

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 28, 2015 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

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. General Announcements by the Council

Announcements were made regarding various activities and events that may be of interest to the public. Mayor Sack announced that the City will co-host a Deer Management Summit with the Village of Mamaroneck on February 26th at 7:00 p.m. in City Hall. Representatives of the County and State Department of Environmental Conservation will participate.

4. Draft unapproved minutes of the regular meeting of the City Council held January 14, 2015

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the regular meeting of the City Council held on January 14, 2015, as amended. *Councilwoman Brett corrected an error she made regarding one of the projects being considered for the New York Rising Grant. The correct information will be put in the January 14th minutes.

5. Issues Update/Old Business

- Update on the Pilot Study speed reduction/removal of rocks in the City ROW

City Manager Culross reported that the PILOT to reduce speed in the “loop” area of Stuyvesant Avenue, Van Wagenen Avenue, Forest Avenue, Oakland Beach Avenue and Milton Road is still underway. Police are enforcing the reduced speed limit and additional speed counts will be taken in the Spring and Summer. A letter was sent to homeowners in the area in October regarding removing the rocks in the right-of ways and the rocks that were not removed by residents were picked up by DPW on November 4th. There was a discussion among the Council regarding moving forward with rock removal in other areas of the City. The City Manager said staff can look at a program and come back to the Council with a phased in proposal for high traffic areas and the City’s ability to do it. There was also a discussion regarding “Belgian Block” curbs. The Engineering and Planning Departments are working on a revision of the curb policy in order to prepare for the next phase.

6. Public Hearing to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, “Designation of Preservation Districts or Protected Sites and Structures:, Subsection E, to add (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, the Rye Meeting House as landmarks

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

Councilwoman Brett read from a memo prepared by the Landmarks Advisory Committee in connection with their request to landmark the Rye Meeting House and the Bird Homestead. She noted that both the Planning Commission and Board of Architectural Review support the proposal.

Jack Zahringer and *Maurio Sax* representing the Landmarks Committee spoke in favor of the Council adopting the proposed local law. There was a brief discussion among the Council on the effects of landmarking City-owned property.

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

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

**CITY OF RYE
LOCAL LAW NO. 1 2015**

**A local law to amend Chapter 117, Landmarks, Preservation, of the Rye City Code by amending §117-5, “Designation of Preservation Districts or Protected Sites and Structures” Subsection E, by adding:
(9) Protected site and structures: 600 Milton Road, the Bird Homestead,
And 624 Milton Road, the Rye Meeting House, as landmarks**

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

Section 1: §117-5. Designation of Preservation Districts or Protected Sites and Structures.

E. The designated Preservation District and Protected Sites and Structures shall be set forth in this subsection by block and lot number, street designation and, if appropriate, by local designation.

(1) Preservation District: Village Green, the Square House, the Rye Free Reading Room and City Hall, Boston Post Road, Rye, New York, also known as Block 2, Lot Nos. 29 and 31, on the current tax assessment map of the City of Rye, and formerly known as Block 42, Lot Nos. 14A, 14B, 20, 21, 22, 23 and 24. Specifically designated as protected within the district are:

(a) The Square House: the exterior and the grounds surrounding, a total of 1.88 acres. On the interior: the council room; tavern room; warming kitchen; small exhibit room; ballroom; nineteenth-century bedroom; the main entrance hall and staircase; adjoining hallways between the specified rooms and the Civil War period room in the attic, all exclusive of displays, furnishings or exhibits. All areas not specifically proposed for preservation as listed above should be deemed to be excluded.

(b) The Rye Free Reading Room:

[1] The exterior and grounds surrounding, a total of 0.26 acre. On the interior, only that portion of the 1913 building described as: in the first floor entrance vestibule: woodwork, excluding doors; in the first and second floor foyer: staircase, stairwell and landing space, including three arches; woodwork, excluding doors to north and south second floor rooms; in the first floor circulation area: woodwork, including square and circular columns and connecting beams only; in the first floor reading rooms, north and south: woodwork, including fireplace surrounds and mantels, trim above seven feet one inch (level of mantels), window trim, including sills, and fireplaces as working fireplaces.

[2] The following portions of the interior and exterior of the 1913 building shall be specifically excluded: second floor, north and south rooms; toilet rooms and adjacent hallway: furniture, including circulation desk and bookshelves: furnishings, including carpet, vases, artwork, signage and paint colors. Interior and exterior exclusions: lighting, heating ventilation and electric; alarm systems, including fire and security; wiring and devices for telecommunications, including cable television, computer, phone and similar installations.

[3] The following future possible changes are also excluded: installation of ceiling and attic fans, railing in foyer, exterior sign identifying the building, storm windows, security lights and glass doors or stoves (e.g., Stovalator) in fireplaces; waterproofing terrace.

(c) The Rye City Hall be deemed protected as to exterior.

(d) The Village Green be deemed protected as to walks, walls, millstones and landscaping.

(2) Protected site and structures: Alansten, the Jay Mansion, and the Carriage House, 210 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 24.1, on the current Tax Assessment Map of the City of Rye. Specifically designated as protected sites and structures are:

(a) Alansten: The entire site consisting of 22.46 acres and including a viewway, a trapezoidal area located between the Jay Mansion and the southerly property line in which there shall be no construction, except for the installation of utility services, which shall have a width of 90 feet at the rear of the building and a width of 300 feet along the southerly property line, the centers of which shall be the center of the rear facade of the building and the point at which a line extending from the rear facade and perpendicular to the rear facade intersects the southerly property line, respectively. The foregoing described orientation of the viewway to the mansion may be adjusted by the Planning Commission during site plan review if it finds that said adjustment will improve the public's view of the mansion.

(b) The Jay Mansion: The entire exterior.

(c) The Carriage House: The entire exterior.

(3) Protected site and structure: the Hains-Robinson House, 556 Milton Road, also known as Sheet 153.06, Block 1, Lot 70, on the current Tax Map of the City of Rye. Specifically designated as protected is:

(a) The Hains-Robinson House: the entire exterior and the entire site, including the stone walls; the interior; the entire ground floor, which includes the original kitchen and tap room containing the ship's doors and paneling from the frigate Brandywine. Also deemed protected are the stair railings and newel posts and other Brandywine doors throughout the house.

(4) Protected site: the Jay Family Cemetery, Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 33, on the current Tax Map of the City of Rye. Specifically designated as protected is:

(a) The Jay Family Cemetery: the entire site comprising 2.85 acres shall be deemed protected, including walls, fences, stones, monuments, paths and the access road. This designation shall not interfere with or prevent additional burials or placement of headstones.

(5) Protected Site and Structure: the Timothy Knapp House, 265 Rye Beach Avenue, Rye, New York, also known as Sheet 146.19, Block 5, Lot 8, on the current Tax Map of the City of Rye. Specifically designated as protected is:

(a) The Timothy Knapp House: the entire site and entire building including interior and exterior.

(6) Protected site and structure: the Parsons Estate, 260 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 34, on the current Tax Map of the City of Rye. Specifically designated as protected is:

(a) The Parsons Estate: the entire site; the exterior and interior of the main residence, the exterior of the gardener's cottage and the exterior of the carriage house and stables.

(7) Protected site and structure: 235 Boston Post Road, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.1, on the Tax Map of the City of Rye. Specifically designated as protected is:

(a) The Stillman Residence: the entire site and the exterior of the main residence.

(8) Protected structure: 5 Morris Court, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.3, on the Tax Map of the City of Rye. Specifically designated as protected is:

(a) The exterior of the one-story stone garage, including the chimney. The attached greenhouse-type structure shall be deemed to be excluded.

(9) Protected site and structures: the Bird Homestead, 600 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 61, on the Tax Map of the City of Rye; the Rye Meeting House, 624 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 60, on the Tax Map of the City of Rye. Specifically designated as protected is:

(a) the Bird Homestead: the entire site and the exterior.

(b) the Rye Meeting House: the entire site and the exterior.

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 Resolution was adopted by a 7-0 vote.

7. Continuation of 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

Mayor Sack summarized the original reason for the proposed local law, which was to provide Rye Little League the ability to put banners on the outfield fences in order to sell them to sponsors and raise money. The original discussion was then expanded to include banners on street poles. He suggested that the Council go back to the original intent. Corporation Counsel Wilson said that the way the law is drafted it encompasses all City-owned field fences not just the Little League fences, but it could be limited. She added that because it is City-owned property the City must be careful that public property is not “gifted” to private interests. State legislation would be necessary to allow the Little League to take control over the process and earn money. There was a discussion among the Council regarding how the original intent could be accomplished such as charging a nominal fee to the Little League for hanging banners; giving local sports leagues the authority to put banners up on City property; asking Assemblyman Otis to fast track legislation; and allowing the hanging of banners during games but requiring the removal after the game. There was a suggestion that the goal could be accomplished by Resolution rather than local law, with banners being limited to Disbrow Park, and that implementation of the Resolution would be delegated to the Recreation Commission.

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

RESOLVED, that the City Council of the City of Rye hereby delegates to the Recreation Commission the ability and authority to consider requests by duly organized Rye Youth Sports Leagues to affix banners to fences at Disbrow Park only, with said banners facing into the playing area and limited in size to no more than 32 square feet, for a trial basis for the year 2015. This Resolution is revocable by the City Council at any time.

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.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to continue the public hearing until the February 25, 2015 City Council meeting.

8. Resolution requesting funding from Westchester County for the North Street sewer improvement consistent with the approved rezoning of the County-owned property on Theodore Fremd Avenue and North Street for the construction of affordable senior housing

City Manager Culross said that in order for the County to reimburse the City for up to \$1 million for sewer improvements, the Council must adopt a Resolution.

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

**RESOLUTION OF THE CITY OF RYE AUTHORIZING THE CITY MANAGER TO
SUBMIT AN APPLICATION AND ENTER INTO AN
INTERMUNICIPAL/DEVELOPER AGREEMENT FOR A HOUSING
IMPLEMENTATION FUND GRANT FROM WESTCHESTER COUNTY IN SUPPORT
OF THE FAIR AFFORDABLE HOUSING DEVELOPMENT TO BE LOCATED AT 150
NORTH STREET AND THEODORE FREMD AVENUE.**

NOW THEREFORE BE IT RESOLVED, that the City Manager is hereby authorized to submit an application to Westchester County for a Housing Implementation Fund grant for the Development in an amount not to exceed \$1,000,000.00; and

BE IT FURTHER RESOLVED, that the City Manager is authorized to enter into an IMDA with Westchester County and the Developer and take all necessary steps to facilitate and implement the terms of the IMDA and the scope of work appended to such agreement.

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.

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

Joseph Murphy, Chair of the Rye Senior Advocacy Committee said that several members of the committee had left and that there were only three members left on the committee in addition to himself. He submitted a copy of a resume of someone who he would like appointed to the Committee. Mayor Sack said he was only making reappointments at this meeting but would review the resume.

9A. Consideration to set a Public Hearing for February 11, 2015 to amend local Law Chapter 176, "Energy Conservation", by amending Section §176-4, "Procedures for eligibility" to remove Subsection (D) which set a limit on the total of payments collected by the City

Corporation Counsel Wilson said that a clause in the adopted law that set a sealing on the level of outstanding payments must be removed. A monetary limit can be included in the Separate Agreement, but cannot be part of the actual law.

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

WHEREAS, the Council wishes to consider amending Chapter 176 “Energy Conservation” of the Code of the City of Rye by amending §176-4 “Procedures for eligibility” by removing Subsection (D) which set a limit on the total of payments collected by the City; 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 February 11, 2015 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 176 “Energy Conservation” of the Code of the City of Rye by amending §176-4, “Procedures for eligibility”, to remove Subsection (D) which set a limit on the total of payments collected by the City

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 11th day of February 2015 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 176 “Energy Conservation” of the Code of the City of Rye by amending §176-4, “Procedures for eligibility”, to remove Subsection (D) which set a limit on the total of payments collected by the City.

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

Dawn F. Nodarse
City Clerk
Dated: February 4, 2015

10. Resolution to transfer funds donated to the Mayor Morehead Benefactor Campaign to the City Hall Council Chambers Refurbishment Project
Roll Call.

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

WHEREAS, the Mayor Morehead Benefactor Campaign raised funds to refurbish the chairs and flooring in Council Chambers of Rye City Hall; and

WHEREAS, due to the generosity of Rye residents, an amount of \$26,529.90 was raised during the campaign; and

WHEREAS, the donations must be transferred into the project account as preparations are made to have the refurbishments completed; be it therefore

RESOLVED, that the City Comptroller is authorized to transfer the amount of \$26,529.90 from the General Fund account "Designated Council Chambers" to the Building & Vehicle Fund Account "City Hall Council Chambers Refurbishment Project: for the purchase of new chairs and installation of new floors using funds donated.

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.

11. Consideration of request from the Ceres Garden Club of Rye to install a Blue Star Memorial By-Way Marker in the City of Rye

Ann Moller and Liz Northshield, representing the Ceres Garden Club, showed the Council a mock up of what the Blue Star Memorial would look like and said the purpose of the memorial is to honor anyone who has served, is serving or will serve in the military. They said the preferred location for the marker would be in the open lot at the corner of Boston Post Road and Central Avenue. Mayor Sack indicated that the Council is in favor of the marker being put in that location and asked the members of the Garden Club to work with the City Manager in connection with the project.

12. Designation of alternate City newspaper

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

RESOLVED, that the Rye City Review is hereby designated as the alternate City newspaper for purposes of publishing legal notices.

13. Council designation to the Litigation and Case Management Committee

Mayor Sack appointed Councilmembers Laura Brett and Richard Slack to serve on the Litigation and Case Management Committee along with himself. The City Manager and Corporation Counsel serve *ex officio*.

14. Designation of the City Council Liaisons by the Mayor

Mayor Sack designated City Council Liaisons as follows:

Board of Architectural Review – Mayor Sack
Boat Basin Commission – Councilman Mecca
Conservation Commission/Advisory Council – Councilman Slack
Finance Committee – Councilwoman Killian
Flood Advisory Committee – Councilwoman Brett
Landmarks Advisory Committee – Councilwoman Brett
Recreation Commission – Councilman McCartney
Rye Cable and Communications Committee – Councilman Slack
Rye Chamber of Commerce – Councilman Mecca
Rye City School Board – Mayor Sack
Rye Free Reading Room – Councilwoman Bucci
Rye Golf Club Commission – Councilwoman Bucci and Councilman McCartney
Rye Playland Advisory Committee – Mayor Sack
Rye Town Park Commission – Mayor Sack and Councilwoman Brett
Traffic and Pedestrian Safety Committee – Councilwoman Killian
Rye Senior Advocacy Committee – Mayor Sack
Sustainability Committee – Councilwoman Killian

15. Appointments to Boards and Commissions, by the Mayor with Council approval

A) Three appointments to the Board of Appeals for a three-year term:

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Alan Weil, Serge Nivelles and Maureen Powers to the Board of Appeals for three-year terms expiring on January 1, 2018. Mayor Sack designated Alan Weil to serve as Chairman.

B) One appointment to the Board of Architectural Review for a three-year term.

No appointment was made at this meeting.

C) One appointment to the Board of Ethics for a three-year term.

Mayor Sack made motion, unanimously approved by the Council, to reappoint Edward B. Dunn to the Board of Ethics for a three-year term expiring on January 1, 2018.

D) Three appointments to the Conservation Commission/Advisory Council for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint C. Nicholas Hodnett, Christopher Mignone and Tracy Stora to the Conservation Commission/Advisory Council for three-year terms expiring on January 1, 2018.

E) Three appointments to the Finance Committee for a three-year term.

No appointments were made at this meeting.

F) Two appointments to the Flood Advisory Committee for a three-year term.

No appointments were made at this meeting.

G) Two appointments to the Landmarks Advisory Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Maurio Sax and Jerome Coleman to the Landmarks Advisory Committee for three-year terms expiring on January 1, 2018.

H) Two appointments to the Planning Commission for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Nicholas Everett and Martha Monserrate to the Planning Commission for three-year terms expiring on January 1, 2018. Mayor Sack designated Nicholas Everett as Chairman.

I) Three appointments to the Recreation Commission for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council, to reappoint Thomas Maloney, Esther Martensen and Steven Verille to the Recreation Commission for three-year terms expiring on January 1, 2018.

J) Four appointments to the Rye Cable and Communications Committee for a three-year term.

No appointments were made at this meeting.

K) One appointment to the Rye Playland Advisory Committee for a three-year term.

No appointments were made at this meeting.

L) One appointment to the Rye Town Park Advisory Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to reappoint Russell Gold to the Rye Town Park Advisory Committee for a three-year term expiring on January 1, 2018.

M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to reappoint Al Vitiello and Nicholas D. Loddo, Jr. to the Traffic & Pedestrian Safety Committee for three-year terms expiring on January 1, 2018.

N) Four appointments to the Rye Senior Advocacy Committee for a three-year term.

Mayor Sack made a motion, unanimously approved by the Council to reappoint Ellen D'Angelo, Josephine DelMonte, Esther Martensen and Joseph P. Murphy to the Rye Senior Advocacy Committee for three-year terms expiring on January 1, 2018. Mayor Sack designated Joseph P. Murphy as Chairman.

16. Consideration of a request by the Rye YMCA for the use of City streets for the 27th Annual Rye Derby on Sunday, April 26, 2015 from 9:00 a.m. to 2:00 p.m.

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

RESOLVED that the City Council of the City of Rye hereby approves the request of the Rye YMCA for the use of City streets for the 27th Annual Rye Derby on Sunday, April 26, 2015 from 9:00 a.m. to 2:00 p.m.

17. Appeal of denial of FOIL request by Timothy Chittenden

Corporation Counsel Wilson outlined the FOIL appeals:

Appeal #1 – “All official and unofficial city council packets and all other materials transmitted or distributed to the Rye City Council between December 19, 2013, and January 2, 2015”. The public Council packets are on the City website. The Council confidential packets were originally denied as inter-agency communications, which all the documents were at the time they were provided to the Council. There is an exemption to the inter-agency exception that documents with data or statistical material are subject to FOIL. One statistical document regarding raises granted to the APG group that was originally withheld can now be released to the requestor because all relevant parties have been informed of the information in the chart.

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

RESOLVED, that the City Council of the City of Rye hereby grants the appeal of Timothy Chittenden to the response to a FOIL request for “All official and unofficial city council packets and all other materials transmitted or distributed to the Rye City Council between December 19, 2014, and January 2, 2015” as to the statistical document regarding raises granted to APG personnel because all relevant parties have now been provided the information.

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 #2 - Requestor is appealing redactions made to phone numbers in a document that was part of the County Incident Report provided to him in response to his request for records in connection with an accident at Sonn Drive.

Corporation Counsel Wilson said she redacted two phone numbers that appear to have been made to and from the City Police Department and the County. The redactions were made originally under the personal privacy exemption but could also be subject to inter-agency exemptions and the law enforcement exemption.

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 submitted by Timothy

Chittenden regarding redactions made to phone numbers in a County Incident Report in connection with an accident at Sonn Drive 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 – Requestor is concerned that there are other places in the County Incident Report in connection with an accident at Sonn Drive where he believes redactions were made.

Corporation Counsel Wilson said she had informed Mr. Chittenden that no redactions were made to the document other than what was marked with a black line.

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

RESOLVED, that the appeal of the response to a FOIL request submitted by Timothy Chittenden in connection with additional information that he believed was redacted from a County Incident Report regarding an accident at Sonn Drive is hereby denied because the information did not exist and, therefore, was not redacted.

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.

18. Miscellaneous Communications and Reports

There was nothing discussed under this Agenda item.

19. New Business

There was nothing discussed under this Agenda item.

20. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk