believed the Council was probably prepared to adopt the proposed local law but they are also concerned about addressing safety issues that include the removal of rocks in the right-of-ways. There was a discussion among the members of the Council on the best way to approach the removal of the illegal rocks in the right-of-ways, including: sending notices of violation to residents asking them to remove the rocks on their own before the City removes them and bills them; including removal of rocks as a requirement for passing the speed reduction pilot; creating a plan for the City-wide removal of rocks over time; giving the City Manager the discretion to implement a plan for rock removal, or, not voting on the local law until a plan for rock removal is in place.

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

**CITY OF RYE  
LOCAL LAW NO. 3 2014**

**A local law to amend the City Code of the City of Rye Chapter 191 “Vehicles and Traffic” Part 1, Article II “Traffic Regulations” Section 191-7 “Speed limits” to reduce the speed limit down to twenty-five miles per hour on roads, or portions thereof, for a pilot study as follows:**

**Section 1:**

**Article IV, *Traffic Regulations*, of the Code of the City of Rye is hereby amended:**

**§ 191-7. Speed Limits.**

It shall be unlawful for any person to operate any motor vehicle or motorcycle in any street in the City at a speed in excess of 30 miles per hour, except as indicated in subsection A and where otherwise indicated by signs erected by the Police Department of the City.

- A. The speed limit shall be 25 miles per hour for the block bordered by Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue and Milton Road. The 25 miles per hour limit shall be posted along each of the streets indicating what sections are governed by the 25 miles per hour speed limit.

**Section 2.**

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

**Section 3: This local law will take effect on November 1, 2014 and shall be effective for twelve (12) months.**

ROLL CALL:

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

The Local Law was adopted by a 7-0 vote.

11. Continuation of 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

Corporation Counsel Wilson noted that the correct version of the draft law had not been included in the agenda packets. She said that a more recent version has been used in discussions with the Rye Town Park Commission. Councilwoman Brett said that the City has been trying to coordinate with the Rye Town Park Commission on the law in order to get the Commission to accept the "off leash" policy.

*Suki van Dijk* spoke in favor of the Council passing the law.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to continue the public hearing to the October 8, 2014 City Council meeting.

12. Public Hearing to amend local law Article 6, "Council", Section § C6-2, "Powers and duties", Article 8 "City Manager", Section § C8-2, "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 that the City Council is not seeking the authority to appoint the Police Commissioner under the proposed local law or to take away the authority of the City Manager to select the Police Commissioner. It seeks to give the Council a check and balance of approval authority over the City Manager’s decision.

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

There was a discussion among the members of the Council regarding the reasoning behind the proposed local law. The process that would be involved in the event of the suspension or removal of a Police Commissioner was also discussed.

Public Comment:

*Meg Cameron* read a statement from former Councilwoman *Carolyn Cunningham* in opposition to the proposed law saying she believed the proposal would weaken the City Manager form of government. *Ms. Cameron* added her opposition to the proposed local law. Former Councilman *Arthur Stampleman* also spoke against the proposed local law and said he believed any change to the Charter should be made by public referendum. Corporation Counsel *Wilson* indicated that the proposed change could be made by local law.

Councilman *McCartney* made a motion, seconded by Councilman *Mecca* and unanimously carried, to continue the public hearing until the October 8<sup>th</sup> meeting.

13. 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 for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays 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

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

*Brian Dempsey*, Chair of the Traffic and Pedestrian Safety Committee, said that the intent of the law was to extend the parking limitations that are currently in effect to the area beyond the bridge.

No one from the public spoke on the proposed local law.

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

Councilman Mecca made a motion, seconded by Councilwoman Killian, to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 4 2014**

**Local law to amend Chapter 191, “Vehicles and 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**

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

**Section 1:** 191-20. Parking time limited.

B. Two-hour limit. The parking of vehicles is hereby prohibited in the following street locations for a period longer than two hours between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Blind Brook Lane	Both	
Central Avenue	North	From the west side of the bridge over the Blind Brook to Walnut Street
First Street	East	Parking area between Commuter Parking Area and Purdy Avenue
Highland Road	North	From Purchase Street to Club Road
Milton Road	West	From Cross Street to Rectory Street
Natoma Street	North	
New Street		(Except also on Saturday)
Orchard Avenue	North	From 300 feet from the intersection of Boston Post Road west to Theodore Fremd Avenue
Purchase Street	Both	From Natoma Street to Ridge Street
Rectory Street	South	From Milton Road to Boston Post Road
Theodore Fremd Avenue	North	First 4 parking spaces of the parking area commencing at intersection with Blind Brook
Theodore Fremd Avenue	Southeast	From its intersection with Central Avenue northeasterly for 155 feet

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Wappanocca Avenue	Both	

**Section 2:** §191-21. Parking, standing or stopping.

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Billington Court	North	
Central Avenue	North	From the Boston Post Road to the west side of the Blind Brook
Central Avenue	South	From Loewen Court to the Boston Post Road
Cornell Place	Both	
Dearborn Avenue	Both	East of Forest Avenue, including the turnaround at the easterly end thereof*
Forest Avenue	East	From Redfield Street to Playland Parkway
Franklin Avenue	North-east	From a point approximately 30 feet north of Sonn Drive
Hewlett Avenue	East	Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit, when school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.
Kirby Lane	Both	From its westernmost inter-section with Mill Pond to Van Rensselaer Road, from 8:00 p.m. to 6:00 a.m.
Locust Avenue	Both	From Purchase Street to the east end of Mead Place
Locust Avenue	South	From main firehouse to Purchase Street
Locust Avenue		
Midland Avenue	Front of No. 382	
Midland Avenue [Added 8-16-1995; repealed 9-20-1995]		
Midland Avenue [Added 9-20-1995; repealed 3-19-1997]		
Midland Avenue Midland Avenue	West	From Apawamis Avenue to Goldwin Street from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m., Monday through Friday

Milton Road Milton Road	West	From Fairlawn Street to driveway of marina
Platt Lane	South	Entire length, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m. on school days
Purchase Street	West	From Elizabeth Street to driveway of 231 Purchase Street
Purdy Avenue	Both	Purchase Street to First Street
Purdy Avenue	South	From School Street to Post Road

NOTE:

\*Except that the parking, standing or stopping of vehicles on the northerly side of the turnaround for discharging or loading of passengers only is permitted.

**Section 3.** 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, McCartney, Mecca and Slack  
NAYS: None  
ABSENT: None

The Local Law was adopted by a 7-0 vote.

14. 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

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

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee, said that the proposed local law was a recommendation of the Committee.

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

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

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

**CITY OF RYE  
LOCAL LAW NO. 5 2014**

**A Local Law to amend Chapter 191, “Vehicles and 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.**

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

**Section 1:** 191-20. Parking time limited.

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Boston Post Road	East	From Central Avenue to Rectory Street
Elm Place	North	3 spaces on the north side closest to Theodore Fremd Avenue
Forest Avenue	West	From the southwest driveway of the service station to Elmwood Avenue
Purchase Street	East	From Elizabeth Street southerly for 140 feet
Purdy Avenue	North	From the east side of the post office property to Third Street
Sylvan Road	South	2 spaces on the south side closest to Midland Avenue
Third Street	East	From Purdy Avenue to the post office driveway
Third Street	West	From Purdy Avenue to a point 100 feet north thereof

**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, McCartney, Mecca and Slack  
**NAYS:** None  
**ABSENT:** None

The Local Law was adopted by a 7-0 vote.

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

*Sis D'Angelo, 125 Wappanocca Avenue* spoke about the Morehead Bridge located in the cemetery off Milton Road. She urged the City to have it repaired.

*Charles Millard, 6 Eldridge Court*, spoke about the drug problem in the City, which he called an emergency, and said that the Police Department should make it a priority and do more to enforce drug laws and arrest those who sell drugs. Councilwoman Killian spoke about creating a Drug & Alcohol Coalition in the City.

16. Consideration to set a Public Hearing to amend local law Chapter 165 , “Signs”, of the Rye City Code by adding Section §165-10, “Regulation of banners”, to establish regulations for banners on City owned ball field fences and utility poles on City property

There was a discussion among the Council about the language in the draft local law; questions about how “banners” are regulated in other communities; who would be the applicant; and, whether it makes more sense for the Recreation Commission or the Board of Architectural Review to have approval authority over the banners. Corporation Counsel Wilson said she will circulate laws from other communities to the 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 Chapter 165 “Signs” of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property to renumber the remaining section of the Chapter; 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 October 22, 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 Chapter 165 “Signs” of the Code of the City Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property and to renumber the remaining section of the Chapter.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 22nd day of October 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 Chapter 165 “Signs” of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property and to renumber the remaining section of the Chapter.

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

Dawn F. Nodarse  
City Clerk  
Dated: October 10, 2014

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Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session at 11:57 p.m. for an attorney/client meeting. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the executive session at 12:35 a.m. The regular meeting resumed at 12:37 a.m.

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17. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2017 and the designation of one member to the Boat Basin Nominating Committee

Councilman Mecca made a motion, seconded by Mayor Sack and unanimously carried, to appoint Greg Gavlik and Benjamin Poole to the Boat Basin Commission for two year terms expiring on January 1, 2017 and to appoint Alan Caminiti to the 2015 Boat Basin Nominating Committee.

18. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2014

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the request of the Sole Ryders & Friends and the Rye High School Breast Cancer Awareness Club to put ribbons on trees on Purchase Street as part of a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October 2014.

19. Acceptance of asset forfeiture funds in the amount of Three Thousand Four Hundred (\$3,400.00) Dollars to be deposited into the Police Department asset forfeiture account

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

**WHEREAS**, the City Police Department is in receipt of crime forfeiture proceeds in the amount of \$3,400; and,

**WHEREAS**, New York State law requires that such funds be used solely for police purposes; and

**WHEREAS**, it is the recommendation of the Police Commissioner to accept the forfeiture funds; and

**WHEREAS**, the 2014 General Fund Budget did not anticipate the receipt or use of these funds; now, therefore, be it

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2014 General Fund Budget as follows:

Increase Revenues – Police Investigations Forfeiture Crime Proceeds in the amount of \$3,400

Increase Appropriations – Police Investigations Public Safety Supplies in the amount of \$3,400.

**ROLL CALL:**

**AYES:** Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack

**NAYS:** None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

20. Appeal of denial of FOIL requests by Timothy Chittenden

The Council considered four Appeals of responses to FOIL requests submitted by Timothy Chittenden:

**Appeal #1:**

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 made by Timothy Chittenden for “All records since January 1, 2011, of all e-mails, cell phone calls and text messages to and from Robert Falk and: Jill Donovan, Franco Compagnone, Christine Incalcaterra, Richard Runes and Louis Olivier” is hereby denied.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney and Mecca  
NAYS: Councilman Slack (in part)  
ABSENT: None  
ABSTAIN: Councilwoman Brett

The Resolution was adopted by 5 votes.

**Appeal #2:**

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

**RESOLVED**, that the appeal of the response to a FOIL request made by Timothy Chittenden for “All records of all complaints filed by Rye Police Officer Compagnone with regard to James Amico for harassment, extortion or any other complaint including but not limited to all cad dispatch reports, all incident reports, all sworn statements and all other documents filed associated with any complaints filed since January 1, 2009” is hereby denied.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

**Appeal #3:**

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

**RESOLVED**, that the appeal of the response to a FOIL request made by Timothy Chittenden for “All emails to and from William Connors, Falk, Richard Runes 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 Compagnone, the suspension of Compagnone and the reinstatement of Compagnone since 1/1/2013, is hereby denied.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

**Appeal #4:**

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

**RESOLVED**, that the appeal of the response to a FOIL request made by Timothy Chittenden for “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 and Louis Olivier, is hereby denied.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Bucci, Killian, McCartney and Mecca  
NAYS: Councilman Slack (in part)  
ABSENT: None  
ABSTAIN: Councilwoman Brett

The Resolution was adopted by 5 votes.

21. Miscellaneous Communications and Reports

Mayor Sack reported that six members of the Council in two separate trips of three members visited Hen Island over the weekend in an attempt at constructive engagement. He said he believed it was beneficial for the Council to be there and they will consider what they observed and learned in order to frame the issues to make a decision.

22. New Business

Councilman McCartney reported on a program called “Solarized Westchester” that he believes the City should look into. He requested that it be put on an agenda. Councilman Mecca reported that he had been a panelist for the program and would to the Council on the program and Councilwoman Killian will refer it to the Sustainability Committee and City Engineer Coyne.

23. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the meeting at 12:50 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk