

New Rochelle Board of Ethics  
City of New Rochelle  
515 North Avenue  
New Rochelle, NY 10801

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October 30, 2023

**Ethics Complaint - Mayor Noam Bramson, Council Member Sara Kaye**

Dear Chairman Phipps,

In the course of my reporting on the City of New Rochelle, it has come to my attention that two elected officials of the City of New Rochelle, Noam Bramson and Sara Kaye, have repeatedly voted to approve New Rochelle City Council resolutions benefiting Sustainable Westchester, a tax-exempt organization on whose board they have successively served over the past 9 years while simultaneously serving on the New Rochelle City Council.

I believe their board positions constitute a *prohibited interest* which requires that whenever the City Council discusses any subject related to that organization, they should have recused themselves, leaving the table and leaving the room. They were not permitted to vote on any Resolution or other Council action related to Sustainable Westchester.

General Municipal Law Article 18 is the principal New York State statute governing conflicts of interest on the part of municipal officers and employees and, among other

things, is meant to prohibit municipal officers and employees from having interests in contracts with the municipality for which they serve, but only under certain circumstances. In order for a municipal officer or employee to have a **prohibited interest** in a contract (one that violates the law), four conditions must be met: (1) there must be a contract; (2) the individual must have an interest in the contract; (3) the individual, in his or her public capacity, must have certain powers or duties with respect to the contract; and (4) the situation must not fit within any of the exceptions listed in law.

A contract includes any claim, account, demand against or agreement with a municipality – verbal or written, express or implied.

A municipal employee and/or elected official has an interest in a contract when they receive a direct or indirect financial or material benefit as a result of a contract with a municipality where they are employed or serve as an elected official. This is a factual determination.

A municipal employee and/or elected official is deemed to have an interest in the contracts of any firm, partnership, or association of which they are a member or employee. Similarly, they are deemed to have an interest in the contracts of **any corporation of which they are an officer, director, or employee** (emphasis added), as well as in the contracts of any corporation of which they directly or indirectly own or control any stock.

After a review of numerous Council agendas, minutes and video recordings, I could not find a single instance where Mr. Bramson or Ms. Kaye while on the Board of Sustainable Westchester, recused themselves, left the table and left the room as required under the law. In fact, as a rule, over the past nine years, Mr. Bramson has routinely led the discussions related to Sustainable Westchester. They each routinely voted on Resolutions or other Council actions related to Sustainable Westchester while on the Sustainable Westchester board.

The total amounts involved, identified through invoices obtained under the Freedom of Information Law (“FOIL”) exceed \$90,000 plus revenue earned by Sustainable Westchester for arranging energy services contracts for New Rochelle residents, a revenue stream worth well in excess of \$100,000 to Sustainable Westchester. The amounts

involved are certainly higher and are expected to grow over time as the contracts currently in place both automatically renew and increase.

The conflicts involved are not limited to contracts, invoices, and payments, but also access, influence, and prestige afforded Sustainable Westchester, by its agreements with the City of New Rochelle, primarily through the efforts of Noam Bramson.

Mayor Bramson announced in June 2023 that he is scheduled to become Executive Director of Sustainable Westchester. Upon reason and belief his compensation will exceed \$185,000 and includes bonus payments based on revenue coming into the organization including from New Rochelle and perks such as a leased vehicle. It is fair to say he will be paid his salary and bonuses using funds he and Council Member Kaye voted to authorize to be transferred from the City of New Rochelle to Sustainable Westchester or funds otherwise facilitated by them and that those funds are scheduled to flow to Sustainable Westchester into the future after Mr. Bramson's current term ends, and he is running Sustainable Westchester.

To that extent, there is the appearance of Mayor Bramson using his elective office to feather his own nest and leaving it to Council Member Kaye to continue the feathering.

I filed a Freedom of Information Law request with New Rochelle City Clerk Michelle Oliveros as Records Access Officer on September 15, 2023. I sought the following records:

- Records of any city council resolutions pertaining to Sustainable Westchester from January 1, 2017, to present.
- Records of any and all transfer of funds, and related documents, from the City of New Rochelle to Sustainable Westchester from January 1, 2017, to present.
- Records of any communications between the City of New Rochelle and Sustainable Westchester from January 1, 2017, to present.

- Records of any communications between Mayor Noam Bramson and Sustainable Westchester from January 1, 2017, to present.
- Records of any communications between Council Member Sara Kaye and Sustainable Westchester from January 1, 2017, to present.
- Records of any communications between Mayor Noam Bramson and Council Member Sara Kaye mentioning Sustainable Westchester from January 1, 2017, to present.
- Records of any communications between Mayor Noam Bramson and either the administration or council (as a body) mentioning Sustainable Westchester from January 1, 2017, to present.
- All financial disclosure forms filed by Mayor Noam Bramson from January 1, 2017, to present.
- All financial disclosure forms filed by Council Member Sara Kaye from January 1, 2017, to present.

I independently gathered additional voluminous records.

My FOIL request was turned over to Communications Director Kathy Gilwit without explanation. I objected because Ms. Gilwit is not, to my knowledge, the designated Records Access Officer, but more worrisome, she has a history of acting on behalf of Mr. Bramson personally to delay or obstruct my past FOIL requests. She does not report to the Mayor but acts as if she does. It was therefore not surprising that the deadline for my FOIL request passed with few records produced. I have still not received numerous requested records; what I have received has been delivered piecemeal in a confused randomized jumble, requiring that I piece together what has become a massive jigsaw puzzle with many pieces missing. I believe this is deliberate.

I am filing this complaint today knowing that I am limited in presenting as full and complete a picture as I would like due to significant stonewalling by Mayor Bramson,

Council Member Kaye and Communications Director Gilwit. Please understand, I may need to amend this complaint when, and if, more records are produced.

That said, I believe the information presented here is more than sufficient to establish that Mayor Bramson and Council Member Kaye committed ethics violations.

Upon reason and belief, all emails, text messages, and documents in a government employee's possession are subject to the Freedom of Information Law when they relate to government business. They are considered a municipal record, even if they are transmitted using a private email address or other means. The purpose of providing members of City Council a *newrochelleny.com* email address is to eliminate the need to invade the privacy of a personal email account in order to respond to FOIL requests and subpoenas searching for municipal business related communications.

In an email dated October 13, 2023, Ms. Gilwit stated there were 20,000 emails responsive to my request. I have received a minuscule fraction of those 20,000 emails. They were provided in a proprietary format and so unreadable to me without extraordinary effort on each individual email, making conversion of the entire 20,000 emails utterly impractical. For those emails that I painstakingly converted to a readable format, those which referenced attachments did not include attachments.

According to Ms. Gilwit, before 2020, City emails were not kept on a central server with onsite and offsite backups, as is standard practice elsewhere. To obtain emails before 2020, Ms. Gilwit says she must *request* them from individual employees and the employees then review emails on a City computer assigned to them (or a personally owned computer in the case of a Council Member as they are not provided computers by the City, except the Mayor). Employees and elected officials then decide which emails are responsive to a FOIL request and provide only those emails to Ms. Gilwit. If this is not illegal, it certainly violates the spirit of FOIL.

I made a separate "test" FOIL request for emails prior to 2020 from former City Clerk Bennie Giles, now deceased, and former Council Member Jared Rice. Both were present at Council meetings when Sustainable Westchester resolutions were discussed and voted upon. Ms. Gilwit replied by stating the City has *no email records at all* for

Bennie Giles or Jared Rice. This is certainly a violation of New York State Records Retention requirements.

Past being prologue, I suspect that part of the delay in record production per my 9/15/23 FOIL is due to Ms. Gilwit “negotiating” with Mayor Bramson and Council Member Kaye as to which municipal records they will allow to be produced — the answer is *all of them*. Ms. Gilwit is not a lawyer and is not qualified to make such determinations. She should have simply arranged for the IT department to *take* all responsive emails, deliver them to the Law Department for review and redaction, then delivered them to me. There is no legitimate purpose for Ms. Gilwit to “negotiate” with any City employee or elected official — or their attorneys — over the production of municipal property.

The problems with the current policy of *requesting* emails from Noam Bramson (and now Sara Kaye) is exacerbated by the routine use of private email accounts to conduct public business. For example, Noam Bramson interchangeably uses nbramson@newrochelleny.com, nbramson@optonline.net, and noam@noambramson.com. Here are two examples:

## Gilwit, Kathy

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**From:** Claire Kokoska <claire@sustainablewestchester.org>  
**Sent:** Wednesday, May 5, 2021 9:29 AM  
**To:** Kain, Kevin  
**Subject:** Fwd: New Rochelle - Submitting List of CEC Demand Response (GridRewards) Customers to NYSERDA  
**Attachments:** DR - List of Campaign Customers - City of New Rochelle.xlsx

**EXTERNAL SENDER: DO NOT CLICK links or open attachments** unless you recognize the sender and know the content is safe. If unsure, contact IT for guidance.

See all attached items below!

Begin forwarded message:

**From:** Claire Kokoska <claire@sustainablewestchester.org>  
**Date:** May 5, 2021 at 8:32:25 AM EDT  
**To:** "Kaye, Sara" <skaye@newrochelleny.com>, "Gilwit, Kathy" <kgilwit@newrochelleny.com>, "Vargas, Samantha" <svargas@newrochelleny.com>, Noam Bramson <nbramson@optonline.net>  
**Cc:** Michel Delafontaine <Michel@sustainablewestchester.org>, Sylvie Binder <sylvie@sustainablewestchester.org>  
**Subject:** New Rochelle - Submitting List of CEC Demand Response (GridRewards) Customers to NYSERDA

Hi All,

Thank you for the work you have done in the Demand Response Campaign! New Rochelle has officially met the enrollment threshold to submit reporting to NYSERDA for CEC grant funding.

**To submit the attached customer lists to NYSERDA, please:**

1. Go to NYSERDA's [High Impact Action Documentation portal](#).
2. Select the County, Municipality, and Community Campaigns - Demand Response.
3. Upload the attached CEC Customer List.
4. Upload an updated version of the accepted Scoping Document as well. Take the Scoping Document you submitted originally and edit the last section to show what campaign activities you have undertaken for the campaign.
5. Upload the attached marketing materials.
6. Complete the fields for your name, title, and contact information.
7. Click the date (listed in brackets)
8. Click "Submit"

Let me know if you have any questions.

Thank you and congratulations!

Claire

**From:** [nbramson@optonline.net](mailto:nbramson@optonline.net)  
**To:** [Jennifer Metzger](mailto:jennifer.metzger)  
**Subject:** Re: follow up to our interview  
**Date:** Thursday, December 2, 2021 12:59:59 PM

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Hi Jen,

Good to hear from you and happy to circle back on this. Responses follow below. Let me know if you need anything else.

Warmly,

Noam

1) Adopting the Stretch code is consistent with New Rochelle's overall commitment to sustainability, evidenced by measures to reduce energy consumption, participation in Westchester Power, pursuit of transit-oriented development, and other green initiatives. By implementing Stretch standards, we demonstrate environmental leadership and do our part to address the larger climate crisis.

2) Because transit-oriented development is such a key focus of New Rochelle's policy-making and planning, and because TOD is also a critical part of any comprehensive climate action strategy, we had initial concerns that the Stretch code might impose unmanageable costs on builders and, therefore, impede beneficial investment. Through careful analysis, consultation with partners in the real estate community, and guidance from NYSERDA, we were able to satisfy ourselves that the expense of Stretch compliance was bearable, especially in light of subsequent operational savings. To date, no local developer has been deterred by the Stretch requirement.

3) For municipalities that are serious about climate action and sustainability, adoption of the Stretch code is among the steps with the best impact to ease-of-adoption ratio. Moreover, because today's Stretch code is likely to become tomorrow's standard code, early adoption enables municipalities to get ahead of the curve. Finally, to the extent future residents, businesses, and builders will consider the green profile of communities in their decisions about where to settle, open, or invest, municipalities that have adopted Stretch may enjoy a competitive advantage.

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----- Original Message -----

**From:** [jentmetzger@gmail.com](mailto:jentmetzger@gmail.com)  
**To:** [noam@noambramson.org](mailto:noam@noambramson.org)  
**Sent:** Wednesday, December 1, 2021 5:36 PM

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Subject: follow up to our interview

Hi Noam,

I hope this finds you well. Thank you so much, again, for taking the time to talk with me back in September about New Rochelle's adoption of the Stretch code, and for connecting me with Paul Vacca and with David Garten from RXR--both very informative conversations!



There is no reason to believe Sara Kaye does not similarly use private email accounts to conduct public business.

Emails I have reviewed suggest no effort to distinguish between their roles as members of City Council and members of the board of Sustainable Westchester, raising significant questions as to whose interests they were representing, the people of New Rochelle or those of Sustainable Westchester.

Relying on targets of my investigations to produce public records where ethics violations and crimes appear to have been committed presupposes that public records that are incriminating or embarrassing will be withheld or destroyed.

### **The Ethics Complaint**

I will now proceed with my complaint.

It was not a secret that Noam Bramson had been on the Board of Directors of Sustainable Westchester: (1) he announced his appointment to the board on his blog; (2) the co-Chair of Sustainable Westchester stated Noam Bramson was on the Board during a Council discussion; and (3) Noam Bramson filed financial disclosure forms with the Board of Ethics which listed his position as Director on the Sustainable Westchester board.

However, the blog announcement was made in 2014, the co-Chair statement was made in 2015, and financial disclosure forms are not made public or distributed to Council Members (perhaps this should change). At best, the most recent public disclosure took place more than eight years ago, to a City Council that existed at the time but does not exist today. Noam Bramson left the board of Sustainable Westchester more than two years ago without notice and was succeeded by Sara Kaye, also without notice.

The problem is not that *no one* knew Mayor Bramson was on the board of Sustainable Westchester but rather his failure to follow the law. The Mayor of New Rochelle holding a position on the Board of Directors of an organization doing business with the City of New Rochelle constitutes a *prima facie prohibited interest* which required he dis-

close his conflict of interest at every public meeting where Sustainable Westchester was on the agenda, recuse himself from any Council discussion related to Sustainable Westchester, leave the room and not vote.

I could not find any evidence that Council Member Kaye ever announced or otherwise disclosed at a public meeting she was on the board of Sustainable Westchester but likewise she was required to disclose her conflict of interest at every public meeting where Sustainable Westchester was on the agenda, recuse herself from any Council discussion related to Sustainable Westchester, leave the room and not vote.

In every meeting I reviewed, between 2014 and 2021, when he was on the board, Noam Bramson never once recused himself. Instead, he not only remained but stayed and led discussions related to Sustainable Westchester and voted to approve resolutions related to Sustainable Westchester. The same is true for Council Member Sara Kaye from 2021 to 2023.

All of this began *before* the formation of Sustainable Westchester.

In March 2014, the City Council, including Mayor Noam Bramson, adopted a pilot resolution to join a consortium to form an aggregation of consumers to purchase energy services.

By December 2014, Sustainable Westchester had been established as a tax-exempt organization, comprised of over 40 member communities, including the City of New Rochelle. Sustainable Westchester sought and received approval from the Public Service Commission of the State of New York to implement a program in Westchester County to allow local governments to participate in a Sustainable Westchester program to procure energy supply through aggregation of both electric and natural gas purchases from energy services companies for the residents of member municipalities.

## Sustainable Westchester Launches

by Noam Bramson | Dec 9, 2014



I was honored to be chosen this month to join the founding Board of Directors for [Sustainable Westchester](#), an inter-municipal consortium focused on positive environmental and planning practices. The launch of [Sustainable Westchester](#) completes a merger of two organizations that had previously worked separately in the southern and northern portions of the county. As a unified entity, [Sustainable Westchester](#) presently includes thirty-seven municipalities

representing more than 80% of Westchester's population.

The founding Board of Directors has twelve members, about evenly split between elected officials and others with relevant experience in business, advocacy, or the not-for-profit world.

In December 2014, New Rochelle Mayor Noam Bramson announced on his blog the launch of Sustainable Westchester and his selection as a founding Director of the Board of Directors for Sustainable Westchester.

Under a FOIL request, I obtained copies of Financial Disclosure Statements filed by Mayor Bramson with the New Rochelle Board of Ethics for 2016, 2017, 2018, 2019, 2020, 2021, 2022 which lists his position on the Board of Directors for Sustainable Westchester in 2016, 2017, 2018, 2019, 2020. From this and his 2014 announcement, I assess that Mayor Bramson was on the Sustainable Westchester board from 2014 to 2020/21.

**From:** [Kaye, Sara](#)  
**To:** [boardsearch@sustainablewestchester.org](mailto:boardsearch@sustainablewestchester.org)  
**Subject:** Sara Kaye - Application for Board Position  
**Date:** Monday, April 12, 2021 7:59:45 PM  
**Attachments:** [Kaye.Sara\\_SW\\_Coverletter.pdf](#)  
[Kaye.Sara\\_Resume.pdf](#)  
[Outlook-5drhcnpm.png](#)

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Dear Sustainable Westchester team,

Hope all is well. Attached please find my resume and a cover letter to serve as my formal application for membership on the Board of Directors of Sustainable Westchester.

If you have any questions or comments or would like any additional information about me or my qualifications, please let me know. I hope to hear from you soon.

Best regards,

Sara Kaye

Council Member, District 5  
City of New Rochelle  
515 North Avenue  
New Rochelle, NY 10801  
(914) 262-8096  
[skaye@newrochelleny.com](mailto:skaye@newrochelleny.com)  
[www.newrochelleny.com](http://www.newrochelleny.com)



I likewise obtained copies of Financial Disclosure Statements filed by Council Member Sara Kaye with the New Rochelle Board of Ethics for 2020, 2021, 2022 which lists her position on the Board of Directors for Sustainable Westchester in 2021 and 2022. She is at this moment listed on the Sustainable Westchester as a board member. From this, I assess that Council Member Kaye has been on the Sustainable Westchester board from 2021 to the present.

From this and other records in my possession, I assess that Mayor Bramson was on the Sustainable Westchester board continuously from 2014 to 2020/21 and Council Member Sara Kaye took his place during the Spring of 2021 and has remained on the Board of Directors for Sustainable Westchester continuously to this day.

To wit, at the time they were on the Board of Directors of Sustainable Westchester, Mayor Bramson and Council Member Sara Kaye had an actual conflict of interest, or what under state law is described as a *prohibited interest* in Sustainable Westchester. They failed to disclose or act upon their conflict of interest to their City Council colleagues while discussing and voting on resolutions benefiting Sustainable Westchester when they should have disclosed their interest, recused themselves from the discussion on matters involving Sustainable Westchester, left the room, and abstained from voting on any matters involving Sustainable Westchester.

I reviewed videos archived on the City of New Rochelle of what I believe to be every relevant meeting of City Council from 2014 to 2023 where a discussion and/or vote occurred involving a Sustainable Westchester program. I could not find a single instance where Noam Bramson, and later Sara Kaye, stated they were a member of the Board of Directors, Sustainable Westchester, then recuse themselves, leave the room and abstain from voting. On the contrary, they were often active participants.

I compiled all the relevant videos into a 43-minute clip file, then uploaded them to my Vimeo video-sharing account:

VIDEO: <https://vimeo.com/879185307>

This was a tedious and time-consuming process — it took about two days — but I felt it was important for the Board of Ethics members, and anyone else who might be interested, to actually observe Mr. Bramson and Ms. Kaye violating state law time and again over a period of years.

Two videos are particularly interesting.

On July 14, 2015, the Council met to discuss and vote on the Sustainable Westchester Community Choice Aggregation Program. Council Member Shari Rackman moves to leave the table, at which point Mayor Bramson states that Council Member Rackman has a conflict of interest (a family member works in the electrical services business). The Mayor asks Corporation Counsel Mark Blanchard a question about the law regarding conflict of interest and recusal, to wit, does Rackman have to physically leave the table.

Blanchard says, “as silly as it is...the recusal law does require that you leave.” Rackman left and waited outside until the agenda item was completed.

The Mayor, who had his own, more direct and substantive conflict of interest, a *prohibited interest* in Sustainable Westchester, says, “I think that’s ridiculous” as he watches Rackman leave the room.

Having had the law explained to him by Corporation Counsel, at his request, in a public meeting, the first meeting where Council is voting on a Sustainable Westchester program, Noam Bramson, says not a word about his conflict of interest, remains at the table, then proceeds to lead the discussion on the Sustainable Westchester Community Choice Aggregation Program, before voting to approve the resolution authorizing the City Manager to enter into any and all agreements and documents relative to the Sustainable Westchester Community Choice Aggregation Program.

At the next Council discussion of Sustainable Westchester on September 15, 2015, Noam Bramson turns to Shari Rackman and says he believes she is required to recuse herself from the discussion. Rackman once again leaves.

On March 9, 2021, Noam Bramson mockingly introduces City Manager Charles B. Strome to speak about a Sustainable Westchester solar energy program. Strome gets laughs when he says, “I’m sure everyone is shocked this is under my name.” The joke is that everyone knows the source was Noam Bramson.

As much as possible given the staggered, disjointed and incomplete production of records, I identified seven of what I will call “sets” of City Council actions which benefited Sustainable Westchester where Noam Bramson then later Sara Kaye failed to recuse themselves and/or voted despite a *prohibited interest*.

## **1. Community Choice Aggregation Program**

The Community Choice Aggregation Program is the *foundational program* of Sustainable Westchester, with New Rochelle’s participation pre-dating the incorporation of Sustainable Westchester.

Under the Community Choice Aggregation Program, ratepayers in New Rochelle purchase gas and electric services through a Sustainable Westchester program. How much is paid and how much is retained by Sustainable Westchester is not included in the records provided to me under FOIL. It may be that the City does not have these records, but I have requested them. If the Ethics Board has the power to subpoena these records from Sustainable Westchester or otherwise obtain them, they should consider doing so.

During a Council discussion on May 12, 2015, the co-Chair of Sustainable Westchester states the Public Service Commission has agreed that Sustainable Westchester can take \$.001 per kilowatt/hour as administrative fees, or about \$8.00 per ratepayer.

As a best guess, the Community Choice Aggregation Program accounts for about half of Sustainable Westchester’s revenue. In its most recent publicly available 990 filing with the Internal Revenue Service (2021), Community Choice Aggregation Program, listed as “Westchester Power”, generated revenue of \$807,975 on total revenue of \$1,629,996.

		Business Code	
Program Service Revenue	2 a	WESTCHESTER POWER	900099 807,975.
	b	COMMUNITY SOLAR	900099 668,481.
	c	ZERO WASTE	900099 74,507.
	d	STORAGE AND BUILDINGS	900099 43,783.
	e	CLEAN TRANSPORTATION	900099 29,250.
	f	All other program service revenue	900099 6,000.
	g	<b>Total. Add lines 2a-2f</b>	

New Rochelle is one of the original members of the Community Choice Aggregation Program, and one of its largest members, so it is reasonable to believe that New Rochelle ratepayers are among the largest sources of revenue for the Community Choice Aggregation Program, and by extension, Sustainable Westchester.

During the discussion before voting on Resolution 2015-150 on July 21, 2015, during which the Mayor, not for the only time, takes the item out of order to accommodate Sustainable Westchester Co-Chair Mike Gordon, there is a discussion about the importance of New Rochelle’s participation in the Community Choice Aggregation Program and the need for the City to approve participation within the next month.

Council Member Barry Fertel asks, “Is New Rochelle’s participation essential for this to go forward?” Gordon says. “It will be very powerful... no, and it will be very valuable powerful...”

Fertel says, “We give you much more bargaining power?” Gordon says “Absolutely”.

City Manager Charles B. Strome says, “We will be the largest community in there.”

It is fair to say that Mayor Bramson’s role in securing New Rochelle’s participation in the “first round” was critical to the viability of Sustainable Westchester in its first few months of existence.

On June 25, 2015, Luiz Aragon sent a Memo to Mayor Noam Bramson and the New Rochelle City Council wherein he recommended that an agreement with Sustainable Westchester be authorized to permit the City's participation in the Community Choice Aggregation “pilot” Program to procure energy supply from energy service companies for residents and business consumers.

There was a prior discussion item on the Sustainable Westchester Community Choice Aggregation Program on May 12, 2015.

The Aragon Memo states the City Council including Mayor Noam Bramson passed the “attached” resolution in 2014. No such resolution was attached to the records provided to me under FOIL, but here it is:

**Community Choice Aggregation Program 2014-37 (March 18, 2014)**



**City of New Rochelle, N.Y.**

Introduced On: 3/11/14

Introduced By:

Held:

Adopted:

No. **37**

Council Members Louis J. Trangucci,  
 Moved: ~~Albert A. Tarantino, Jr., Jared R. Rice~~

(and) Ivar Hyden, Barry R. Fertel

Seconded: Shari B. Rackman, and Mayor Noam Bramson

Dist	Member	Yeas	Nays	Abstain	Absent
1 <sup>st</sup>	Trangucci	✓			
2 <sup>nd</sup>	Tarantino	✓			
3 <sup>rd</sup>	Rice	✓			
4 <sup>th</sup>	Hyden	✓			
5 <sup>th</sup>	Fertel	✓			
6 <sup>th</sup>	Rackman	✓			
Mayor	Bramson	✓			

Approved As To Form: *M. V. Blaha*

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SUBJECT }  
 OR }  
 TITLE }

Corporation Counsel

RESOLUTION IN SUPPORT OF THE COMMUNITY  
 CHOICE AGGREGATION ("CCA") PILOT PROGRAM  
 IN WESTCHESTER COUNTY.

WHEREAS, the New York State Public Service Commission issued a Policy Statement on August 25, 2004 that outlined the Commission's and state vision of electric and gas retail markets; and

WHEREAS, that statement said "the provision of safe, adequate, and reliable gas and electric service at just and reasonable prices is the primary goal. *Competitive markets, where feasible, are the preferred means of promoting efficient services, and are well suited to deliver just and reasonable prices, while also providing customers with the benefit of greater choice, value, and innovation.*" and

WHEREAS, only 22.7% of New York State residents have taken advantage of the opportunity to choose electricity or gas suppliers, other than franchised utilities; and

WHEREAS, programs in other states that allow municipalities to aggregate the energy purchases of residents and small businesses ("Community Choice Aggregation" or "CCA" programs), such as Illinois, Ohio and Massachusetts, are currently serving more than ten million people and have saved consumers more than \$500 million; and

WHEREAS, in CCA locations, as much as 77% of residential consumers were being served competitively, as of 2011 (e.g. Cleveland served 77.7% of residential consumers, up from less than 20% in 2009); and

WHEREAS, a modest savings on energy costs could save Westchester County businesses and residents more than \$40 million per year; and

WHEREAS, the City of New Rochelle wants its residents and businesses to have the opportunity to save on energy purchases, as have residents and businesses in CCA states; and

Authenticated and certified this

18<sup>th</sup> day of March 2014

*2/27/14*

*[Signature]*  
 Mayor  
*[Signature]*  
 City Clerk

The Aragon Memo states on July 15, 2015, a resolution was introduced:

**Community Choice Aggregation Program: 2015-150 (July 21, 2015)**

The resolution, sponsored by Mayor Noam Bramson, affirms that the City of New Rochelle is authorized to enter into the Community Choice Aggregation Program through Sustainable Westchester, Inc., and authorizes the City Manager to execute any and all documents relative to the Program.

Bramson did not recuse himself, and voted, he voted in the affirmative.

**City of New Rochelle, N.Y.**

Introduced On: 7/14/15

Introduced By:

Held:

Adopted:

No. 150

Council Members Louis J. Trangucci,  
Moved: Albert A. Tarantino, Jr., Jared R. Rice

(and) Ivar Hyden, Barry R. Fertel,

Seconded: Shari B. Rackman, and Mayor Noam Bramson

Dist	Member	Yeas	Nays	Abstain	Absent
1 <sup>st</sup>	Trangucci	✓			
2 <sup>nd</sup>	Tarantino	✓			
3 <sup>rd</sup>	Rice	✓			
4 <sup>th</sup>	Hyden	✓			
5 <sup>th</sup>	Fertel	✓			
6 <sup>th</sup>	Rackman	✓			
Mayor	Bramson	✓			

26.1

Approved As To Form: [Signature]

Corporation Counsel

SUBJECT }  
OR }  
TITLE }

RESOLUTION AFFIRMING THAT THE CITY OF NEW ROCHELLE IS AUTHORIZED TO ENTER INTO THE COMMUNITY CHOICE AGGREGATION ("CCA") PROGRAM THROUGH SUSTAINABLE WESTCHESTER, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS RELATIVE TO THE PROGRAM.

WHEREAS, the potential benefits of CCA programs include price stability for a fixed contract term, lower prices, more favorable contract terms, and the ability to design a program that reflects local preferences and needs, including a preference for cleaner power sources, and

WHEREAS, Sustainable Westchester, Inc., a not-for-profit organization now comprised of over forty municipalities in Westchester County, including the City of New Rochelle, sought approval of a pilot community choice aggregation ("CCA") program in Westchester County in 2014, which would allow local governments to procure energy supply from energy service companies ("ESCOs") for the residents of the municipalities, and

WHEREAS, on February 26, 2015, the Public Service Commission of the State of New York approved implementation of the first CCA Pilot Program in New York State, which allows Sustainable Westchester to put out for bid the total amount of natural gas or electricity being purchased by local residents or small businesses, and

WHEREAS, the Sustainable Westchester Pilot Program is intended to provide consumers with the ability to lower their overall energy costs, and

WHEREAS, the Sustainable Westchester Pilot Program is intended to include residential, and small non-residential customers as defined by the Public Service Commission, and to permit the aggregation of both electric and natural gas purchases, and

WHEREAS, Sustainable Westchester, Inc. will issue a request for proposals to suppliers to provide energy to bundled customers, and will then award a contract, and

Authenticated and certified this

21<sup>st</sup> day of July, 2015 CSIK

[Signature]  
Mayor  
[Signature]  
City Clerk

**Community Choice Aggregation Program: 2015-176 (September 15, 2015)**

The Council adopted a resolution amending the Code of the City of New Rochelle by adding Chapter 131 to establish a Community Choice Aggregation (Energy) Program.

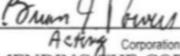
Bramson did not recuse himself, and voted, he voted in the affirmative.

**City of New Rochelle, N.Y.**

Introduced On: 9/16/15  
 Introduced By:  
 Held:  
 Adopted:  
 No. 176  
 Council Members Louis J. Trangucci,  
 Moved: Albert A. Tarantino, Jr., Jared R. Rice,  
 (and) Ivar Hyden, Barry R. Fertel, and  
 Secounded: Mayor Noam Bramson

recuse

Dist	Member	Yeas	Nays	Recuse	Absent
1 <sup>st</sup>	Trangucci	✓			
2 <sup>nd</sup>	Tarantino	✓			
3 <sup>rd</sup>	Rice	✓			
4 <sup>th</sup>	Hyden	✓			
5 <sup>th</sup>	Fertel	✓			
6 <sup>th</sup>	Rackman			✓	
Mayor	Bramson	✓			

Approved As To Form:   
 Acting Corporation Counsel

SUBJECT }  
 OR }  
 TITLE }  
 ORDINANCE AMENDING THE CODE OF THE CITY OF NEW  
 ROCHELLE BY ADDING CHAPTER 131 TO ESTABLISH A  
 COMMUNITY CHOICE AGGREGATION (ENERGY)  
 PROGRAM.

BE IT ORDAINED by the City of New Rochelle:

Section 1. The Code of the City of New Rochelle is hereby amended by adding a new Chapter 131, entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," to read as follows:

ARTICLE I

Chapter §1. Legislative Findings; Intent and Purpose; Authority.


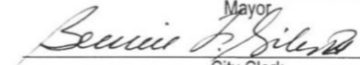
- A. It is the policy of both the City of New Rochelle and the State of New York to reduce municipal operating costs while providing cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is Community Choice Aggregation ("CCA"), which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.
- B. The purpose of this CCA Program is to allow participating local governments including the City of New Rochelle to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the City of New Rochelle to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The City of New Rochelle is authorized to implement this COMMUNITY CHOICE

Authenticated and certified this

16th day of September, 2015

9/16/15



  
 Mayor  
  
 City Clerk

## **Community Choice Aggregation Program: 2022-51 (April 19, 2022)**

The program came up for renewal in 2022.

Kaye did not recuse herself, and voted, she voted in the affirmative.

10.	<b>2022-51 - PROPOSED RE-AUTHORIZATION RE: COMMUNITY CHOICE AGGREGATION MEMORANDUM OF UNDERSTANDING - Resolution re-authorizing the City Manager to execute any and all documents relative to Sustainable Westchester's Community Choice Aggregation Program.</b>
	Mayor Noam Bramson stated that the proposal had received informal approval at City Council's Committee of the Whole Session. The proposed legislation represents the formal approval.
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson

## **2. Sustainable Westchester Membership**

### **No Council Resolutions**

*\$9,000.00*

At a Council meeting on May 12, 2015, the co-Chair of Sustainable Westchester states that the City of New Rochelle is a dues paying member. Under FOIL, I obtained invoices for membership dues for 2018, 2019, 2020, 2021, 2022. I did not receive an invoice for 2023 under FOIL, but historically membership dues invoices for \$1,000 are sent early each year.

## **3. Recollect App (rebranded as Recycle Right!)**

*Invoices totaling \$28,330.16*

The Recollect App is a web application for municipalities to manage information about recycling. In 2018, DPW Commissioner Scott Pickup told Council the cost was “only \$7,000”. The actual figure turned out to be four times that amount, so far.

### **Recollect App: 2018-203 (October 16, 2018)**

Bramson did not recuse himself, and voted, he voted in the affirmative.

10. **2018-203 - PROPOSED AUTHORIZATION TO ACCEPT SUSTAINABLE WESTCHESTER MUNICIPAL RECYCLING APP** - Resolution authorizing the City Manager to enter into a license agreement with Sustainable Westchester relative to a waste management and recycling website and phone communications platform.

**RESULT:** ADOPTED [UNANIMOUS]  
**AYES:** Bramson, Trangucci, Tarantino Jr, Rice, Hyden, Fertel, Fried

## **Recollect App: 2020-76 (June 16, 2020)**

Bramson did not recuse himself, and voted, he voted in the affirmative.

### **CONSENT AGENDA**

1. **2020-71 - PROPOSED AMENDMENT TO CHAPTER 111 & CHAPTER 133 OF THE CITY CODE RE: SITE SAFETY SUPERINTENDENTS** - Ordinance amending Chapter 111, Building Construction, and Section 133-1, Enumeration of Fees, of the Code of the City of New Rochelle (Site Safety Superintendents).
2. **2020-72 - PROPOSED AUTHORIZATION RE: SUBMISSION OF CDBG AND HOME ANNUAL ACTION AND AMENDED BUDGETS** - Resolution adopting amendments to the 2020 CDBG & HOME Annual Action Plan and Budgets.
3. **2020-73 - PROPOSED REPROGRAMMING OF CDBG FUNDS & AMENDMENTS TO 2018-2022 CONSOLIDATED PLAN & 2018 ACTION PLAN** - Resolution adopting the reprogram of CDBG funds and approving amendments to the 2018-2022 Consolidated Plan and 2018 Action Plan, including related budget amendments.

June 16, 2020

4. **2020-74 - PROPOSED INTENT TO DECLARE LEAD AGENCY RE: HERITAGE HOMES PLAYGROUND** - Resolution declaring the intention of the City Council to assume Lead Agency status under the regulations promulgated by the New York State Department of Environmental Conservation and directing compliance with same regarding the amendments to the Zoning Code and related Map amendments relative to the construction of the Heritage Homes Playground.
5. **2020-75 - PROPOSED SETTLEMENT OF LAWSUIT** - Resolution authorizing the settlement of the matter entitled Donald Decatus v. City of New Rochelle, et al., Index No. 65844/2016.
6. **2020-76 - INTERMUNICIPAL AGREEMENT (IMA) RE: RECYCLING APPLICATION GRANT 2020** - Resolution authorizing the City Manager to continue to participate with multiple communities through an Intermunicipal Agreement ("IMA") to coordinate a recycling grant application from the Department of Environmental Conservation (DEC).
7. **2020-77 - PROPOSED AGREEMENT RE: DEPARTMENT OF JUSTICE DRUG ENFORCEMENT TASK FORCE GRANT AND PROPOSED AMENDMENT TO 2020 BUDGET** - Ordinance accepting a grant in the amount of \$8,000 from the U.S. Department of Justice, Drug Enforcement Administration, amending Ordinance No. 270 of 2019, the Budget of the City of New Rochelle for 2020, and appropriating funds therefor.

## 4. Climate Action Draft

### Climate Action Draft: 2022-95 (June 21, 2022)

A PowerPoint presentation to Council was made describing the Climate Action Draft as a precursor to adopting the Climate Action Council Draft Scoping Plan.

Kaye did not recuse herself, and voted, she voted in the affirmative.

- |     |   |
|-----|---|
| 14. | <p><b>2022-95 - PROPOSED SUPPORT OF THE CLIMATE ACTION COUNCIL DRAFT SCOPING PLAN - Resolution in support of the Climate Action Council Draft Scoping Plan.</b></p> <p>It was noted that the proposed legislation is the first step in support of the draft Climate Action Council Scoping Plan.</p> <p><b>RESULT: ADOPTED [UNANIMOUS]</b><br/><b>AYES:</b> Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson</p> |
|-----|---|

## 5. Sustainable Westchester / G&S Solar

### Sustainable Westchester / G&S Solar: 2021-24 (March 9, 2021)

A Program where the City can purchase solar energy generation for New Rochelle municipal buildings at a discount.

Bramson did not recuse himself, and voted, he voted in the affirmative. Kaye was a month away from formally applying to replace Bramson on the Sustainable Westchester board. Kaye did not recuse herself, and voted, she voted in the affirmative.

- |     |  |
|-----|--|
| 13. | <p><b>2021-24 - PROPOSED AGREEMENT RE: COMMUNITY SOLAR PROGRAM - Resolution authorizing the City Manager to enter into an agreement with Sustainable Westchester and G&amp;S Solar/RM Community Solar, LLC, to participate in the Community Solar Program.</b></p> <p>Charles B. Strome, III, City Manager, explained the intent of the proposed agreement, which relates to City-owned buildings and property, that would allow municipalities to achieve energy savings on certain City facilities.</p> <p>Council Member Kaye commended the City Manager for the recommendation.</p> <p><b>RESULT: ADOPTED [UNANIMOUS]</b><br/><b>AYES:</b> Lopez, Tarantino Jr, Herbert, Hyden, Kaye, Fried, Bramson</p> |
|-----|--|



## **6. Energize New Rochelle/Energy SmartHomes**

### **Energize NR/Energy SmartHomes: 2016-31 (February 10, 2016)**

*Invoices totaling \$26,500.00*

The Council established an Energy Conservation Committee consisting of up to ten (10) members to assist in the execution of the Energize Residential Program, a New York State initiative to provide energy efficiency and renewable energy benefits to New York property owners. Energize New Rochelle was a program under which consumers could get free energy assessments on how to reduce energy usage.

**City of New Rochelle, N.Y.**

Introduced On: 2/9/16

Introduced By:

Held:

Adopted:

No. 31

Council Members Louis J. Trangucci,  
Moved: Albert A. Tarantino, Jr., Jared R.

(and) Rice, Ivar Hyden, Barry R. Fertel,

Seconded: Elizabeth M. Fried, and Mayor Noam Bramson

Dist	Member	Yeas	Nays	Abstain	Absent
1 <sup>st</sup>	Trangucci	✓			
2 <sup>nd</sup>	Tarantino	✓			
3 <sup>rd</sup>	Rice	✓			
4 <sup>th</sup>	Hyden	✓			
5 <sup>th</sup>	Fertel	✓			
6 <sup>th</sup>	Fried	✓			
Mayor	Bramson	✓			

Approved As To Form:

*[Signature]*  
Chief of Staff for Policy and Government Affairs/Corporation Counsel

25.

SUBJECT }  
OR }  
TITLE }

RESOLUTION CREATING THE ENERGY CONSERVATION COMMITTEE.

WHEREAS, the City Council seeks to establish an Energy Conservation Committee to assist in the execution of the Energize Residential Program, a New York State initiative to provide energy efficiency and renewable energy benefits to New York property owners; now, therefore

BE IT RESOLVED by the Council of the City of New Rochelle, that this City Council hereby establishes an Energy Conservation Committee consisting of up to ten (10) members as follows: all appointments shall be made by the City Manager, and the City Manager shall appoint the chair or co-chairs from among the group of up to ten (10) members.

Authenticated and certified) NOAM BRAMSON, Mayor  
this 9th day of Feb., 2016) BENNIE F. GILES, III, City Clerk

Authenticated and certified this

9th day of February, 2016

2/2/16

*[Signature]*  
Mayor  
*[Signature]*  
City Clerk

Management and operations of Energize New Rochelle was subcontracted to Energy Improvement Corporation.

There is a 2019 Purchase Order for \$30,000 for the Energy Improvement Corporation.

## CITY OF NEW ROCHELLE

PURCHASE ORDER

00190945-00 FY 2019 H

BILL TO

DEPT OF DEVELOPMENT  
CITY OF NEW ROCHELLE  
515 NORTH AVE  
NEW ROCHELLE, NY 10801

VENDOR

ENERGY IMPROVEMENT CORP  
2051 BALDWIN RD

SHIP TO

DEPT OF DEVELOPMENT  
CITY OF NEW ROCHELLE  
515 NORTH AVE  
NEW ROCHELLE, NY 10801

YORKTOWN HEIGHTS, NY 10598

0

DATE ORDERED	VENDOR NUMBER	DATE REQUIRED	FREIGHT METHOD/TERMS	DEPARTMENT/LOCATION
10/30/19	022340	DEST	NET 30	DV

VENDOR NOTES

CNR CONTRACT #2019-0110

LN	DESCRIPTION	QTY	UOM	UNIT PRICE	NET PRICE
001	COMMUNITY BASED HOMEOWNER PROGRAM - HELP HOMEOWNERS REDUCE THEIR ENERGY BILLS THROUGH COMMUNITY BASED MARKETING AND OUTREACH, GUIDANCE AND SUPPORT FOR HOMEOWNERS	1.00		30000.000	30,000.00

PO TOTAL 30,000.00

\*\* END OF REPORT - Generated by Conca, Karin \*\*

There is a March 31, 2021, letter regarding confusion over the Purchase Order because an invoice was received from Sustainable Westchester, not Energy Improvement Corporation.



March 30, 2021

Kevin Kain  
City Hall  
515 North Ave.  
New Rochelle, NY 10801

RE: Clarification on Purchase Order

Dear Mr. Kain,

This letter is in regard to the purchase order 200820. The PO was generated for the Energize New Rochelle program, which was formally operated by the Energy Improvement Corporation and in 2020 was moved under the auspicious of Sustainable Westchester, Inc. Due to this change in the structure of the entity, an error in the PO occurred. The first invoice from Sustainable Westchester is identified with PO number 200820. Please inform Sustainable Westchester of the correct PO number or best way to proceed.

The Tax ID number for Sustainable Westchester is 35-2397750 and the W-9 is attached separately.

Contractor: Sustainable Westchester  
Title of Project: Energize New Rochelle (EnergySmart Homes New Rochelle)  
Agreement Title: EnergizeNY Residential Program Subcontractor Agreement  
Purchase Order Number: 200820

Sincerely,

A handwritten signature in blue ink that reads "Lauren Brois".

Lauren Brois  
Sustainable Westchester, Inc.  
Title: EnergySmart Homes Director  
Date: March 26, 2021

I was not provided any resolutions under FOIL in which the City Council approved what became a \$30,000 Purchase Order in the name of Energy Improvement Corporation / Sustainable Westchester.

## **7. Environmental Community Education and Outreach**

## **Environmental Community Education and Outreach: No Council Resolutions**

*Invoices totaling \$33,333.01*

There is a record of an agreement to retain Sustainable Westchester to provide community education and of its programs to residents and businesses in the City. There is a Purchase Order dated October 11, 2022, for \$30,000 and there are invoices for a contract initiation fee of \$3,333, monthly invoices for September 2022, October 2022, December 2022 for \$6,666.67 a month, and February 2023, March 2023, April 2023, and May 2023 for \$2,500 a month. The total amount of the invoices exceed the Purchase Order.

I did not receive an executed contract, payment records, Council Resolutions or voting records under FOIL.

## **Ethics Violations**

Upon reason and belief, Mayor Bramson and Council Member Kaye, as Directors of Sustainable Westchester, had an interest in contract(s) with the City of New Rochelle and further, their interests constitute a *prohibited interest* because they each had official powers or duties as a member of the New Rochelle City Council with respect to the contract(s).

To wit, as a member of the New Rochelle City Council they had the power or duty to authorize or approve the contract, or authorize or approve payment under the contract, and the power or duty to appoint an officer or employee who had the power or duty to authorize or approve the contract, or authorize or approve payment under the contract.

Despite a *prohibited interest* in contracts between the City of New Rochelle and Sustainable Westchester, both Mayor Bramson and Council Member Kaye, at various times, on numerous occasions, voted on City Council resolutions which were to the benefit of Sustainable Westchester while they were Directors of Sustainable Westchester.

Upon reason and belief, none of the 17 statutory exceptions to a *prohibited interest* in the contracts between the City of New Rochelle and Sustainable Westchester apply to Mayor Bramson and Council Member Kaye.

A member of a body with a *prohibited interest* in a contract must abstain when the body is voting to authorize contracts where a *prohibited interest* exists.

Disclosure of a *prohibited interest* must be made publicly, to an immediate supervisor and **to the governing body of the municipality**, which must include the **disclosure in the official record of its proceedings**.

There are no exceptions for when an individual must disclose his or her interest, recuse him or herself or abstain from the discussion or vote on a matter.

If a person willfully enters into a contract in which they have a *prohibited interest*, the contract is **null, void, and unenforceable**.

If a person willfully and knowingly violates the law by entering into a contract in which a person has a *prohibited interest*, or by failing, when required, to disclose an interest in a contract, **the person may be guilty of a misdemeanor**.

If a situation involves conduct that does not technically violate either General Municipal Law Article 18 or the City's municipal code of ethics but still raises potential questions of conflict of interest, it still may be advisable for a municipal employee and/or elected official to recuse themselves or to abstain from participating in the discussion or vote on a particular matter.

Under Article I § 33-9 E, the New Rochelle Board of Ethics shall have "all the powers and duties as prescribed by Article 18 of the General Municipal Law" including "to protect innocent public officers from unwarranted assaults on their integrity."

Noam Bramson and Sara Kaye are members of the New Rochelle City Council. By failing to notify the Council of their *prohibited interest* in contracts with or involving Sustainable Westchester to their Council colleagues, which must include the disclosure in the official record of its proceedings, their actions, or failure to act constitute an unwarranted assault on their integrity: Ivar Hyden, Elizabeth Fried, Yadira Ramos Herbert Martha Lopez-Hanratty, Albert Tarantino, Louis Trangucci, Richard St. Paul, Barry Fettel, Shari Rackman, and Jared Rice.

Likewise for municipal employees, including City Managers Charles B. Strome and Kathleen Gill, various City Commissioners, and employees working under those commissioners.

Under City of New Rochelle Code of Ethics Chapter 33.1, the New Rochelle Board of Ethics is required to review any *prohibited interest* with the New Rochelle Corporation Counsel. Upon reason and belief, upon receipt of various financial disclosure forms from Noam Bramson and Sara Kaye describing a *prohibited interest* in Sustainable Westchester, the New Rochelle Board of Ethics did not meet their obligation in this regard.

The actions of Noam Bramson and Sara Kaye raise grave questions of whether they may have knowingly and deliberately violated the New Rochelle City Charter, the New Rochelle Code of Ethics, New York State law, in particular Article 18 of the General Municipal Law, and/or other applicable laws, or policies, or aspects of the above by using their elected office to discuss, promote, advocate for or otherwise bring into being contracts with or involving Sustainable Westchester while they had a *prohibited interest* in Sustainable Westchester and failing to disclose that *prohibited interest* to their City Council colleagues in public meetings and enter that disclosure into the official record of its proceedings at times when such contracts were discussed or voted on, failing to abstain from the discussion or vote on a matter involving Sustainable Westchester; failing to state the reason for recusing themselves from such discussion or abstaining from such votes; failing to recuse themselves from such discussions; and, failing to abstain from such votes.

In short, they discussed and voted on matters and contracts involving an organization in which they had a *prohibited interest* when they should not have done so and by so doing may have created significant risk and hardship for other Council members and administration employees by rendering contracts with or involving Sustainable Westchester null, void and unenforceable.

As these allegations are a matter of documented and readily available public record including your records, and the violations are clear-cut, I would ask that you simply review the financial disclosure forms filed by Mayor Noam Bramson and Council Member Sara Kaye from January 1, 2014, to present, watch the video clips and read the Resolu-

tions, then compare them to the voting record of the City Council resolutions involving Sustainable Westchester and find that Noam Bramson and Sara Kaye discussed and voted on authorization for contracts with or involving Sustainable Westchester while they were on the Board of Directors of Sustainable Westchester, which is defined under the law as a *prohibited interest*, and **find the allegations contained herein as sustained.**

In the event you feel the need to hold hearings, I would ask that you expedite the process considering the needless and deliberate delays in record production, the disordered production of records, the unwarranted decision by Ms. Gilwit to allow the subjects of this complaint to decide which emails to turn over (itself a violation of the law), the fact that Ms. Gilwit continues to stonewall my records request, the rather obvious attempt by Ms. Gilwit (and I believe the Mayor) to attempt to run out the clock before the end of his term on December 31, 2023, and your own experience with your colleague, Mr. Blumenthal, who repeatedly engaged in unethical behavior to muddy the water and delay the proceedings in what was ultimately my **sustained allegation** that Noam Bramson violated the New Rochelle City Charter, a misdemeanor, by pressuring the City Manager to appoint him as Development Commissioner.

While I have all the records described herein, you will rightly want to obtain the records from the original source. Ms. Gilwit created a web page containing all City records she provided to me so it should be simple to get access to that City web page and download the files.

Your attention to this matter is greatly appreciated.

Robert Cox

