

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, October 23, 2013, at 8:00 p.m. in Council Chambers at City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss labor relations and personnel.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Approval of the election of one new member to the Rye Fire Department.
5. Draft unapproved minutes of the regular meeting of the City Council held October 9, 2013.
6. Mayor's Management Report
 - Capital Projects Update
 - Legal Update
7. Financial Update by the Deputy City Comptroller providing 3rd quarter results.
8. Continuation of Public Hearing for October 9, 2013 to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area.
9. Continuation of Public Hearing for October 9, 2013 to: 1) adopt a local law amending Chapter 53, Architectural Review, of the Rye City Code, Section §53-1, "Definitions" to amend the definition of "Small Project", and 2) adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens.
10. Consideration of setting a Public Hearing for November 20, 2013 to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties.
11. Presentation by Peter Marshall, Chair of the Rye Golf Club Strategic Committee, on the proposal to seek an RFP for the Whitby Castle and Outdoor Café/Snack Bar operation at Rye Golf Club.
12. Presentation on Smart 911 technology.
13. Resolution to establish a "Complete Streets" Policy for the City of Rye.
14. Discussion of the next phase of the Central Business District Improvements.

15. Authorization for the City Manager to enter into an agreement with Stephen Zagor & Associates for an amount not to exceed \$10,000 for professional consulting services for the selection of a new leasehold operator at Rye Golf Club.
Roll Call.
16. Authorization for the City Manager to enter into an agreement with Denehy - Club Thinking Partners, LLC for an amount not to exceed \$15,000 for professional consulting services to conduct an Executive Search for a General Manager for the Rye Golf Club.
Roll Call.
17. Authorization for the City Manager to enter into an agreement with the Friends of the Rye Nature Center for the use of the second floor at the Nature Center building.
18. Residents may be heard on matters for Council consideration that do not appear on the agenda.
19. Appeal of denial of FOIL requests by Timothy Chittenden.
20. Miscellaneous communications and reports.
21. Old Business.
22. New Business.
23. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, November 6, 2013 at 8:00 p.m. including the presentation of the 2014 Budget. The City Council will hold Budget Workshops on Wednesday, November 13, 2013, Monday, November 18, 2013 and Wednesday, November 20, 2012 beginning at 8:00 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 4

DEPT.: Fire Department

DATE: October 23, 2013

CONTACT: Chief Michael Taylor

AGENDA ITEM: Approval of the election of one new member to the Rye Fire Department.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the election of Charles Little to the Milton Engine and Hose Company.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has advised that Charles Little was elected into membership to the Milton Engine and Hose Company of the Rye Fire Department and was approved by the Fire Wardens at their October 1, 2013 meeting.

See attached.

October 15, 2013

Dear City of Rye City Council Members,

On October 1st, Charles Little was voted into the Milton Engine and Hose Company of the Rye Fire Department. He was sponsored by 2nd. Lieutenant Peter Kennedy. His application, physical, arson report, and background check were all completed and have been approved by the Board of Wardens. Charles is currently a senior at Stepinac High School with a positive attitude and a desire to give back to the community. The City of Rye Fire Department believes he would be a great addition to the membership. If there are any questions, please feel free to contact me. Thank You.

Very Respectfully,

Lt. Peter Kennedy
Milton Engine and Hose



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: October 23, 2013

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held October 9, 2013, as attached.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the minutes of the regular meeting of the City Council held October 9, 2013, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 9, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER (Arrived at 8:40 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

Announcements were made regarding various activities and events.

4. Draft unapproved minutes of the regular meeting of the City Council held September 11, 2013

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried to approve the minutes of the regular meeting of the City Council held on September 11, 2013, as submitted.

5. Mayor's Management Report
● Capital Projects Update

City Manager Pickup reported on the following items:

- Old Milton Road Drainage Project – It was discovered that some utilities were installed in the right-of-ways without a License Agreement with the City, which has necessitated

some changes to the project. At some point License Agreements may come back to the Council for approval.

- Dredging – A conference call was held with parties who are interested in the next round of dredging, including private interests and two of the clubs. Options are being explored and the parties will meet in another six weeks to determine if there is a benefit to doing a joint project.
 - Legal Update

There was nothing reported under this agenda item.

6. Update on the Rye Playland Improvement Plan from Sustainable Playland, Inc.

Kim Morque and Bruce Macleod, representing Sustainable Playland, Inc. (SPI), provided and update on the plan for Playland that is before the County Board of Legislators. After Sustainable Playland received the award in October 2012, the began negotiating with the County Executive Branch; completed an Asset Management Agreement, which was signed this summer; and submitted an Improvement Plan in September, which will be reviewed by the Board of Legislators. Based on input solicited from stakeholders, adjustments have been made to the plan to address their concerns, including making changes to the configuration of the Field Zone and trying to incorporate more of the amusement component into the original plan. They have partnered with Central Amusements to operate the Amusement Park; Playland Sports to develop the Sports Complex; and American Skating Entertainment Centers to operate the Ice Casino. The asset management company is Biederman Redevelopment Ventures. They would like to have Playland elevated to a National Treasure as an important historic asset. *Jim Amico, Steve Vasko and Deirdre Curran* commented on the presentation. Their comments expressed support of SPI and appreciation for the way they have listed to people, but also voiced serious concerns about SPI's funding and the impacts of the proposed Improvement Plan on the surrounding neighborhood.

7. Public Hearing for October 9, 2013 to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area

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

Prior to the beginning of the public comment City Planner Christian Miller provided an overview of the proposed legislation, which would amend the definition of "Story, Half" and amend the calculation of Attics in Gross Floor Area. His presentation included the reasons behind the legislation, an explanation of terms included, and a summary of the anticipated impacts on existing and new homes.

Several members of the public commented on the proposed local law. They included: *Leo Napior; Sol Hurwitz; Nancy Hanemon; Tim Dowling; Irwin Lefkowitz; John Mayo-Smith;*

Paul Benowitz; William Fegan; Nicholas Everett; David Duriano; and, Adele Centanni. Many expressed concerns about the impact of large houses on neighborhoods, the schools, and the balance in the community. Others urged the Council to do a more thorough examination of the issue before adopting legislation, similar to what was done in 2003; or to consider exempting existing homes from new regulations.

The public hearing was kept open.

8. Public Hearing for October 9, 2013 to: 1) adopt a local law amending Chapter 53, Architectural Review, of the Rye City Code, Section §53-1, “Definitions” to amend the definition of “Small Project”, and 2) adopt a local law to amend Chapter 197 Article IV “Use Regulations” and Article VI “Appeals” to establish regulations regarding outdoor fire pits and outdoor kitchens

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to open the public hearing on the two proposed local laws.

City Planner Miller indicated that there were some issues regarding the outdoor fire pits that he would like to confirm with the Building Inspector before proceeding with the public discussion.

The public hearing was kept open.

9. Discussion regarding the addition of a new article to the Rye City Code to provide tax exemptions for improvements to historic properties

Councilwoman Brett said the Landmarks Committee in trying to address concerns about preserving “community character” and the need the preserve historic structures has been looking into this legislation for several years. There is a New York State law that allows communities to provide tax incentives for renovating historic structures rather than tearing them down. If the structure meets the qualifications set for in the City’s Code, the tax increase that would come as a result of the renovation would be phased in over time, such as no increases for the first five years and the increases phased in over the next five years. Jack Zahringer, Chair of the Landmarks Committee, endorsed the proposal saying it was a way to encourage people to stay in and fix up historic houses and will provide an incentive to keep the character of the business district. There was a discussion among the Council regarding the ages of properties that would be eligible; the need for the School District to also adopt the legislation in order for the incentive to work; and, not enacting a law to preserve only one property.

10. Summary of the 2014 Budget Process and Consideration of setting the 2014 Budget Workshop schedule

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following dates for the 2014 Budget process:

Wednesday, November 6: Presentation of the Budget
Wednesday, November 13: Budget Workshop
Monday, November 18: Budget Workshop
Wednesday, November 20: Council Meeting/Budget Workshop
Wednesday, December 4: Public Hearing on the Budget
Wednesday, December 11: Budget Workshop (if needed)
Wednesday, December 18: Adoption of Budget

11. Discussion of the proposed Safe Routes to School Initiatives

City Manager Pickup said that the City has been partnering with the YMCA on Safe Routes grant applications and the City is now in the process of putting together the actual projects that will be built and the timing for them. Most of the projects will require coordination with the School District. City Planner Miller said that although the City was fortunate to receive Safe Routes to Schools funding, it must meet New York State Department of Transportation (DOT) requirements in order to use the money. The projects are subject to DOT review, as well as their process and requirements, which will take time.

12. Consideration of Resolution to establish a “Complete Streets” Policy for the City of Rye

City Planner Miller said that the proposed Resolution for a Complete Streets Policy was prepared by the Shared Roadways Committee, which recommends the adoption of the Resolution. A tenant of the policy is that when City projects are considered, all kinds of transportation option users are taken into consideration. He said that he did not think the creation of a Complete Streets Advisory Board, which is included in the draft Resolution, was necessary; that it would be more effective if it were a task of the Traffic and Pedestrian Safety Commission. City Manager Pickup said that the Resolution would be redrafted and put on the Agenda for the next meeting in order to allow for more comment.

13. Consideration of the proposed revision of the Rules and Regulations of the City of Rye Police Department General Order #111.05 regarding a Prescription Drug Collection Box

Councilman Filippi 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 here by approves the proposed revision of the Rules and Regulations of the City of Rye Police Department, General Order #111.05, “Prescription Drug Collection Box.”

14. Resolution to appropriate \$90,000 from the Building and Vehicle Fund, Fund Balance to the 2013 Public Works Fund for the purchase of a sidewalk plow to enhance the sidewalk cleaning program for critical corners and routes
Roll Call.

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

WHEREAS, City staff has determined that the amounts required for the purchase of a sidewalk plow for the Public Works Department were not anticipated and were not provided for in the adopted 2013 budget by \$90,000, and;

WHEREAS, the Building and Vehicle Fund, Fund Balance Account has enough funds to be appropriated for the purchase, now, therefore, be it;

RESOLVED, that the City Comptroller is authorized to transfer \$90,000 from the Building and Vehicle Fund, Fund Balance to the 2013 Public Works Fund for the purchase of a sidewalk plow.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

15. Resolution to transfer additional funds from the Contingency account to fund the support design and survey work for Safe Route To School project submissions and SEQRA Lead Agency declaration (\$40,000) and for the retro-fit of Fire Department air pack sets (\$50,000)
Roll Call.

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

WHEREAS, City staff has determined that the amounts required for the cost to support the design and survey work for SRTS project submissions, SEQRA declaration for Lead Agency and Type II action were not anticipated and were not provided for in the adopted 2013 budget by \$40,000, and,

WHEREAS, City staff has determined that the amounts required for the cost to retro-fit the expiring Fire Department Scott air pack sets were not

anticipated and were not provided for in the adopted 2013 budget by \$50,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$164,800, now therefore, be it

RESOLVED, that the City Comptroller is authorized to transfer \$90,000 from the General Fund Contingent Account to the Capital Projects Fund and the Fire Department Equipment Fund.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

Jim Amico, 350 Midland Avenue, discussed issues relating to crossing guards and safety around the schools.

17. Authorization for City Manager to enter into an Agreement for Emergency Medical Transport with the Village of Port Chester, the Village of Rye Brook and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc.

Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Agreement for Emergency Medical Transport with the Village of Port Chester, the Village of Rye Brook and Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc. for a five-year period commencing July 1, 2014 through June 30, 2019.

ROLL CALL:

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

ABSENT: None

The Resolution was adopted by a 7-0 vote.

18. Three appointments to the Rye Golf Club Commission for a three-year term expiring January 1, 2017, and the designation of one member to the Rye Golf Club Nominating Committee

Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint Mack Cunningham, John Duffy and Leon Sculti to the Rye Golf Club Commission for three-year terms expiring on January 1, 2017.

Councilwoman Parker made a motion, seconded by Councilwoman Brett and unanimously carried, to appoint Terence Caffrey to serve on the Rye Golf Club Commission Nominating Committee for one-year effective January 1, 2014.

19. One appointment to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2017, by the Mayor with Council approval

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to appoint Elizabeth Dowling to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2017.

20. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, December 1, 2013 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event

Councilwoman Parker 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 by the Rye Merchants Association to close a portion of Purchase Street on Sunday, December 1, 2013 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

21. Appeal of denial of FOIL request by Timothy Chittenden

Councilman Jovanovich made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

RESOLVED that the City Council of the City of Rye hereby denies the appeal of a response

to a FOIL request submitted by Timothy Chittenden seeking "All EZ Pass invoices for all city vehicle assigned to the Rye Police Department since January 1, 2003", pursuant to POL Sections 87(2)(e)(iii), (iv) and 87(2)(f).

ROLL CALL:

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

The Resolution was adopted by a vote of 5 in favor with two abstentions.

22. Miscellaneous Communications and Reports

Councilwoman Parker reported that she had attended a press conference called by Governor Cuomo to announce the creation of a bi-partisan commission charged with looking at how to reduce property taxes.

Councilman Filippi reported that he had attended a Pace Law School Land Use event for Affordable Housing. He said it would be helpful to get a synopsis for the community in order for them to become educated about the issue.

Mayor French reported that he and City Manager Pickup had met with the Superintendent of Schools and School Board President regarding how things are going with traffic and the crossing guards and they are pleased considering all the issues with the school construction. City Manager Pickup said that the issue of the realignment of the Milton Road and Apawamis Avenue intersection was also discussed. A suggestion was made that the school should develop a plan where high school students were picked up farther away from the school.

23. Old Business

Councilman Sack asked if the Maximus report had been redone. City Manager Pickup said that a draft has been circulated to the Council, the Golf Commission and the Finance Committee and will come up during the budget discussions. Mr. Sack also said he did not think that the search for a new Police Commissioner should begin until a new Mayor and City Council are in place in January. There was a brief discussion centering on the fact that the Council had previously voted to authorize the City Manager to look for a search firm to begin the process.

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

RESOLVED, that the City Council of the City of Rye hereby directs the City Manager to

refrain from commencing the search for a new Police Commissioner until the new Mayor and City Council is in place on January 1, 2014.

ROLL CALL:

AYES: Councilman Sack

NAYS: Mayor French, Councilmembers Brett, Filippi, Jovanovich,
Killian, and Parker

ABSENT: None

The Motion was defeated by a 6-1 vote.

Councilman Filippi asked if a quote had been received for the cost of taking down the Lowenstein Bridge.

24. New Business

Councilman Jovanovich made a motion, seconded by Councilman Filippi to appoint Melissa Grecco to fill a vacancy on the Conservation Commission/Advisory Council.

Mayor French said there has been a request from the Rye Nature Center to use the upstairs apartment for programs. He asked that it be put on the October 23rd Agenda.

25. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Mayor French and unanimously carried, to adjourn the meeting at 12:05 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: October 23, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manager provide a report on requested topics.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Mayor has requested an update from the City Manager on the following:

- Capital Projects Update
- Legal Update



CITY COUNCIL AGENDA

NO. 7 DEPT.: Finance DATE: October 23, 2013
CONTACT: Joseph S. Fazzino, Deputy Comptroller

<p>AGENDA ITEM: Financial Update by the Deputy City Comptroller providing 3rd quarter results.</p>	<p>FOR THE MEETING OF: October 23, 2013 RYE CITY CODE, CHAPTER SECTION</p>
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RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Deputy City Comptroller Joseph Fazzino will present a financial update providing 3rd quarter results.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: October 23, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Continuation of Public Hearing to amend local law Chapter 197, Zoning, of the Rye City Code, Section §197-1, "Definitions and Usage", to amend the definition of "STORY, HALF", and Section §197-43.2, Subsection B, "Attics" to amend the Calculation of Attics in Gross Floor Area.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER 197

SECTION 1, 43.2

RECOMMENDATION: That the Council hold a Public Hearing to amend the City Code.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Concerns were expressed to the City Council that some new residential construction is considered potentially out of scale in size, height, and or bulk. The City Planner drafted changes to Rye Local Law to address some of the bulk and height concerns associated with residential attics and provide greater consistency between the requirements of the City Zoning Code and the New York State Building Code. The attached was reviewed by the Planning Commission at their August 14, 2013 meeting and was unanimously supported.

See attached draft Local Law to amend Chapter 197, "Zoning" to amend the definition of "STORY, HALF" and the Calculation of Attics in Gross Floor Area.

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City Planner
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CITY OF RYE
Department of Planning

Memorandum

To: Rye City Council

From: Rye City Planning Commission
Christian K. Miller, AICP

cc: Kristen K. Wilson, Esq., Corporation Counsel
Maureen Eckman, Building Inspector

Date: August 15, 2013

Subject: **Recommendation to Address House Scale Concerns**

Attached hereto for the City Council's consideration is a draft local law amending the City Zoning Code clarifying the definition of "Story, Half" and changing how attic space is included in the calculation of gross floor area of a residence. This local law was prepared by the City Planner in response to the City Council's discussion at its May 22, 2013 meeting and to address concerns heard by City Council members that some new residential construction is considered potentially out of scale in its size, height and or bulk.

The attached draft local law is supported by the Planning Commission. It will address some of the bulk and height concerns associated with residential attics and provide greater consistency between the requirements of the City Zoning Code and the New York State Building Code.

Background

The recommendations contained herein build on work and analysis contained a report entitled, *A Local Law Addressing House Scale Concerns*, prepared by the City-Council-appointed House Scale Sub-Committee and the City Planning and Building Departments¹. Based on the recommendations of that report the City Council adopted a local law in 2003 amending the City Zoning Code as follows:

¹ Report is available on the digital documents page of the City's website (www.ryeny.gov).

Recommendation to Address House Scale Concerns

August 15, 2013

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- *Building Height.* The maximum permitted building height (measured from the average grade to the mid-point between the roof eaves) was reduced in the R-1, R-2 and MC Districts from 35 feet to 32 feet and the height in the R-3, R-4, R-5, R-6, RT and RS Districts was reduced from 35 feet to 28 feet.
- *Reduction in FAR for Oversized Properties.* The maximum permitted floor area was reduced for properties that exceed 150% and 250% of the minimum lot area of the applicable zoning district. This provisions means that significantly oversized properties are subject to an incremental reduction in their maximum permitted floor area as the size of the lot significantly exceeds the minimum required lot area of the zoning district.
- *Attic.* The definition of attic was amended. Under the 2003 local law fifty (50) percent of the attic floor area was required to be counted in the computation of gross floor area where the floor-to-headroom height exceeds seven (7) feet, six (6) inches and the distance between real or theoretical five-foot high knee walls exceeds seven (7) feet. Prior to 2003, no portion of attic space was included in the calculation of maximum permitted gross floor area of a residence.
- *Voids.* The 2003 Zoning Code amendments required the interior floor area, excluding stairways, with a floor-to-ceiling height in excess of fourteen (14) feet shall be counted twice in the calculation of gross floor area. This provision was added to address concerns regarding residences with large bulk or mass.
- *Basements.* Prior to 2003 basements were not counted in maximum gross floor area of a residence. Under the 2003 amendments twenty-five (25) percent of the basement floor area is included in the computation of gross floor area where the pre-existing grade abutting the exterior of the basement wall has been reduced by more than three (3) feet to create an exposed wall more than seven (7) feet in height and five (5) feet in width. This provision was intended to address residential construction with excessive grade manipulation to expose basement facades to construct garages under the first floor. Exposed foundations can contribute to the bulk and mass of a residence.
- *First Floor Elevations.* The 2003 amendments required that new construction can not have a first floor more than three feet above the pre-existing grade. Requiring a maximum elevation above grade helped reduce the height and scale of a residence.
- *Porches.* The 2003 amendments excluded unenclosed porches at or below the first floor elevation from the computation of gross floor area. Porches are a desirable amenity from a streetscape and neighborhood planning perspective and can help break up the mass and scale of a residence. Prior to 2003 any

Recommendation to Address House Scale Concerns

August 15, 2013

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roofed structured (including open porches) were included in the calculation of maximum permitted gross floor area.

Recent Experiences and Recommendations

Ten years after the adoption of the zoning code amendments there continues to be concerns regarding the bulk or scale of residential construction. Building activity in Rye is high. Many residential applications involve substantial renovations or demolition of existing residences and construction of new homes that are significantly larger than the homes they replaced. In many cases the proposed gross floor area of the residences are only a few square feet shy of the maximum permitted floor area.

At the time the 2003 amendments were adopted the New York State Building Code (NYSBC) required habitable space to have a minimum ceiling height of 7 feet, 6 inches. In drafting the 2003 amendments the ceiling height for attic space was defined to be consistent with the NYSBC. Each law was separate, but by making the two regulations consistent one would help enforce the other.

The NYSBC has been amended to reduce the minimum ceiling height for habitable space to seven feet. Often new residential construction will provide collar ties (a horizontal member located between the roof rafters) between 7 feet and 7 feet, 5 inches above the attic floor. This strategic placement of collar ties results in a restricted ceiling height that is not counted as floor area under the City Zoning Code, but is now considered habitable space under the NYSBC. From an enforcement perspective, it would be preferred if the two standards were consistent.

The attached local law changes the ceiling height provision in attics to seven feet. Floor area under roof rafters (not collar ties) having a ceiling height of seven feet or greater would be required to be included in the maximum permitted floor area for a residence. Unlike the current law this floor area would be counted at 100%, not at 50% and there would be no seven-foot minimum width requirement for such floor area to be counted. In addition, the floor area under dormers within attics having a ceiling height of five feet or greater would also be required to be included in the maximum permitted floor area. The attached local law is consistent with existing laws in Greenwich, Connecticut. Attached is a copy of the diagram included in the Greenwich Building Zone Regulations illustrating the conditions for attic floor area to be counted.

The attached local law also addresses concerns related to the scale and height of attic spaces associated with some new residential construction. These areas are often cited as contributing to new construction that is out-of-scale with neighboring properties. Other floor area, such as basements, are typically excluded from the calculation of maximum permitted floor area because they are below grade and do not contribute to house scale concerns.

Recommendation to Address House Scale Concerns

August 15, 2013

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Regulatory Impact

Under the draft local law attic floor area would be counted in many instances where today it is not. This will result in some existing properties adopted under the current or former law to become legally non-conforming. This often occurs with changes in the zoning code.

More significantly, it is anticipated that under the draft local law residences will be redesigned to reduce roof pitch and/or eliminate or reduce the size of dormers to avoid attic space from being included in the calculation of gross floor area. From an aesthetic perspective some may find steeper roofs and dormers desirable. Others may disagree and find that the treatment of roofed areas can contribute to creating residences that are perceived as, tall, large and out-of-scale. This was debated quite extensively in the discussion of attic regulation in the 2003 amendments.

The draft local law does not regulate use of attic space (i.e. storage vs. bedrooms) but instead focuses on the exterior impact of attic space, which often has little to do with the interior use. The draft local law also does not regulate access to attics, such as whether attics are accessible by pull-down steps or fixed stairs. Staff would discourage such regulations because they are difficult to enforce and may encourage illegal conversions after certificate of occupancies are issued to create habitable attic space that does not meet all the requirements of the NYSBC.

DRAFT

LOCAL LAW
CITY OF RYE NO. _____ 2013

A Local law to amend Chapter 197 “Zoning”, of the
Code of the City of Rye, New York
to Amend the Definition of “Story, Half” and the
Calculation of Attics in Gross Floor Area.

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

Section 1. Article I, *Definitions, Section 197-1, Definitions and Usage*, of the Code of the City of Rye is hereby amended to amend the definition of “STORY, HALF” as follows¹:

STORY, HALF — A ~~story space~~ under a gable, hip or gambrel roof, the gross floor area of which (measured between the wall plates of which on at least two opposite exterior walls extending are not more than two (2) or more feet above the floor of such story) does not exceed, when not more than sixty (60) percent% of the floor area is used for rooms, baths or toilets of the next floor area immediately below.

Section 2. Article V, *Lot, Floor Area, Height, Yard and Court Regulations, Section 197-43.2.B, Attics*, of the Code of the City of Rye is hereby amended as follows:

B. Attics. ~~Fifty percent~~ The area of the finished attic floor that is seven (7) or more feet below the bottom of the roof rafters floor area shall be counted in the computation of gross floor area only where the headroom height exceeds seven feet, six inches and the distance between existing or theoretical five-foot high knee walls exceeds seven feet. In the case of dormers within attics, whether individual or shed type, the area of the finished attic floor that is five (5) or more feet below the bottom of the roof rafters shall be counted in the computation of gross floor area.

Section 3. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

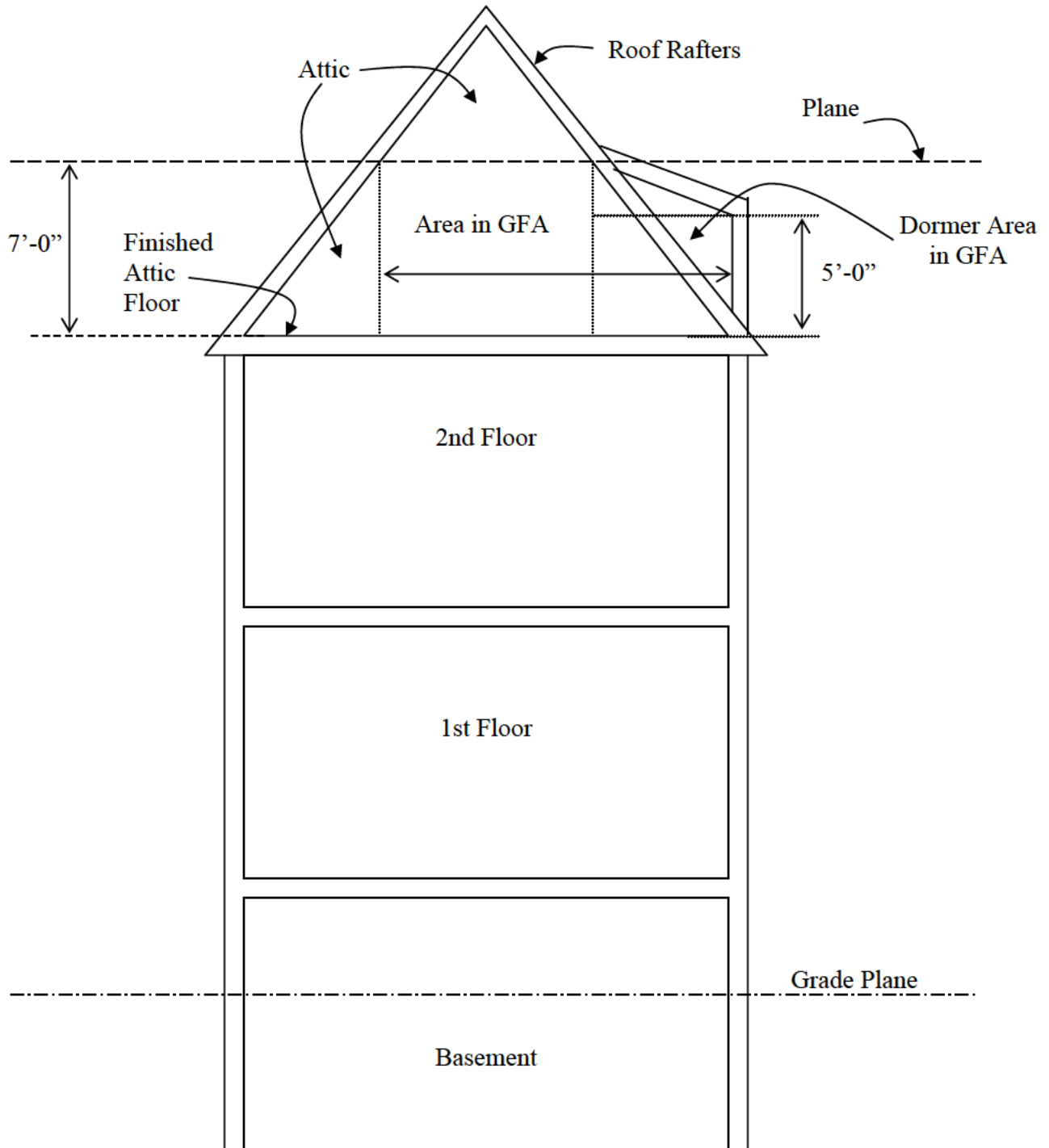
Section 4. Effective Date

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

¹ All changes to the existing code are shown with underline for additions and ~~strikethrough~~ for deletions.

DIAGRAM 2

ATTIC AREA INCLUDED IN GROSS FLOOR AREA (GFA)





CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: October 23, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Continuation of Public Hearing to: 1) adopt a local law amending Chapter 53, Architectural Review, of the Rye City Code, Section §53-1, "Definitions" to amend the definition of "Small Project", and 2) adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER 53, 197
SECTION

RECOMMENDATION: That the Council hold a Public Hearing to amend: 1) Chapter 53 and 2) Chapter 197 of the City Code.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been put forward to amend changes to the Board of Architectural review process regarding the following:

- amend the definition of "small project"; and
- amend the local law to add regulations regarding outdoor fire pits/kitchens

See attached Draft Local Laws.

CITY OF RYE
LOCAL LAW NO. ___ 2013

**A Local Law to amend Chapter 53 “Architectural Review”
Section 1 “Legislative findings; definitions” of the Rye City
Code**

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

**Section 1: Chapter 53 Architectural Review; Section
1 “Legislative findings; definitions”**

§ 53-1. Legislative findings; definitions.

SMALL PROJECT

Any addition to or alteration or modification of an existing single- or two-family residence structure:

- (1) For which valid certificate of occupancy exists for all structures on the property;
- (2) Upon which property there are no open building permits and no building permit or certificate of occupancy was issued within the immediate past 12 months;
- (3) That:
 - (a) ~~Has a gross floor area of 300 square feet or less where located in Zoning Districts R-1, R-2 and R-3 and 200 square feet or less where located in all other zoning districts;~~
 - (b) ~~Does not create a second story if none previously existed on the structure; and~~
 - (c) ~~Is less than 15% of the existing floor area of the structure; and~~
- (4) That does not ~~substantially~~ change the appearance visible from the street of any front or side facade or roof.

Section 2: Severability.

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: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

CITY OF RYE
LOCAL LAW NO. ___ 2013

**A Local Law to amend Chapter 197 “Zoning” Article IV
“Use Regulations” of the Rye City Code**

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

Section 1: Chapter 197 Zoning; Article IV “Use Regulations”

§ 197-9. Accessory uses.

A. Residence districts.

(1) Outdoor fireplaces may be permitted by the Architectural Review Board subject to the following conditions:

- (a) Not be wood burning unless the chimney is attached to the residence.**
- (b) Not be located in a required front yard.**
- (c) Be set back from side and rear yards at least 20 feet in R.1 Districts and 15 feet in all other districts.**
- (d) The outdoor fireplace structure shall not be greater than 8’ in height, measured from grade, if it is freestanding. Attached chimneys shall comply with all other regulations for chimneys in the Rye City Code.**
- (e) Have no floodlighting, directly or indirectly, and all other lighting shall be arranged and shaded as to reflect light away from adjoining premises or a public street.**

Section 2: Severability.

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: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Corporation Counsel

DATE: October 23, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

ACTION: Consideration to set a Public Hearing for November 20, 2013 to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council set a Public Hearing regarding the proposed tax exemption for improvements to historic properties.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been made to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties. The law allows a property owner to seek a tax exemption (for a certain number of years) for any increase in assessed value as a result of rehabilitation and/or alteration to historic structures. The percent tax exemption decreases over a ten year period as set forth in the draft law. The law is based on legislation that was enacted in Ithaca, North Castle, and Northport. The proposed Draft Local Law will be referred to the Planning Commission, Board of Architectural Review, the Board of Appeals, and the Board of Assessment Review for review.

See attached:

- Draft Local Law
- Information on communities that have enacted a Historic Tax Exemption
- New York Real Property Tax Law section that provides the authority for municipalities to adopt laws providing for tax exemptions for historic properties
- Application that owners would have to fill out and provide to the City Assessor

CITY OF RYE
LOCAL LAW NO. ___ 2013

**A Local Law to add Chapter 177 “Taxation” Article XII
“Exemption for Historic Districts” to the Rye City Code**

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

**Section 1: Chapter 177 Taxation; Article XII
“Exemption for Historic Districts”**

§ 177-1. Legislative intent; review process; historic determination; rights of property owner.

- A. This real property tax exemption for historic property is being enacted in order to achieve the following goals: to increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties; to provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the country at this time, which may help to attract and retain businesses in the City of Rye; to assist homeowners who are interested in restoring their own properties but may not be able to afford to do so when faced with potential increases in taxation as the result of alterations which would qualify for this exemption; and to provide a concrete benefit for restoring or improving historically or architecturally significant properties which are subject to the regulations of Chapter 117, Landmarks Preservation.
- B. The City of Rye real property tax exemption is intended to apply to alterations or rehabilitations of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the City of Rye to provide such exemptions.
- C. This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the City of Rye.

§ 177-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings.

ALTERATION

Only exterior work on a building that requires a building permit or demolition permit.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Board of Architectural Review authorizing a material change of appearance of a Protected Site or Structure or within a district, subject to other applicable permit requirements.

DEMOLITION

The destruction of the exterior of a building, in whole or in part, whether or not the foundation is also destroyed pursuant to the requirements of a duly issued demolition permit.

HISTORIC BUILDING

Any building that was built pre-1904 and for which the Landmarks Advisory Committee has determined to be of an historic nature consistent with the criteria outlined in Chapter 117 of the Rye City Code. An historic building does not have to be designated as a Protected Site or Structure.

LANDMARK

Any parcel or building or structure designated as a Protected Site or Structure not located in a Preservation District, which nonetheless meets one or more of the criteria enumerated in § 117-5 and is designated as a Protected Site or Structure pursuant to § 117-5E.

§ 177-3. Amount; criteria.

Real property within the City of Rye altered or rehabilitated subsequent to the effective date of this article shall be exempt from City real property and special ad valorem levies, subject to and in accordance with the schedule set forth in § 177-3B and conditions outlined in § 177-3B and C.

A. Historic property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

Year of Exemption	Percentage of Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%

9	20%
10	0%

B. No such exemption shall be granted for such alterations or rehabilitation unless all of the following criteria are met.

- (1) Such property must be “historic,” which means: 1) that the property has been designated as a landmark pursuant to Chapter 117 of the Rye City Code; or 2) that the structure was built pre-1904 and which has been found to meet the criteria of being an historic building by the Landmarks Advisory Committee;
- (2) Alterations or rehabilitation are consistent with the character of the historic building;
- (3) Such alterations or rehabilitation or reconstruction of the historic building are approved by the Landmarks Advisory Committee and the Board of Architectural Review prior to the commencement of work and a certificate of appropriateness issued;
- (4) The alterations or rehabilitation or reconstruction must otherwise result in an increase in the assessed valuation of the real property; and
- (5) Alterations or rehabilitation or reconstruction are commenced subsequent to the effective date of this article.

C. In the event an historic building is substantially demolished due to fire or other act of nature not caused by the property owner, the reconstruction of such building consistent with its historic character as reviewed and approved by the Board of Architectural Review shall qualify for the partial tax exemption, but in no event shall the assessment for the taxes to be paid be less than the assessment that existed prior to the substantial demolition.

§ 177-4. Application for exemption; approval.

- A. The exemption may be granted only upon application of the owner or owners of such historic building on a form prescribed by the New York State Office of Real Property Services, or any successor agency.
- B. The application must be filed with the Assessor on or before the appropriate taxable status date.

C. The exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section.

D. All of the terms, conditions and exceptions as set forth in § 444-a of the Real Property Tax Law of the State of New York, as amended, are adopted herein unless otherwise specified, as though fully set forth within this article.

Section 2: Severability.

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: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

Historic Property Exemption

Municipality	# of Properties that Qualify	# of Properties That applied	Financial Impact
Ithaca	575 properties	Abatement has been used five times since the local ordinance was adopted back in 1997 **	The 10-year abatement period has expired for two of the properties and is still running for the other three. The total financial impact for all five properties over the entire 10-year period of their abatements will be forgone taxes on a total of \$3,831,000 in taxable value, which represents \$50,108 in taxes forgone. This represents a negligible annual impact for the City.
North Castle	93 properties	None applied	n/a
Northport		One property with a very small exemption for a porch. One property will be receiving the exemption upon completion of the renovations.	

** Ithaca noted that the likely reason for the low level of usage is that the City has a fairly stable tax base with reasonable high property values and not a lot of underutilized, vacant, or significantly deteriorated properties that would be eligible for the program. In a location where there were more depressed properties that would see a big assessment increase following renovation, Ithaca anticipated that the program might be used much more heavily.

Five properties in Ithaca include:

- a large single-family home being converted for use as a bed-and-breakfast
- a former residence that had been used as office space that was renovated for use as a bed and breakfast
- a former residence that has been used commercially for many years and was being renovated for a retreat center
- a duplex that remained a duplex
- a single family home that remained a single family home.

N.Y. RPT. LAW § 444-a : NY Code - Section 444-A: Historic property

1. Real property altered or rehabilitated

subsequent to the effective date of a local law or resolution adopted pursuant to this section shall be exempt from taxation and special ad valorem levies as herein provided. After a public hearing, the governing body of a county, city, town or village may adopt a local law and a school district, other than a school district governed by the provisions of article fifty-two of the education law, may adopt a resolution to grant the exemption authorized pursuant to this section. A copy of such law or resolution shall be filed with the state board and the assessor of such county, city, town or village who prepares the assessment roll on which the taxes of such county, city, town, village or school district are levied.

2. (a) Historic property shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

year of exemption	percent of exemption
1	100
2	100
3	100
4	100
5	100
6	80
7	60
8	40
9	20
10	0

(b) No such exemption shall be granted for such alterations or rehabilitation unless:

(i) Such property has been designated as a landmark, or is a property that contributes to the character of an historic district, created by a local law passed pursuant to section ninety-six-a or one hundred nineteen-dd of the general municipal law;

(ii) Alterations or rehabilitation must be made for means of historic preservation;

(iii) Such alterations or rehabilitation of historic property meet guidelines and review standards in the local preservation law;

(iv) Such alterations or rehabilitation of historic property are approved by the local preservation commission prior to commencement of work;

(v) Alterations or rehabilitation are commenced subsequent to the effective date of the local law or resolution adopted pursuant to this section.

3. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the state board. The application shall be filed with the assessor of the county, city, town or village having power to assess property for taxation on or before the appropriate taxable status date of such county, city, town or village.

4. Such exemption shall be granted where the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in subdivision three of

this section. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

5. A county, city, town or village by local law or a school district by resolution may:

(a) Reduce the per centum of exemption otherwise allowed pursuant to this section; and

(b) Limit eligibility for the exemption to those forms of alterations or rehabilitation as are prescribed in such local law or resolution.



NYS DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES

APPLICATION FOR PARTIAL EXEMPTION FOR ALTERATION OR
REHABILITATION OF HISTORIC REAL PROPERTY

(General information and instructions for completing this form are on back.)

1. Name and telephone no. of owner (s) _____ 2. Mailing address of owner(s) _____

 Day no. () _____
 Evening no. () _____
 E-mail (optional) _____

3. Location of property
 Street address _____
 Village (if any) _____ City/Town _____
 School district _____

Parcel identification no. (see tax bill or assessment roll)

Tax map number or section/block/lot _____

4. General description of property: _____

5. Use(s) of property: _____

6a. Date construction of alteration or rehabilitation was commenced: _____

b. Date completed (attach certificate of occupancy or other documentation of completion): _____

7. Cost of alteration or rehabilitation: _____

8. Describe how alteration or rehabilitation made to property accomplishes the purposes of historic preservation:

9. Attach proof of landmark or historic district designation. For property in a historic district, explain how property contributes to the district's historic character: _____

10. Attach approval of local preservation commission for alteration or rehabilitation.

I certify that all statements made above are true and correct.

Signature of Owner

Date

INSTRUCTIONS FOR APPLICATION FOR PARTIAL EXEMPTION FOR ALTERATION OR REHABILITATION OF HISTORIC REAL PROPERTY

Authorization for exemption: Section 444-a of the Real Property Tax Law authorizes a partial exemption from real property taxation for the alteration or rehabilitation of historic property. Counties, cities, towns, and villages may enact local laws authorizing the exemption; school districts may do so by resolution. Municipalities authorizing the exemption may limit eligibility to forms of alteration or rehabilitation prescribed in the local law or resolution.

Criteria for exemption: Assuming local authorization for the exemption, to qualify, (1) the improved property must be designated as a landmark or be property which contributes to the character of a locally created historic district; (2) the alteration or rehabilitation must be made for purposes of historic preservation; (3) the alteration or rehabilitation must satisfy local guidelines and review standards in the local preservation law; (4) prior to the commencement of the alteration or rehabilitation, such change must be approved by the local preservation commission; and (5) the alteration or rehabilitation must be commenced after adoption of the local law resolution authorizing the exemption. Landmark designation, if any, and approval from the local preservation commission must be attached to the application.

Duration and computation of exemption: Generally, the amount of the exemption in the first year is 100% of the increase in the value attributable to the alteration or rehabilitation. The amount of the exemption remains the same for years two through five; thereafter the exemption is phased out over the next four years (that is, in year six, the exemption is 80 percent of the increase in value; then 60 percent in year seven, and so on). Municipalities authorizing the exemption, however, may reduce the percentages of exemption.

Place of filing application:

Application for exemption from city, town, or village taxes must be filed with the city, town, or village assessor. Application for exemption from county or school district taxes must be filed with the city or town assessor who prepares the assessment roll used to levy county or school taxes. In Nassau County, applications must be filed with the Nassau County Board of Assessors. In Tompkins County, applications for exemption from county, city, town or school district taxes must be filed with the Tompkins County Division of Assessment.

Time of filing application:

The application must be filed in the assessor's office on or before the appropriate taxable status date. In towns preparing their assessment roll in accordance with the schedule provided by the Real Property Law, the taxable status date is March 1. In Nassau County towns, taxable status date is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. In cities, the taxable status date is determined from charter provisions and the city assessor should be consulted to determine the appropriate date. Taxable status date for most villages which assess is January 1, but the village clerk should be consulted for variations.

FOR ASSESSOR'S USE

1. Date application filed: _____
2. Applicable taxable status date: _____
3. Action on application: Approved Disapproved
4. Assessed valuation or parcel in first year of exemption: \$ _____
5. Increase in total assessed valuation in first year of exemption: \$ _____
6. Amount of exemption in first year: _____

	<u>Percent</u>	<u>Amount</u>
County	_____	_____
City/Town	_____	_____
Village	_____	_____
School District	_____	_____

Assessor's signature

Date



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: October 23, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Presentation by Peter Marshall, Chair of the Rye Golf Club Strategic Committee, on the proposal to seek an RFP for the Whitby Castle and Outdoor Café/Snack Bar operation at Rye Golf Club.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: It has been recommended that the City of Rye seek proposals from experienced foodservice operators to run a high quality food and beverage facility at the premiere Whitby Castle at the Rye Golf Club. The RGC Commission voted unanimously at their meeting on October 16, 2013 to support the release of the RFP. Peter Marshall, Chair of the Rye Golf Club Strategic Committee, will present the Draft RFP and next steps for the Rye Golf Club.

See attached Draft RFP.

DRAFT – 10/11/13



**REQUEST FOR PROPOSALS
FOODSERVICE OPERATIONS IN THE BEAUTIFUL
WHITBY CASTLE
AT
RYE GOLF CLUB, RYE, NY**



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 - ❑ Pre-Proposal Conference and Facility Tour
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 - ❑ Evaluation of Proposals
 - ❑ Final Selection

APPENDIX

- A. Response Commitment Form
- B. Business Plan
- C. Key Lease Terms
- D. Other Lease Terms

1. Objective

The City of Rye is seeking proposals from experienced foodservice operators to run a high quality food and beverage facility at the premiere Whitby Castle, a unique gothic architectural destination located on the Rye Golf Club grounds in Rye, NY. Rye is an affluent Westchester County municipality located about 25 miles north of New York City.

The Request for Proposal (RFP) will be issued in October 2013 with responses due in December 2013. The RFP Process is detailed in this document.

2. Background

The City of Rye purchased the 126 acre property in 1965. The City renamed the facility Rye Golf Club and has successfully operated the golf course and pool complex for almost 50 years. The foodservice operation was outsourced 1965-2006 and has been managed by the City 2006-present as a banquet/catering, public restaurant, and snack bar facility. The Whitby Castle was closed for a \$5.4 million renovation between 1995-1998.

The Rye Golf Club is managed by the City Manager who has staff running the golf, pool, and food operation. The City Manager reports to the Rye City Council including the elected positions of Mayor and Council Members (6). The Rye Golf Club Commission, an elected nine person board, has oversight and advisory responsibility, representing membership and reporting to the City.

The Club experienced financial fraud in 2012 which has influenced the decision to RFP the food/beverage operation.

2. Location, Location, Location

Whitby Castle may be the only historic castle in the USA, built 1852-1854, set on a pristine 108 acre golf club in an affluent suburban setting. The Castle offers picturesque vistas of the Long Island Sound at the end of a beautifully manicured 18th fairway of the golf course. The view can be experienced from the restaurant, banquet and terrace seating areas.

The City of Rye has a population of approximately 15,700. In 2010, the census reported median family income of \$146,069. The median house or condo value was estimated to be \$948,447 in 2011. Rye is home to one Fortune 500 company, Jarden Corporation, and numerous small to medium local businesses.

Westchester County has a population of approximately 1 million and is home to many leading corporations including PepsiCo, IBM, Starwood Hotels, Avon, Mastercard, Dannon and Pernod Ricard, just to name a few. Affluent neighboring towns include Larchmont, Mamaroneck, Harrison, and Rye Brook. Fairfield County, just to the north, has a population of approximately 1 million, and is also known to be an affluent and business rich area.

The facility can also draw from New York City, which is easily accessible via Interstate 95, Interstate 287 Cross Westchester Expressway, and Metro North railroad.

3. History of the Whitby Castle – Food/Beverage Operations

Whitby Castle was designed in 1852 by Alexander Jackson Davis in the Gothic Revival Architecture style. It was originally occupied as a private residence. In 1921, the property was combined with the neighboring estate to form Rye Country Club. The Whitby Castle was converted to a first-class foodservice facility.

The Castle was utilized as a banquet/catering facility from 1965-1994, operated by Bado Foods for 21-years between 1973-1994. Based on a consultant study which indicated revenue potential of \$6 million per year, the Castle underwent a \$5.4 Million renovation and reopened in 1998. From 1998-2006, it was operated as a catering/banquet facility, public restaurant, pool snack bar, and golf course halfway house managed by Restaurant Associates. Since 2006, the City of Rye has managed the foodservice operation.

The recent historical food and beverage revenue totaled:

2010-Actual	\$1.6 Million
2011-Actual	\$1.9 Million
2012-Actual	\$2.1 Million
2013-Estimate	\$1.2 Million (9-1/2 month operation, closed in winter months)
2014-Budget	\$1.8 Million

The revenue estimate by department for 2013 is down due to lower banquet/catering events.

Restaurant	\$550,000
Banquet/Catering	\$400,000
Outdoor Cafe	\$250,000

The restaurant is open Tuesday through Saturday for lunch and dinner, Sunday for lunch only, and is closed on Monday.

The Rye Golf Club currently has slightly over 1,400 memberships enjoying the facility, and about 3,000 members. The course generates about 28,000 rounds of golf per year. Club members are currently offered a 10% discount on food/beverages served in the Castle and have a \$300 annual minimum.

These statistics are informational only and no future guarantees are made by the City.

4. Whitby Castle Facility Description

Whitby Castle is a free standing two-story historic building comprising approximately 11,000 square feet of interior space including a divisible ballroom, restaurant, meeting rooms, bar, kitchen and basement. It features a 2,000 square foot outdoor terrace. The size and layout of the Whitby Castle provides an extraordinary opportunity for an operator to generate significant revenues from a public restaurant and/or special event catering. The outdoor café is utilized as a snack bar servicing the Olympic pool and golf course facility.

Kitchen

The facility is served by a main kitchen on the first floor. A prep kitchen, located on the lower level, supports the main kitchen and is accessible by elevator.

❑ Main Kitchen:	1,220 SF
❑ Prep Kitchen:	1,227 SF
SUB TOTAL	2,427 SF

Banquet Rooms

The banquet rooms are located on the first floor, and served by a separate entrance from the main entrance to the Castle. There are two adjacent rooms which can be opened as one large space or divided and utilized as two separate rooms.

❑ South Room:	1,610 SF
❑ North Room:	2,122 SF
SUB TOTAL	3,732 SF

Dining Rooms

There are four distinct rooms which make-up the restaurant portion of the space:

❑ Library Room:	1,025 SF
❑ Rear Parlor:	648 SF
❑ Front Parlor:	255 SF
❑ East Interior Porch:	1,152 SF
SUB TOTAL	3,080 SF

Private Meeting Rooms

The second floor of the facility has four private meeting rooms which can be used as a bridal suite or for addition dining or meeting space:

❑ West Meeting Room:	374 SF
❑ Chapel Meeting Room:	425 SF
❑ South Meeting Room:	360 SF
❑ North Meeting Room:	224 SF
SUB TOTAL	1,383 SF

Bars

A beautiful hand crafted bar with tables and television is accessible from both the restaurant and banquet rooms. A service bar is positioned adjacent to the banquet rooms.

❑ Bar Area w Tables:	380 SF
TOTAL INTERIOR	11,002SF

Terrace

The Castle has an outdoor terrace accessible from the Dining and Banquet Rooms.

□ Terrace:	2,153 SF
WHITBY GRAND TOTAL	13,155 SF

Outdoor Café / Snack Bar

The outdoor café/snack bar services the Olympic pool and recreation area as well as the golf course. This area has a separate kitchen/grill facility.

5. Request For Proposal (RFP) Process

Purpose

This RFP is soliciting proposals to lease the Whitby Castle to a food and beverage operator. The Snack Bar and Halfway House are also available for lease and operation. The specific services offered by the Respondent are not being mandated by the City and can include:

- a) Full Service – Banquet/Catering, Restaurant, Snack Bar
- b) Banquet/Catering and Restaurant only.
- c) Banquet/Catering only.
- d) Restaurant only.
- e) Other food/beverage concept.

Timeline

The following dates are the dates the City plans to follow throughout the selection and negotiation process. All dates are subject to change at the discretion of the City.

□ RFP Issued	October 25, 2013
□ Pre-proposal Conference	November 8, 2013
□ Responses due	December 18, 2013
□ Site Visits and Finalist Interviews	January 2014
□ Negotiations and Contract Award	February 2014
□ Startup	March/April 2014

Pre-Proposal Conference and Facility Tour

The facility will be available for a site inspection on **November 8-9, 2013**. A meeting and tour will begin at 10 AM on each day. Reservations in advance are appreciated so we can plan accordingly.

Respondents may be represented by up to three individuals at the pre-proposal conference. Please send the names of attendees, by fax, to Scott Pickup, City Manager 914.967.7404 or by email (spickup@ryeny.gov) by noon on **November 1, 2013**.

Location: Rye Golf Club, Member Lounge
330 Boston Post Road
Rye, New York 10580

RFP Requirements

The checklist below identifies the topics which each Respondent must address in their proposal. Any errors or omissions made on the checklist do not relieve the respondent from the responsibility to complete and submit all required documents in this RFP.

- Response Commitment Form (Appendix A)
- Business Plan (Appendix B)
- Key Lease Terms (Appendix C)
- Other Lease Terms (Appendix D)

The Respondent must provide ten (10) hard copies of the complete proposal and an electronic adobe.pdf file with all documentation to:

Scott Pickup, City Manager
City of Rye
1051 Boston Post Road
Rye, NY 10580

Proposals must be received by the City Manager's Office no later than 5:00 PM on Wednesday, **December 18, 2013**.

Evaluation of Proposals

The selection of the operator shall be at the sole discretion of the City. A duly designated committee will perform a detailed and objective evaluation. The committee will consist of:

- Members of the Rye City Council
- City Manager and City Legal Counsel
- Representatives from the Rye Golf Commission
- Representatives from the Rye Golf Club Strategic Committee
- External Food/Beverage Consultant

The City intends to award a contract to the operator whose proposal, in the sole judgment of the City, is most advantageous to the City. The City reserves the right to accept or to reject any or all proposals, and to waive any of the requirements of the proposal selection procedures explained in this document.

The criteria used to evaluate the proposals will consider:

- ❑ Terms of the lease, including but not limited to, financial considerations.
- ❑ Respondent's financial and organizational strength.
- ❑ Respondent's demonstrated experience to carry out the proposal.
- ❑ Level of detail and credibility of the proposed business plan.
- ❑ Compatibility with the Rye Golf Club and City of Rye.

Respondents may be required to give oral presentation to the City to clarify or elaborate on the written proposal.

Final Selection

After evaluation of the proposals and determination of the most qualified Respondent(s), the City of Rye may authorize the City Manager to enter into final discussion with 1-2 selected finalists with the intent to finalize the lease and management agreement. The final discussion period is not expected to exceed 60 days.

Questions and Inquiries

Any questions and inquiries regarding this RFP shall be directed to Scott Pickup, City Manager at 914.967.7404 or via email to spickup@rye.ny.gov.

APPENDIX A

Response Commitment Form

This commitment must be completed and included as the first page of your proposal.

This proposal is being submitted electronically and with 10 printed copies by _____ in response to the Whitby Castle RFP issued by the City of Rye, and has been prepared in compliance with all specifications, instructions, requirements and terms as set forth in the RFP named above.

The respondent acknowledges its commitment to follow through with all proposed programs and features should they be selected as the awardee by the City. Respondent further agrees that this proposal response will be guaranteed for 120 days from the date of submittal.

Respondent further acknowledges that if _____ is the awardee, the enclosed proposal response and the RFP specifications will be cited as attachments to the agreement between the awardee and the City.

The person authorized to contractually bind _____ is:

(Name)
(Title)
(Address)
(Phone)
(Fax)

The person authorized to be contacted during the period of evaluation of proposals and subsequent final evaluation stages is:

(Name)
(Title)
(Address)
(Phone)
(Fax)

Signed: _____

Title: _____

Date: _____

Sworn before me this _____
Day of _____, 2013.

Notary Public

APPENDIX B

Business Plan

Respondents should include detailed narrative describing their business plan including topics outlined below as well as any additional information available for consideration.

Organization

The Respondent must identify their business entity and list all shareholders.

Although it may not be possible to know the precise management team at the time of the proposal, the City is interested in the Respondents ability to demonstrate that a proven, capable management team will operate the facility.

- ❑ Proposed organization chart which establishes the lines of authority and communication between management and employees.
- ❑ Resume for the general manager (if applicable). The general manager candidate may be asked to be present during interviews of finalists.
- ❑ Resumes for other key personnel (chef, catering manager, restaurant manager, etc.).

Please note that it would be appreciated if existing RGC staff could be interviewed for positions with your organization.

Services Offered

The proposal should provide a full description of the services to be offered (ie. banquet/catering, restaurant, outdoor café/snack bar, etc.).

Catering and Banquet Services

Please provide sufficient detail to describe the operating plan proposed for the catering and banquet services. Include a discussion of the following:

- ❑ Overview of service proposed
- ❑ Days and Hours of Operation
- ❑ Anticipated number of events

Restaurant (Optional Proposal)

Should you choose to submit a proposal to operate a restaurant, please provide sufficient detail to describe the operating plan proposed for the restaurant.

- ❑ Overview of service proposed
- ❑ Days and Hours of Operation
- ❑ Sample menu and pricing

- ❑ Anticipated covers for breakfast, lunch, and/or dinner meals

Outdoor Café/Snack Bar and Halfway House (Optional Proposal)

Should you choose to submit a proposal to operate the Outdoor Café/Snack Bar/Halfway House, please provide sufficient detail to describe the operating plan.

- ❑ Overview of service proposed
- ❑ Days and Hours of Operation
- ❑ Sample menu and pricing

Financial

Financial disclosure is required to ensure viability of the business plan and of the Lessee.

- ❑ Proforma income statements for the food/beverage operations annually for the lease term by department (catering, restaurant, snack bar).
- ❑ Respondent audited annual financial statements for the prior three years. If audited statements are not available, a complete financial statement and business/corporate tax returns must be submitted, subject to confidentiality.

Marketing

Respondents will have license to name and market the facility, including providing appropriate signage on the Boston Post Road.

Methods of marketing the food/beverage operations should be described. Include a discussion of how the Responder will work with the City to promote food and beverage services as part of Rye Golf Club (if applicable). Description should include separate and distinct marketing proposals for the catering and restaurant facilities (if applicable).

Conflict of Interest

Respondents must disclose the name of any officer, director, or agent who has done business with, or is an employee of, the City or Rye or Rye Golf Club.

Timeline

The proposal should include a timeline for entering the facility, assuming operations and opening the facility to the public. The City of Rye continues to manage the catering operation and the Respondent is expected to assume all existing banquet/catering bookings. Those details will be disclosed during the exclusive negotiation period.

APPENDIX C

Key Lease Terms

The selected Respondent will enter into a Lease and Management Agreement with the City of Rye which will specify the duties and obligations of both parties. In this section the Respondent must propose key lease terms which will be incorporated into the agreement.

Permitted/Intended Use

Catering/banquet facility, public restaurant, and snack bar (as appropriate).

Base Rent

Minimum base monthly rental rate with annual % adjustments.

Percentage Rent

Rent based on a percentage of gross receipts for food, beverage, and merchandise.

Payable Rent

Rent will be payable to the City on a monthly basis. The Payable Rent can be calculated as the Base Rent plus the Percentage Rent, as the higher of the Base Rent or Percentage Rent, or it can follow an alternate structure.

Term

Initial term and extension option(s). Performance criteria for the extension period(s).

APPENDIX D

Other Lease Terms

This section briefly describes other terms which will be incorporated into the final lease. Respondents must indicate acceptance of these terms, or indicate which sections, if any, require further discussion.

Parking

The food/beverage operation shares parking with the Rye Golf Club.

Maintenance

The City will be responsible for structural repairs to the building other than those resulting from Operator's negligent use of the facilities (for which Operator shall be responsible).

The City owns all furnishings and fixtures, kitchen and restaurant/banquet equipment in the facility which may be offered to the successful Respondent as a turnkey operation. The Respondent will be required to maintain and replace any City assets that are damaged.

Respondent will be responsible for interior maintenance and decoration to ensure that the confines are kept in good repair and painted to provide a safe and first class experience for customers. Facility will be leased in 'as is' condition and any material modifications to the facility will be the responsibility of the Respondent and will require City of Rye pre-approval.

Respondent will be responsible for maintenance, repairs and replacement of all furniture, fixtures and equipment in the facilities. An annual spend for R&M will be required.

Cleaning

Respondent will be responsible to keep the facility clean and sanitary to pass all inspections.

Utilities

Respondent will be responsible for payment of all utility charges including telephones.

Refuse

Respondent will be responsible for trash removal associated with their operation.

Snow Removal

Respondent is responsible for snow removal. The City may provide that service for a fee.

Point of Sale System

Respondent will be required to provide and maintain an electronic point-of sale (POS) system for restaurant operations. The system should include all necessary POS equipment including cash registers, back-office terminal(s), and all necessary hardware and software.

Accounting Records and Reporting

The Respondent shall keep all sales records customarily used in this type of agreement. The City will maintain standard audit rights to verify compliance.

City Access

To ensure compliance with any lease or management agreement, the selected respondent will be required to provide authorized representatives from the City with full and free access to the entire leased and managed areas.

Insurance

Respondent will be required to procure and maintain insurance to include:

- ❑ Comprehensive General Liability in the minimum amount of \$2 million per occurrence and which shall include Liquor Law Liability, Products Liability, Personal Injury, and Independent Contractor Protection.
- ❑ Personal property including damage by fire.
- ❑ Business Interruption in the minimum amount of \$1 million.
- ❑ Labor Insurance with statutory limits as required by law to include Worker's Compensation and NYS Disability Insurance.
- ❑ Automobile insurance in the minimum amount of \$1M.

The City of Rye must be named as additional insured. The carriers must be acceptable to the City of Rye, licensed in the state of New York and rated A- or better by AM Best.

Security Deposit

A security deposit in the amount of three month's rent will be required.

Personnel

All persons engaged by or on behalf of Respondent shall be employees of the Respondent and not of the City.

Taxes

Respondent shall be responsible for payment of all taxes related to it's operation.

Compliance with Legal Regulations

The City represents that the facility will be fully in compliance with the requirements of the Americans with Disabilities Act at the time of occupancy.

Respondent shall obtain liquor license from the New York State Liquor Authority to sell alcoholic beverages at the facility.

Respondent shall comply with all applicable laws, ordinances, and governmental rules, regulations, orders or requirements.

Assignment/Sublease

The City will have the right to approve any assignment, sublease, or transfer of the Lease.

Indemnification

The Respondent will indemnify the City against third party actions, claims costs, losses, expenses, and/or other damages.

Performance Assurity

The City will require reasonable performance assurity prior to signing a long term lease.

Other

Further terms will define Default/Termination, Force Majeure, Surrender, Property Rights, Successors, Jurisdiction, and other rights as determined by City Counsel.



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: October 23, 2013

CONTACT: Mayor French

ACTION: Presentation on Smart 911 Technology.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council hear a presentation on the Smart 911 Technology at the request of Rye CERT members.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Community Emergency Response Team (Rye CERT) was formed after Hurricane Sandy to coordinate and implement a citizen preparedness plan that supplements the City's emergency plan so that all residents are better informed well prior to an emergency and can take appropriate action as needed.

Rye CERT has proposed having the Smart911 service available to the community to handle the volume of calls for assistance during disaster periods. Smart911 allows citizens to create free online safety profiles including photographs, premise and health and rescue information. When a citizen dials 911 their profile automatically appears in the 911 center helping call takers and first responders.

The 911 system is operated by Westchester County. Smart 911 is a commercial service that provides an external database of information supplied by participants who register. There is no cost to the participants of Smart 911; it is paid for by the municipality. Westchester County has no funding for this service.

See attached documentation.

Additional 9-1-1 Data for Faster, More Effective Response

Deployed across hundreds of PSAPs, Smart911 delivers accurate, detailed caller data with incoming 9-1-1 calls. It helps 9-1-1 call takers make faster, better decisions, shortens response times, and helps save lives.



Citizens sign up for Smart911 and enter information they want 9-1-1 to receive in case of an emergency. Information can include family member data, photos, medical conditions, disabilities, mobility limitations, exact locations, even pets. Data is automatically validated against users phone number(s) and kept fresh through a patented aging process.



When a person calls 9-1-1, their data automatically displays on the call taker's work station – anywhere across the nation where Smart911 is deployed. Data can be easily pushed to Law Enforcement, Fire, and EMS to help them respond more quickly and effectively.

Smart911 Improves Responder Safety and Efficiency



Police – Premise details, large dogs on site, photos of children or elderly prone to wandering.



Fire – Property layout, number of people in household, disabilities, hazardous material, access instructions.



EMS – Medical conditions, medications, allergies, emergency contacts, special transport needs.



9-1-1 Call Takers – Silent call data, language identification, address for mobile.

Saves Time, Money, Resources – and Lives

Data Type	Today	With Smart911
Photos	–	✓
Physical descriptions	–	✓
Medical conditions	–	✓
Special rescue notes	–	✓
Accurate mobile phone billing address	–	✓
Re-bid mobile location on dropped calls, callbacks	–	✓
Violence indicators	–	✓
Potential pet danger	–	✓

“During an emergency, it can be very chaotic and people may panic. By giving people the ability to provide details that 9-1-1 and responders may need prior to an emergency, we can immediately relay critical information to better assist them.”

Jamel Anderson

Director,
Grand Traverse
County 9-1-1
Central Dispatch

Actual Smart911 Use Cases



Photo / Missing Child – An Arkansas mother called 9-1-1 when her daughter’s daycare alerted her that the child did not arrive on the school bus and they were unable to find her. Because the mother had created a Smart911 Safety Profile, the dispatcher had immediate access to a photo of the girl and a description to pass on to deputies already en route to the school. The child was quickly located unharmed.



Medical Condition / Latex Allergy – A frantic mother called 9-1-1 after her son ran into a barbecue grill causing a severe laceration. In her distraught state, she forgot to mention his lethal allergy to latex. Common protocol has emergency medical personnel gloving up en route. The dispatcher saw the Smart911 profile and alerted responding units to the allergy. Smart911 helped first responders, especially the dispatcher, do their jobs – and quite possibly saved the small boy’s life.



Communication Issue / Non-English Speaker – A non-English speaking nanny placed an emergency call for service, pleading “help” and then left an open line. The nanny was a caretaker for a child with a rare breathing disorder. The Smart911 profile displayed prompted the call taker to dispatch EMS instead of a simple health and welfare check. The pre-arrival instructions provided in the profile by the mother are also credited with helping to save the child’s life.



Unresponsive Caller / Cell Phone – A wireless 9-1-1 caller is unable to communicate. Using the Smart911 Safety Profile, the call taker identifies her home address, which is near the location hit on her wireless phone. The call taker notices the caller has a bee sting allergy. 9-1-1 dispatches EMS in addition to law enforcement. When they arrive, they find the woman in anaphylactic shock from a bee sting. The rapid medical response information contributed to a successful outcome for this individual.

Smart911 Deploys Easily and Quickly in all PSAP Environments

Accurate data with no maintenance overhead

Citizen provided, self-managed data. Phones are validated to ensure data validity. Auto reminder every six months. Rave provides support to citizen inquiries.

Supplements traditional data

Profiles give supplemental ALI information on profiles associated with all phone types – landline, mobile, VoIP.

Compatibility

Works with traditional 9-1-1 infrastructures and NG9-1-1 IP-based systems. Hundreds of successful implementations across numerous CAD and call-taking system combinations. There are numerous deployment options to meet your specific operational requirements.

Implementation timeline

Deployments are often done remotely, require minimal technical on-site support, and can be completed in hours.

Reliability and Security

Secure, hosted, geographically redundant system meeting the highest security standards.

Support

24 x 7 support



SmartPrepare

Actionable Data and Reporting for Emergency Management



FEMA

“For years, our nation's emergency management community simply has not done a good enough job planning for and meeting the needs of people with disabilities... This limited approach ties up personnel and resources when a disaster strikes.”

- Craig Fugate
FEMA Administrator



“Osage County, Missouri residents count on their 9-1-1 and Emergency Operations Center to anticipate and plan for their needs in the event of an emergency. SmartPrepare gives them the ability to create free online safety profiles, which then provide us with the actionable data necessary for most effectively responding to and positively affecting the outcome of a disaster.”

- Andrea (Andi) Rice
911/Emergency Mgmt Director
Osage County, Missouri

Overview

Emergency Management and Public Health officials are tasked with an incredible responsibility: Mitigate the impact of a disaster and maintain plans, procedures, equipment, and partnerships that will both prepare the community and provide for the most effective response when a disaster strikes. Success is dependent on access to the data and tools necessary for planning and response. SmartPrepare provides the actionable data and reporting tools needed to more effectively mitigate the effects of, plan for, respond to and recover from emergencies.

SmartPrepare makes it easy for individuals to enter information online that can be accessed by Emergency Management and Public Health Officials for disaster planning and response activities. Robust, permission-based GIS reporting helps emergency managers to better plan for the resources they know their residents will require during an incident. SmartPrepare allows agencies to better utilize their limited resources for mitigation and preparedness activities, instead of database management.

Key Benefits of SmartPrepare include:

- Citizen-managed safety profile data
- Automation of data collection, validation, and geocoding
- More effective preparedness around whole community needs
- Rapid identification & visualization of vulnerable populations
- More efficient response to those in the greatest need of assistance
- Facilitate interoperable regional reporting

Until now, no solution has existed that provides individuals and families with the ability to create free and secure online safety profiles that emergency officials can efficiently access for planning and response activities.

Real World Examples

Power Outage

Electricity is a comfort and convenience for all but it is critical for some - individuals dependent on electrically-powered medical devices, such as ventilators, or refrigeration for medications like insulin. With SmartPrepare, emergency management and public health officials have knowledge of, in advance of a power outage, the medical needs of the community. During a disaster, SmartPrepare provides dynamic information to emergency managers to more efficiently address the situation.

Evacuation




Recent natural disasters have demonstrated the importance of knowing which individuals have physical conditions or other limitations impeding their ability to self-evacuate should the need arise. SmartPrepare gives government officials access to the most up-to-date and comprehensive secure database about their residents. The data can be queried through the use of any web-enabled device and results displayed on a map, in a list, or exported into other systems for further action.

Transportation Interruptions

Adverse weather can make roads impassable and safe transportation impossible for days or even upwards of a week. The inability to access facilities that provide critical medical therapy, for chronically-ill individuals, such as kidney dialysis, can quickly overwhelm the local emergency-response system and healthcare infrastructure. SmartPrepare provides emergency officials with the vital information necessary for making preparations for this type of localized disaster.

Shelter Resource Planning

Generically planning shelter resources does not necessarily meet the community's actual needs. SmartPrepare provides the essential information – the medical needs of the community, the number of pets and animals that will require sheltering or relocation, as well as other vulnerabilities – required by emergency officials to prepare for the specific resource needs of their population.

Collect and Manage	Report and Plan	Collaborate and Interoperate
 <p><i>Collect the data needed to effectively plan</i></p> <ul style="list-style-type: none"> Intuitive data collection portal captures relevant information, eliminating the need for manual or custom processes Customizable data collection based on jurisdictional needs Automated processes to ensure citizens keep data up-to-date, improving resource planning efficiency and accuracy 	 <p><i>Access the data you need, when you need it</i></p> <ul style="list-style-type: none"> GIS and web-based reporting allows you to easily identify and visualize vulnerable populations Unique mobile interface allows field operations to have the same real-time access to data Permission-based, regional roll-up and reporting 	 <p><i>Facilitate collaboration and interoperability</i></p> <ul style="list-style-type: none"> Easy sharing of reports across agencies, regions, and interested parties Export for integration into other systems, or simply email to the appropriate responders or teams Integrated into emergency notification systems for rapid notification to specific population groups

System Specifications

Supported Operating Systems and Required Software	All major systems are supported. Users and administrators require a standard web browser to access SmartPrepare.
Licensing	Yearly license includes unlimited usage, data and citizen profiles. Administrator access based on licenses purchased.
Maintenance and Support	Yearly license includes all maintenance, upgrades and live 24x7 support.
Security and Reliability	Geographically redundant SAS70 data centers. Regular 3rd party security compliance audits. Industry leading up-time record. Citizen data secured in accordance with industry best practices.
Reporting	Map or table-based reporting on citizen data. Detailed delivery reports down to the user level. Interoperable regional reporting. Multiple export formats.
Data Management	Processes to ensure regular citizen updates to data.
Permissions	Administrator-defined permissions to allow different levels of access to the data.
Usability	Full-featured mobile interface. 508 compliance for citizen registration.



Safe. Secure. Connected

SmartPrepare
Contact us at: 888.605.7164
Sales@RaveMobileSafety.com

Rave Mobile Safety
50 Speen Street
Framingham, MA 01701





CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: October 23, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM Resolution to establish a "Complete Streets" Policy for the City of Rye.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider the approval of a Complete Streets resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Shared Roadways Committee has proposed the passage of a Complete Streets Resolution. Complete streets are designed and operated to enable safe access for all users including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Complete Street roadway design features include sidewalks, lane striping, bicycle lanes, paved shoulders suitable for use by bicyclists, signage, crosswalks, pedestrian control signals, bus pull-outs, curb cuts, raised crosswalks, ramps and traffic calming measures. A Complete Streets policy has been proposed for Westchester County and the House of Representatives has called for national standards for complete streets policies as one of the central proposals of the Safe Streets Act of 2013. The directives of the City of Rye Complete Streets policy will be under the auspice of the Traffic and Pedestrian Safety Committee.

See attached:

- Complete Streets Resolution
- List of other Cities and Counties that have passed Complete Streets Resolutions or Policies

**RESOLUTION OF THE CITY OF RYE
ESTABLISHING A COMPLETE STREETS POLICY**

WHEREAS the City of Rye is committed to improving the safety of pedestrians and cyclists, especially children and elderly who are at greater risk due to their dependence on non-motorized facilities; and,

WHEREAS the presence of walkers and cyclists in a community is an indication of a vibrant and healthy community; and,

WHEREAS walkable neighborhoods increase community interaction and create sense of community pride; and,

WHEREAS the City of Rye is committed to encouraging healthy lifestyles for all by promoting active living; and,

WHEREAS the City of Rye is committed to reducing both dependence on fossil fuels and well as the air and noise pollution associated with automobile use; and,

WHEREAS the City of Rye is committed to providing viable transportation alternatives to the automobile; and,

WHEREAS, if a roadway is not reasonably meeting the needs of the types of users who would logically benefit from traveling along that route, it is not considered to be complete; and,

WHEREAS a street is considered complete when it is designed and operated to safely accommodate all users including motorists, pedestrians, bicyclists, transit riders and people of all ages and abilities; and,

WHEREAS streets that support and invite multiple uses, including safe space for pedestrians, bicycles and public transportation, are more conducive to the efficient and safe movement of people than streets designed primarily to move automobiles and trucks; and,

WHEREAS Complete Streets result in safe routes for children to walk and bicycle to school; and,

WHEREAS when roads are better designed for bicycling, walking and transit, more people do walk and bike; and,

WHEREAS more children are likely to walk or bike to school when sidewalks or footpaths are present and there are safe street crossings; and,

WHEREAS designing roads with all users in mind from the beginning saves costly retrofits; and,

WHEREAS a Complete Streets concept recognizes the need for flexibility, that all streets are different, that user needs should be balanced, and that the roadway design must fit in with the context of the community.

NOW, THEREFORE, BE IT RESOLVED that the City of Rye commits to a Complete Streets Policy which provides as follows:

1. Vision

It is envisioned that these actions will result in a greater number of individuals freely choosing alternative transportation modes (walking, bicycling, mass transit, etc.), which will lead to healthier lifestyles, improved air and water quality, and a safer, more sustainable transportation system.

2. Definitions

The term “Complete Streets Policy” means a transportation policy that ensures the consideration in all phases of project planning and development, of the needs of all users of the transportation system including pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, as well as those of motorists including buses, trucks, and emergency vehicles.

3. Purpose

The purpose of this Policy is to promote the design of surface transportation corridors that balance the needs of all users of the network while incorporating community values as well as qualities of environmental stewardship; scenic, aesthetic, historic and natural resource preservation; safety; security; mobility and individual freedom.

4. Directives

- a. The City of Rye will seek to enhance the safety, access, convenience and comfort of all users of all ages and abilities, including pedestrians, people requiring mobility aids, bicyclists, transit users and motorists, through the design, operation and maintenance of the transportation network so as to create a connected network of facilities accommodating each mode of travel that is consistent with and supportive of the local community,

recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner.

- b. Early consideration of all modes for all users will be important to the success of this Policy. Those planning and designing street projects will give due consideration to bicyclists and pedestrians, from the very start of planning and design work. This will apply to all roadway projects, including those involving new construction, reconstruction, repaving, or changes in the allocation of pavement space on an existing roadway.
- c. In addition to design elements such as bike lanes, street treatments that are used to make streets more complete include, but are not limited to: sidewalks, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, and roundabouts.
- d. The City will seek to carry out projects that eliminate identified gaps in the sidewalk and key corridor networks. The project development process should include identification of gaps or deficiencies in the network for various user groups that could be addressed by the project, and an assessment of the tradeoffs to balance the needs of all users. Factors that should be addressed when making that assessment include the following:
 - i. Whether the corridor provides a primary access to a significant destination such as a community or regional park or recreational area, a school, a shopping / commercial area, or an employment center;
 - ii. Whether the corridor is in an area where a relatively high number of users of non-motorized transportation modes can be anticipated during the expected life of the project;
 - iii. Whether a road corridor provides important continuity or connectivity links for an existing trail or path network; or
 - iv. Whether nearby routes that provide a similar level of convenience and connectivity already exist.
- e. The needs of bicyclist and pedestrian transportation users shall be incorporated into all roadway projects except under one or more of the following conditions:

- i. A project involves only ordinary maintenance activities designed to keep assets in serviceable condition, such as mowing, cleaning, sweeping, spot repair, concrete joint repair, or pothole filling.
 - ii. The cost of establishing a bikeway, walkway or other transit enhancement is excessive and disproportionate.
 - iii. The construction is not practically feasible because of significant or adverse impacts on neighboring land uses or the environment.
 - iv. There is a clear absence of both current and expected future bicycling and pedestrian use.
- f. Any exception to the application of this Complete Streets Policy to a specific roadway project must be approved by the City Council.

BE IT FURTHER RESOLVED, that the Traffic and Pedestrian Safety Committee, Charter Article 20A, Section § C20A-3. ("Purpose and duties") be amended to include the monitoring of the Directives set forth herein.

BE IT FURTHER RESOLVED that the City Council commits to including this Complete Streets policy and its principles in all future City Plans.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Governor of the State of New York, State Assemblyman George Latimer, Westchester County Legislator Judy Myers, the New York State Department of Transportation, and the Westchester County Planning Department.

Complete Streets Information

● 08/15/2011

Governor Andrew Cuomo signed the Complete Streets Act requiring state, county and local agencies to consider the convenience and mobility of all users when developing transportation projects that receive state and federal funding. The New York State Department of Transportation (NYSDOT) is working to ensure that its policies and procedures meet the new standards.

● 06/17/2013

The Westchester County Government Operations Committee unanimously endorsed both a Complete Streets Policy, as well as a Complete Streets ACT, that would require that the policy be applied. Both will advance to the full Board of Legislators, after the required NYS environmental quality review (SEQR) is completed. Legislators Catherine Borgia and MaryJane Shimsky are co-sponsors of both measures.

Villages, Towns and Cities with Complete Streets Resolutions or Policies

- Angelica
- Babylon
- Bethlehem
- Binghamton
- Brookhaven
- Buffalo
- Canandaigua
- Chester
- Clyde
- Cuba
- Dobbs Ferry
- East Hampton
- Elizabethtown
- Fort Edward
- Glens Falls
- Great Neck Plaza
- Gowanda
- Hinsdale
- Independence
- Islip
- Kingston
- Lake Luzerne
- Lewis
- Lewisboro
- Malone
- New York City
- Newcomb
- New Rochelle
- North Hempstead
- Rochester
- Salamanca
- Saratoga Springs
- Somers
- South Hampton
- Warrensburg
- Westport
- White Plains
- Willsboro
- Williamson
- Wilmington

Counties with Complete Streets Resolutions or Policies

- Alleghany County
- Cattaraugus County
- Erie County
- Essex County
- Nassau County
- Suffolk County
- Ulster County



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: October 23, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Discussion of the next phase of the Central Business District Improvements.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Bond Referendum passed by Rye City voters on November 6, 2012 included three projects for streetscape improvements in the Central Business District. City Planner Christian K. Miller, AICP will provide an update on these projects.

See attached project list.

Central Business District Improvement Projects



<i>Project Name</i>	<i>Description</i>	<i>Estimated Cost</i>
Smith Street Reconstruction	Project involves the reconstruction (including paved surface and base) and curb replacement, where necessary. Other improvements as noted in the 2009 CBD Planning and Streetscape Study would also be considered.	\$330,000
Smith/Elm/Purchase Intersection Improvements	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing existing signal with stop signs and other traffic calming measures including changes in intersection paving material, bump-outs, new crosswalks and other street amenities.	\$550,000
Locust Avenue Sewer Siphon Replacement	Abandon the “siphon” under the Locust Avenue bridge and construct a new sewer line with a more reliable, straight, gravity flow sewer line to the County trunk in Blind Brook. The existing pipes are approximately 100 years old, and one of the existing 4” pipes is partially compromised with an obstruction. The siphon conveys sewage for many businesses in the CBD.	\$250,000



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager

DATE: October 23, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an agreement with Stephen Zagor & Associates for an amount not to exceed \$10,000 for professional consulting services for the selection of a new leasehold operator at Rye Golf Club.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with Stephen Zagor & Associates for an amount not to exceed \$10,000.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: It has been recommended that the City of Rye seek proposals from experienced foodservice operators to run a high quality food and beverage facility at the premiere Whitby Castle at the Rye Golf Club. The RGC Commission voted unanimously at their meeting on October 16, 2013 to support the release of the RFP. In order to expedite the project, the Commission also voted unanimously to hire a Food & Beverage industry expert in an advisory role to review the RFP in detail and to ensure the RFP reaches the right audience. The Council is asked to authorize the City Manager to enter into an agreement with Stephen Zagor & Associates to provide industry expertise in the selection of a new leasehold operator at Rye Golf Club.

See attached documentation.

Stephen H. Zagor

October 9, 2013



Mr. Peter Marshall
Rye Golf Club
330 Boston Post Road.
Rye, NY

Via E-Mail

Dear Peter:

It was a pleasure to meet you and Scott to discuss the future food facilities of the Rye Golf Club. At your request, I am pleased to present this proposal for professional consulting services for the selection of a new leasehold operator.

In this letter, I describe the project as I understand it, the approach we will take in conducting the engagement and the estimated fees for our efforts.

Background and Scope

The members and operators at the Rye Golf Club have embarked on the process of refreshing and reinvigorating the food facilities at Whitby Castle and the Club. An important aspect of the process is to select and retain a new operator as a lease tenant for your historic Long Island Sound facility. To adequately prepare for this undertaking, you have developed a Request for Proposal (RFP) and a list of potential operators. Because the tasks to be accomplished require food and beverage structuring experience, as a due diligence to properly analyze the offers, you are seeking the assistance of Stephen Zagor & Associates to provide industry expertise in the development of these new businesses.

To assist you in your deliberations, I have developed a tailored approach for this project as follows.

Stephen H. Zagor

445 East 86th St, New York, NY 10028, 917-734-4890, email: szagor@iceculinary.com

Mr. Peter Marshall
Rye Golf Club
330 Boston Post Road.
Rye, NY
Page 2 of 4

Analysis Planning

To provide you with assistance as required in the selection, and retention of a new operator, our work will include, but not be limited to, the following. We will:

Meet with you and members of your team to discuss your goals for the entire project, and your level of proposed supervision and involvement;

Review the current RFP as well as any historic, menus and accompanying documentation for the new development;

Assist as need in contacting and soliciting operators;

Identify potential lease arrangements;

Help you to formulate reasonable goals regarding – vision, food concepts, design, financial performance, ease of operation, and physical requirements, services to provide, etc;

Assist you in evaluation of proposed operators for the restaurant and catering,

Provide you with an understanding of the food business including leases, RFP process, operator requirements, day to day involvement, and mutual goals;

In general, we will assist you as necessary in the planning of a successful food operation at the Club.

Statement of Qualifications for Stephen Zagor

Steve is currently Dean of Culinary Business and Management Programs and an Instructor at the Institute of Culinary Education in New York City. He is also a Clinical Associate Professor at New York University School of Food Nutrition and Public Health. As a consultant, among Steve's notable engagements were:

Restaurant development, investment evaluation and monitoring for CALPERS (California State Employee Pension Fund/MacFarlane Partners), as the owner, and their restaurant interests in the Time Warner Center, Columbus Circle, NYC – Per Se, Bouchon Bakery, V Steak House, Stone Rose;

Actor Paul Newman's restaurant The Dressing Room at the Westport Country

Mr. Peter Marshall
Rye Golf Club
330 Boston Post Road.
Rye, NY
Page 3 of 4

Playhouse, Ct., developed menu goals and financial parameters;

Assisted owners of Nomad Hotel, NYC in the management contract structuring for the team from Eleven Madison Park to operate all food and beverage outlets;

City and State of New York, New 42nd Street Co. as owners/landlords, in development of concepts and lease parameters for potential tenants for Times Square restaurant sites;

Food/Retail Facilities Master Plan, Vendor selection and Contract development for numerous corporate facilities of FedEx, Citibank, Verizon, Time Warner, Goldman Sachs, American Express and others;

Team leader with the US National Park Service for the development of new food outlets; selection of new food vendor; and, contract structure at the Statue of Liberty and Ellis Island;

Preliminary programming for the restaurants at MOMA;

Vendor assistance in bid preparation for NY Botanical Gardens contract selection;

Development of master plan for new café for the New York Public Library;

Member of Board of Directors of a restaurant/retail company at City Walk, Universal Studios, Orlando, Florida - assisted in the programming and monthly review of independently owned food and retail operations.

Previously, Steve practiced for ten years as the Manager of Food and Restaurant Consulting Services for the Hospitality Group of Laventhol & Horwath/Coopers & Lybrand; he served as the General Manager of a \$10 million sales New York City restaurant/catering company, and he owned/operated a multi-concept retail/restaurant/catering group in Houston, TX. He appeared as an expert on the Food Network's *Recipes for Success*. Steve received a Masters degree from Cornell University, School of Hotel Administration.

Fees and Conditions

Stephen Zagor will be the lead consultant on the project. He will be assisted by Samantha Whitlam and others if needed. The fees for our work are \$200 per hour for Steve and depending on the task, \$50 to \$100 for other associates. Additionally, for your planning purposes, if at any point it we mutually determine that our involvement increases beyond the limited advisory role discussed, our day rate is \$1500 for Steve and \$750 for other associates.

Mr. Peter Marshall
Rye Golf Club
330 Boston Post Road.
Rye, NY
Page 4 of 4

If the Club is unsuccessful at attracting an acceptable tenant at necessary rates, and the decision is made to self operate, we will assist you on a project basis to develop and open a successful food business. Fees for this will be defined under a separate multi phased proposal.

A retainer in the amount of \$2,000 is payable upon acceptance of this proposal. Checks should be made out to Stephen Zagor. Fees will be billed monthly and are payable upon receipt. General expenses are included in the fees. Supplemental expenses if necessary such as mailings and vendor site visits, and area travel will be billed separately but will be approved by you in advance. This proposal is valid for 30 days from the date of receipt.

If you agree to this proposal, please sign below as our authorization to proceed. If there are any questions regarding the conduct of the engagement or the contents, terms or conditions of this letter, we are happy to answer. We look forward to working with you on this very exciting engagement.

Very truly yours,

Stephen Zagor

Stephen Zagor

ACCEPTED BY: _____

DATE:



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager

DATE: October 23, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an agreement with Denehy - Club Thinking Partners, LLC for an amount not to exceed \$15,000 for professional consulting services to conduct an Executive Search for a General Manager for the Rye Golf Club.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with Denehy - Club Thinking Partners, LLC for an amount not to exceed \$15,000.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The RGC Commission voted unanimously at their meeting on October 16, 2013 to support the hiring of a professional consulting firm to conduct an Executive Search for a General Manager for the Rye Golf Club. The Commission approved the proposal from Denehy - Club Thinking Partners, LLC and would like to move forward with Steps 1 and 2 of the attached proposal. The Council is asked to authorize the City Manager to enter into an agreement with Denehy - Club Thinking Partners, LLC to provide industry expertise in the selection of a new General Manager at Rye Golf Club.

See attached documentation.



CLUB *thinking partners*

October 3rd, 2013

Mr. Scott Pickup
City Manager
1051 Boston Post Rd
Rye, New York 10580

Dear Mr. Pickup:

Thank you very much for considering *Denehy – Club Thinking Partners* to recruit the next General Manager of the Rye Golf Club. We look forward to serving your Club and representing it effectively in the marketplace.

THE APPROACH TO THE EXECUTIVE SEARCH FOR THE RYE GOLF CLUB

Our work is conducted in a five step process.

Step I: We meet with you and your search team to gain specific insights into your physical facilities, your goals and challenges, the "culture" of the Club, and the specific skills and attributes required of the individual for the position being filled. Depending upon personnel and organizational dynamics, we like to conduct a detailed focus group with the Club's senior management team to get a perspective "from the trenches" which is critical in gaining clarity about the Club and position. Frequently, meaningful insights are learned which can then be shared with the Selection Committee. It also gives us the opportunity to review the search process and answer any questions with this particular group of employees. The understanding gained through this process enhances our ability to represent your club effectively and persuasively in our discussions with the potential candidates.

Step II: Involves the preparation of a Position Description and Candidate Specification to be followed in the search. Draft copies of both of these documents would be prepared utilizing our meeting notes and any materials which you may already have. We use these important "benchmark" documents in dealing with prospective candidates and those in a position to suggest them. These are among the critical tools to communicate the opportunity to the marketplace while gaining clarity with the Committee and Club as to what the parameters of the job are.

Step III: The actual search. Our search procedure is designed to identify, screen, attract and assist in the relocation of a specific individual who expertly meets your Club's unique needs. The steps involved would include:

- Accessing our very extensive individual files for prospects already known to us. From the considerable prior work we have done in the club industry and in the area (quite possibly **more than anyone else**), we know the capabilities and backgrounds of the top private club managers as well as those to circumvent.
- Our **state-of-the-art database system** accesses not only every one of the 5,700 managers who belong to the CMAA, but approximately 3,000 other hospitality industry professionals as well. No other industry specific search firm has the customized and sophisticated software systems we do specific to candidate tracking and access.
- By way of the internet, we email blast CMAA's chapter representatives in strategic locations around the country, contingent upon our recruiting strategies and your specific needs.
- Use "old school" sourcing letters targeted at potential candidates and regionally well known, quality managers that may provide insights to potential candidates and emerging talent.
- Utilizing our unparalleled range of manager contacts as a source for suggestions – as well as new sources we develop during the search. We utilize the leaders in club management both for their referrals of candidates and their reference comments.
- Leveraging social media via established and targeted channels to mine prospective candidates based on relationships, employment and industry association affiliation(s).
- Screening by telephone those individuals suggested, determining the ones most qualified of interviewing. We meet with candidates at their respective clubs to more fully assess them – an expense to a client seldom necessary now as we have already met with a significant portion of the club manager universe.
- Objectively evaluating candidates referred to your Club by members, other



interested parties, as well as resumes sent directly to you from other managers. We will acknowledge them upon receipt and keep you apprised. We would also serve as a third-party should the Club have a department head who would like to be considered in addition to the other candidates we generate. We will fairly evaluate and process this individual on your behalf.

- Conducting reference investigations on each candidate and exploring their experiences and personal character. We make extensive use of references that are in the best position to comment, including their immediate superiors whom we feel have first-hand knowledge of the individual's operating skills and aptitudes. Our assessment is completely objective.
- Analyzing the results of these various investigations and recommending those who should meet with you.
- Arranging for appropriate meetings between you and the selected finalists and assisting in the hiring negotiations, as appropriate.

Our purpose in executing this sequence is not simply one of finding reasonable candidates, but to find a person who fits the needs and culture of your Club. After our research is complete, we will have developed 8-10 thoroughly screened prospects within four to six weeks time. These finalists will be the result of approximately 80 to 100 individuals who have been gleaned from the thousands accessed in our database.

Step IV: Once we jointly agree on a group of candidates from the report the Committee deems intriguing, we would plan the schedule of interviews shortly thereafter. We prefer to utilize one day or two consecutive days to interview multiple candidates where you have an opportunity to screen the best candidates in a truncated period of time. This is the most effective way to use Committee members' precious time. We would keep you apprised of all details during the period leading up to this meeting. I would personally facilitate all initial interviews and provide a structured approach to the process, providing suggested questions and candidate scorecards for benchmarking purposes. My office would do all the logistical planning of those interviews with the candidates. I will be happy to participate in additional interviews as you so wish. Those interviews, typically with the two finalists, are held off-site, generally at a local restaurant.

Finalist will be measured/tested via the internet using one or two of the multiple testing tools available to us and appropriate to your Club's specific needs. We will interpret the results and report those findings to the Committee. Test results will be available prior to the second interview and will assist in driving those discussions in critical ways.

It is important to note that your search team would be active participants in the process from start to finish. It is your team that makes all critical judgments and analytical assessments of the candidates. **The value of engaging us is primarily twofold: we have access to talent that the Club does not and we will actively drive the process and guide the Committee.**



Step V: The final step and critical step includes conducting reference and background checks on the final candidate. The Club will receive up to three written references on the final candidate and the results of an outsourced background check. That check includes criminal conviction, driving record, credit report and academic profile.

We will actively participate in mediating a compensation plan that is fair and equitable to both the candidate and the Club. We will use industry data points and local knowledge (**deeper than anyone else**) of various other comp plans in a reasonable competitive set. A key part to the comp plans we structure includes an incentive based compensation component. We are experts at structuring such plans and have instituted incentive compensation and Performance Management plans at many of the best clubs around the country.

ESTIMATED TIME AND COST

Because of the complexity of a search, it is difficult for us to forecast with certainty when we would complete a search of this nature. The question of finding a qualified candidate and gaining acceptance of an offer introduces variables that are beyond our control. I can say, however, that our experiences in executive personnel work indicate that it would be approximately two to three months from the onset before the search would be concluded. We would, of course, strive for successful completion as expeditiously as possible – without compromising the quality for expediency.

Our professional fee for this search is \$36,000, a flat fee irrespective of the compensation level at which we will hire your new General Manager. As is the practice with retainer-type search firms, a client is invoiced one-third of the fee at inception with another one-third billed after the progress meeting mentioned above. The final one-third is billed upon our successful conclusion of the search when the agreement is signed by the Club and the successful candidate. As the exclusive firm handling your search, we will represent and negotiate in the Club's best interest throughout the process.

All out-of-pocket expenses for such items as travel, telephone, testing, postage, and report production are billed at cost in the month that they are incurred and not included in this fee, except for expenses incurred by the candidates to visit the Club. These expenses will be billed by the candidates, at their incurred cost and sent to the Search Chairman.



GUARANTEE

Because of our record in placing managers who fit their clubs and remain there, for this search engagement we will provide a guarantee whereby we agree to replace the successful candidate from this search, regardless if he or she leaves the Club or is terminated by the Club for no additional professional fees. We would bill any administrative and out of pocket expenses related to this replacement search. **Our guarantee on this assignment is for two years from date of employment.** The only exception to this guarantee is where a club so significantly changes the nature of the job as specified in the job description that the manager is unable or un-willing to perform or leaves of his/her own volition, or is terminated, because of that change or omission.

Thank you for the opportunity to serve you and the Rye Golf Club.

Sincerely yours,



Daniel M. Denehy, CCM, CHA

DMD/mz





3465 North Pines Way
Wilson, Wyoming 83014

October 3, 2013

Mr. Scott Pickup
City Manager
Rye Golf Club
330 Boston Post Rd
Rye, NY 10580

Dear Mr. Pickup,

On behalf of *Denehy – Club Thinking Partners, LLC* (“Consultant”), we would be delighted to undertake the search assignment for the General Manager position at the Rye Golf Club (“YOU”).

SCOPE OF THE CONTRACT

Denehy – Club Thinking Partners, LLC will be exclusively retained on this assignment and use its resources to develop and introduce qualified candidates to you. In addition, to ensure that *Denehy – Club Thinking Partners, LLC* can provide informed guidance through a consistent screening and interview process, any candidates referred or introduced to YOU directly, both internal and external, will be submitted to *Denehy – Club Thinking Partners, LLC* for review and evaluation.

Denehy – Club Thinking Partners, LLC will assign a dedicated search team led by Dan Denehy and a secondary point person (in this case, Alison Savona) who will serve as the principal client relationship managers and executive search consultants for this assignment in addition to personally managing the efforts of the research team in evaluating and interviewing all qualified candidates.

This agreement will be in effect until a General Manager has signed an agreement for this specific position. The professional fee for this assignment will be \$36,000. Specific to this search, *Denehy – Club Thinking Partners, LLC* will impose only nominal administrative fees or miscellaneous expenses related to this assignment. For travel expenses incurred by this Firm to interview candidates and travel to visit with you, YOU will be billed back at the incurred cost. Candidates that you select to interview at the Club will submit their travel expenses directly to YOU to be reimbursed directly by the Club.

To secure the Dedicated Search Team, we require a nonrefundable retainer of one-third (1/3) the fee, \$12,000.00 due at the initiation of the assignment. A second non-refundable retainer of, \$12,000.00 is due upon submission of the Progress Report that will include 8-10 candidates that have been pre-screened and interviewed specifically for the General Manager position at the Rye Golf Club. The remainder of the fee is due upon signing a letter of agreement for employment by the successful candidate, i.e., the offer letter or contract.

We conduct reference checks for our own purposes in the evaluation and qualification process and will provide written reference summary reports to you for your review for the final candidate. Before extending an offer to a candidate, we strongly recommend that you independently check and verify all references. Know that candidate approval is required (in most states by law) to speak with current employers.

We will provide a two year guarantee for this placement. During the first two years of employment from the start date of the new General Manager, if that placement leaves the Club’s employment during that time of their choice, or if the Club chooses to terminate their employment, *Denehy – Club Thinking Partners, LLC* will conduct a

replacement search for no additional professional fees. All administrative and travel expenses incurred during this replacement search will be billed to the Club. The Consultant agrees to not solicit or recruit directly or indirectly the placed candidate for a period of five years from the date of the signed agreement.

In the event it becomes necessary to enforce or interpret the terms, covenants and conditions of this retainer contract, the prevailing party shall be entitled to reasonable attorney fees, litigation costs and any other necessary and prior disbursements; in addition to whatever other relief may be awarded by a court of competent jurisdiction.

GENERAL CONDITIONS

Denehy – Club Thinking Partners, LLC and the Club acknowledge and agree that *Denehy – Club Thinking Partners, LLC* is being retained to recommend management talent options pursuant to the General Manager search. *Denehy – Club Thinking Partners, LLC* does not, and cannot guarantee the financial and/or social success of the club, and no liability or responsibility shall inure to *Denehy – Club Thinking Partners, LLC* or any of its officers, employees, agents, or representatives if the results of *Denehy – Club Thinking Partners, LLC's* efforts hereunder are not successful or do not meet the club's expectations other than as outlined above. In consideration of *Denehy – Club Thinking Partner, LLC* providing the services to the Club described herein, the club covenants and agrees to defend, indemnify and hold harmless *Denehy – Club Thinking Partners, LLC.*, Dan Denehy, and other officers, employees, agents and representatives, jointly and severally, from and against any and all actions, claims, costs, damages, demands, expenses and liabilities (including, but not limited to reasonable attorney's fees, court costs, expert witness fees and any amounts paid in settlement of any litigation or controversy) imposed upon, incurred by or asserted against *Denehy – Club Thinking Partners, LLC* or any of its officers, directors, shareholders, employees, agents and representatives by any third party, including but not limited to club members, employees and vendors, arising directly or indirectly out of *Denehy – Club Thinking Partners'* performance of services pursuant to this agreement, excluding only acts or omissions of *Denehy – Club Thinking Partners, LLC* constituting gross negligence. Furthermore an error or omission is not a breach of this agreement.

The Club understands that the Consultant's duties are limited to those described in the consulting services agreement. If for any reason, whatsoever, any term, covenant or condition of this agreement, or the application thereof to any person or circumstance, is to any extent held or rendered invalid, unenforceable or illegal, then such term, covenant or condition is deemed to be independent of the remainder of the agreement and to be severable and divisible therefrom, and its invalidity, unenforceability or illegality does not affect, impair or invalidate the remainder of the agreement or any part thereof; and continues to be applicable to and enforceable to the fullest extent permitted by law against any person or circumstance other than those as to which it has been held or rendered invalid, unenforceable or illegal.

The Consultant shall not be in default by reason of any failure in its performance of this contract in accordance with its terms and conditions if such failure arises out of causes beyond the control and without the negligence of the Consultant. Such causes include, but are not restricted in any way to, acts of God, acts of government, riots, tire, floods, epidemics, quarantine restrictions, strikes or other labor disputes, delays in transportation, freight embargoes, severe weather, acts of the Club, acts of civil or military authority, accidents, war, delays in transportation, or other circumstances beyond Consultant's reasonable control, whether similar or dissimilar to the foregoing.

Limitation of Liability: The parties hereto expressly acknowledge, agree and consent that the maximum liability of *Denehy – Club Thinking Partners, LLC* and any of its officers, directors, shareholders, employees, agents and representatives pursuant to any cause or action arising out of or related to the agreement shall be limited to fees for basic services paid by the club to *Denehy – Club Thinking Partners, LLC* for services provided pursuant to this agreement.

This agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective legal and personal representatives, voluntary and involuntary successors and permitted assigns.

This agreement represents the entire agreement between the Rye Golf Club and *Denehy – Club Thinking Partners, LLC*, and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written instrument signed by both the Club and *Denehy – Club Thinking Partners, LLC*. The terms of this agreement are valid for 60 days from the date given on the first page of this document. If the project is not completed within one year of the agreement date, the fees are subject to change by *Denehy – Club Thinking Partners, LLC*.

Please review, sign and return the executed copy of this retainer contract along with the initial retainer payment of \$12,000.00 to our office as soon as possible. We must receive the signed retainer contract and retainer payment in our office before we can represent this opportunity to the marketplace or to potential candidates. Payment of retainer constitutes acceptance of all terms outlined in this agreement.

It is with great pleasure that we look forward to servicing your search and consulting needs.

Sincerely,



Daniel M. Denehy
President

I have read the terms of this agreement and acknowledge that I am authorized to accept the terms outlined herein on behalf of Rye Golf Club.

Mr. Scott Pickup, City Manager

Date

At Rye Golf Club's option, *Denehy – Club Thinking Partners, LLC* will engage an independent third party to conduct criminal, credit, drivers and educational background checks on the final candidate(s) and will forward a summary report to you. Contractually, *Denehy – Club Thinking Partners, LLC* is not authorized to release the confidential document provided by the independent third party provider, but we will provide YOU with an overview of the results. Before extending an offer to a candidate, we strongly recommend that YOU independently check and verify all reported information: personal, criminal, educational or employment background information. This processed is outsourced and is billed to the client at our cost.

Please initial here if you **WANT** *Denehy – Club Thinking Partners, LLC* to engage an independent background check: _____

Please initial here if you **DO NOT** want *Denehy – Club thinking Partners, LLC* to engage an independent background check: _____



Client References for **The Rye Golf Club**

Country Club of Fairfield – Fairfield, Connecticut

Mr. Bill Rueckert
Search Chairman and Past President
Cell: 203-613-1012

Aspetuck Valley Country Club – Weston, Connecticut

Mr. Brian Meaney
Search Chairman
Work: 212-355-0909

Fairview Country Club – Greenwich, Connecticut

Mr. Michael Tannenbaum
Search Chairman and President
Office: 212-508-6701
Cell: 917-991-4988

Woodway Country Club – Darien, Connecticut

Mr. John Considine
Search Chairman and Past President
Home: 203-348-5135

Wee Burn Country Club – Darien, Connecticut

Mr. Kip Coons
President
Work: 203-655-9765
Cell: 203-979-6823



CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: October 23, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an agreement with the Friends of the Rye Nature Center for the use of the second floor at the Nature Center building.

FOR THE MEETING OF:

October 23, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with the Friends of the Rye Nature Center.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Nature Center has asked for a change to be made to their current agreement to allow them use of the second floor at the Rye Nature Center building. They propose renovating the upstairs space to move the existing offices on the first floor to the new second floor space. This would free up space on the first floor for classrooms and exhibit space.

See attached documentation.

OPERATING AGREEMENT

(2006-2010)

This is a license agreement between the Friends of the Rye Nature Center (FRNC) and the City of Rye. The intent is to provide an agreement that develops, fosters and promotes environmental awareness for all the residents with a minimal expense to taxpayers.

Uses planned by FRNC will at all times fit the spirit and intent of local laws; and the term of the agreement is intended to commence upon signing and continue in effect for five years. Default options are available for both FRNC and the City.

The City will charge \$1.00/ year; and anticipates that the FRNC will evolve into a self-sufficient organization by the conclusion of the agreement. The City retains the right to use the facility for municipal purposes and to coordinate that use with the scheduled events of FRNC.

Elements of the agreement are:

FRNC WILL:


- maintain the mission of the City as outlined above;
- pay for the utilities that they use;
- obtain consent of the City prior to use of name branding;
- strive toward self-sufficiency at all times;
- plan, organize, staff, direct and control daily operations;
- be an advocate for volunteerism for the City;
- carry out the three plans as stated:
 - a Strategic Plan will be presented to the City by June of 2008.
 - a Habitat Management plan will be presented by January 2009.
 - a Master Site Development plan will be presented by January 2010.

RYE WILL:

- provide structural maintenance as in the past;
- budget for a Challenge Grant up to \$25,000 for grants;
- maintain health, safety & welfare items of potential liability;
- maintain the roadway to the Nature Center.

DEFAULT:

Either party may choose to modify this Agreement during its life with the consent of the other party. The Agreement is considered in default if either of the parties does not uphold the conditions. (note attached legal boilerplate)


Friends of the Rye Nature Center

10/11/06
date


City of Rye

10/11/06
date



CITY COUNCIL AGENDA

NO. 19 DEPT.: City Manager DATE: October 23, 2013
CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Appeal of denial of FOIL requests by Timothy Chittenden.	FOR THE MEETING OF: October 23, 2013 RYE CITY CODE, CHAPTER SECTION
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RECOMMENDATION: That the Council make a decision on the four appeals.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Four FOIL responses have been appealed by the requestor:

FOIL Appeal #1: Tracking Number 6697351352
Requested "Copies of all disciplinary, command disciplines and letters of reprimand received by Police Officer Incalcaterra and Compagnone during their careers"
Appealed the denial of records and that the number of records denied was not stated.

FOIL Appeal #2: Tracking Number 6697401353
Requested "Copies of all civilian complaints filed against Police Officer Incalcaterra and Compagnone during their careers"
Appealed the denial of records and that the number of records denied was not stated.

FOIL Appeal #3: Tracking Number 6697481358
Requested "Copies of all performance evaluations performed on Police Officer Incalcaterra and Compagnone in their careers"
Appealed the denial of records and that the number of records denied was not stated.

FOIL Appeal #4: Tracking Number 6697521404
Requested "Copies of all Activity Reports for Police Incalcaterra and Compagnone from January 1, 2010 thru September 19, 2013"
Appealed the denial of records.

See attached documentation.

FOIL Appeal #1 – Tracking Number 6697351352

From: Timothy Chittenden
Sent: Monday, October 14, 2013 9:08 AM
To: Nodarse, Dawn; Council&Manager; Council&Manager
Cc: rfreeman@dos.state.ny.us; Camille (DOS) Jobin-Davis; opengov@dos.state.ny.us
Subject: Re: Update: FOIL (re: Action Line Request)

Dear Dawn:

I respectfully appeal your denial of my e-mail FOIL Request for copies of all disciplinary, command disciplines and letters of reprimands received by Police Officer Incalcaterra and Compagnone during their careers.

Although I appreciate you confirming on behalf of the Rye Police Department and the City of Rye that disciplinary records, command disciplines and letters of reprimand do in fact exist for both Incalcaterra and Compagnone, to the extent that any sensitive information exists on these documents, this information can be redacted and then provided. Also, you did not specify how many documents you were withholding. With redacted versions of the documents this type of mundane and non-sensitive information would be available.

Are there perhaps (10) disciplinary records for Compagnone? Are there perhaps (10) disciplinary records for Incalcaterra? The number disciplinary records, command disciplines and letters of reprimand for them is not subject to the exemptions you cite in your denial.

Thank you.

Timothy Chittenden
Rye taxpayer

On Oct 10, 2013, at 1:32 PM, City of Rye (E-Gov Website) wrote:

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

TICKET STATUS: 'RESOLVED'

LATEST ACTIVITY:

This FOIL request is denied. The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. If you wish to appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all disciplinary, command disciplines and letters of reprimand received by Police Officer Incalcaterra and Compagnone during their careers.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.

By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

FORM: FOIL

TRACKING NUMBER: 6697351352

SUBMITTED: 9/25/2013 1:52:00 PM

Work Order Form

FOIL

Tracking Number: 6697351352

Date Time Received: 9/25/2013 1:52PM

Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy

Last Name: Chittenden

Business Name:

Email: [REDACTED]

Daytime Phone: [REDACTED]

Fax:

Address: [REDACTED]

City: Rye

State: NY

Zip: 10580

Country:

Issue Location

Street:

Unit:

City: Rye

State: NY

Zip: 10580

Comments:

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all disciplinary, command disciplines and letters of reprimand received by Police Officer Incalcaterra and Compagnone during their careers.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

10/10/2013 1:32 PM -- Rye Foil - RESOLVED

-----Note to Citizen: This FOIL request is denied. The documents requested are exempt from disclosure pursuant to

Work Order Form

FOIL

Tracking Number: 6697351352
Date Time Received: 9/25/2013 1:52PM
Created By: Timothy Chittenden (Citizen)

§87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. If you wish to appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

-----Internal Note: This FOIL is complete. Requestor has been notified by email of the reason for denial and provided information regarding appealing the decision.

10/10/2013 12:02 PM -- Preflight Foil - INPROGRESS

-----Internal Note: Dawn - please send Mr. Chittenden the denial based on the above exemptions.
 This item has been re-assigned to Rye Foil.

10/07/2013 3:25 PM -- Police Foil - INPROGRESS

-----Note to Citizen: This matter has been referred for internal review.

-----Internal Note: The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. Consequently, this request is denied.
 This item has been re-assigned to Preflight Foil.

9/25/2013 4:26 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Police Foil.

9/25/2013 1:52PM -- Timothy Chittenden (Citizen) - SUBMITTED

FOIL Appeal #2 – Tracking Number 6697401353

From: Timothy Chittenden
Sent: Monday, October 14, 2013 9:02 AM
To: Nodarse, Dawn; Council&Manager; Council&Manager
Cc: rfreeman@dos.state.ny.us; Camille (DOS) Jobin-Davis; opengov@dos.state.ny.us
Subject: FOIL Appeal Re: Civilian Complaints Incalcaterra & Compagnone

Dear Dawn:

I respectfully appeal your denial of my e-mail FOIL Request for copies of all civilian complaints filed against Police Officer Incalcaterra and Compagnone during their careers.

Although I appreciate you confirming on behalf of the Rye Police Department and the City of Rye that civilian complaints do in fact exist for both Incalcaterra and Compagnone, to the extent that any sensitive information exists on these documents, this information can be redacted and then provided. Also, you did not specify how many documents you were withholding. With redacted versions of the documents this type of mundane and non-sensitive information would be available.

Are there perhaps (10) civilian complaints against Compagnone? Are there (10) civilian complaints against Incalcaterra? The number of complaints against them is not subject to the exemptions you cite in your denial.

Thank you.

Timothy Chittenden
Rye taxpayer

On Oct 10, 2013, at 1:07 PM, City of Rye (E-Gov Website) wrote:

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

TICKET STATUS: 'RESOLVED'

LATEST ACTIVITY:

This FOIL request is denied. The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. If you wish to appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all civilian complaints filed against Police Officer Incalcaterra and Compagnone during their careers.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.

By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

FORM: FOIL

TRACKING NUMBER: 6697401353

SUBMITTED: 9/25/2013 1:53:50 PM

Work Order Form

FOIL

Tracking Number: 6697401353

Date Time Received: 9/25/2013 1:53PM

Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy

Last Name: Chittenden

Business Name:

Email: [REDACTED]

Daytime Phone: [REDACTED]

Fax:

Address: [REDACTED]

City: Rye

State: NY

Zip: 10580

Country:

Issue Location

Street:

Unit:

City: Rye

State: NY

Zip: 10580

Comments:

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all civilian complaints filed against Police Officer Incalcaterra and Compagnone during their careers.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

10/10/2013 1:07 PM -- Rye Foil - RESOLVED

-----Note to Citizen: This FOIL request is denied. The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. If you wish to

Work Order Form

FOIL

Tracking Number: 6697401353
Date Time Received: 9/25/2013 1:53PM
Created By: Timothy Chittenden (Citizen)

appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

-----Internal Note: This FOIL is complete. Requestor has been notified by email of the reason for denial and provided information regarding appealing the decision

10/10/2013 12:00 PM -- Preflight Foil - INPROGRESS

-----Internal Note: Dawn - please send Mr. Chittenden a denial based on the above exemptions.
 This item has been re-assigned to Rye Foil.

10/07/2013 3:23 PM -- Police Foil - INPROGRESS

-----Note to Citizen: This matter has been referred for internal review.

-----Internal Note: The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. Consequently, this request is denied.
 This item has been re-assigned to Preflight Foil.

9/25/2013 3:54 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Police Foil.

9/25/2013 1:53PM -- Timothy Chittenden (Citizen) - SUBMITTED

FOIL Appeal #3 – Tracking Number 6697481358

From: Timothy Chittenden
Sent: Monday, October 14, 2013 8:53 AM
To: Nodarse, Dawn; Council&Manager
Cc: rfreeman@dos.state.ny.us; opengov@dos.state.ny.us; Camille (DOS) Jobin-Davis
Subject: Re: Update: FOIL (re: Action Line Request)

Dear Dawn:

I respectfully appeal your denial of my e-mail FOIL Request for all performance evaluations performed on Police Officer Incalcaterra and Compagnone in their careers.

To the extent any sensitive information exists on these documents, this information can be redacted and then provided. Also, these performance evaluations are supposed to be conducted every year. You did not specify how many documents you were withholding and for what years. With redacted versions of the documents this type of mundane and non-sensitive information would be available.

Thank you.

Timothy Chittenden
Rye taxpayer

On Oct 10, 2013, at 12:59 PM, City of Rye (E-Gov Website) wrote:

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

TICKET STATUS: 'RESOLVED'

LATEST ACTIVITY:

This FOIL request is denied. The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. If you wish to appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all performance evaluations performed on Police Officer Incalcaterra and Compagnone in their careers.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5)

business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.

By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

FORM: FOIL

TRACKING NUMBER: 6697481358

SUBMITTED: 9/25/2013 1:58:33 PM

Work Order Form

FOIL

Tracking Number: 6697481358

Date Time Received: 9/25/2013 1:58PM

Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy

Last Name: Chittenden

Business Name:

Email: [REDACTED]

Daytime Phone: [REDACTED]

Fax:

Address: [REDACTED]

City: Rye

State: NY

Zip: 10580

Country:

Issue Location

Street:

Unit:

City: Rye

State: NY

Zip: 10580

Comments:

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all performance evaluations performed on Police Officer Incalcaterra and Compagnone in their careers.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

10/10/2013 12:59 PM -- Rye Foil - RESOLVED

-----Note to Citizen: This FOIL request is denied. The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. If you wish to

Work Order Form

FOIL

Tracking Number: 6697481358
Date Time Received: 9/25/2013 1:58PM
Created By: Timothy Chittenden (Citizen)

appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

-----Internal Note: This FOIL is complete. Requestor has been notified by email that documents requested are exempt and has been provided information about appealing the denial.

10/10/2013 11:56 AM -- Preflight Foil - INPROGRESS

-----Internal Note: Dawn - you can send Mr. Chittenden the denial based on the sections above.
 This item has been re-assigned to Rye Foil.

10/07/2013 3:20 PM -- Police Foil - INPROGRESS

-----Note to Citizen: This matter has been referred for internal review.

-----Internal Note: The documents requested are exempt from disclosure pursuant to §87(2)(a) of the New York State Public Officers Law and §50-a of the New York State Civil Rights Law. Consequently, this request is denied.
 This item has been re-assigned to Preflight Foil.

9/25/2013 3:59 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Police Foil.

9/25/2013 1:58PM -- Timothy Chittenden (Citizen) - SUBMITTED

FOIL Appeal #4 – Tracking Number 6697521404

From: Timothy Chittenden
Sent: Monday, October 14, 2013 9:18 AM
To: Nodarse, Dawn; Council&Manager; Council&Manager
Cc: rfreeman@dos.state.ny.us; Camille (DOS) Jobin-Davis; opengov@dos.state.ny.us
Subject: FOIL Appeal Re: Activity Sheets

Dear Dawn:

I respectfully appeal your response to my e-mail FOIL Request for copies of all Activity Reports for Police Officer Incalcaterra and Compagnone from January 1, 2010 thru September 19, 2013.

As far as you claiming that the Activity Sheets are exempt under 87(2)(f) of the NYS Public Officers Law, this is laughable at best.

87(2)(f) of the NYS Public Officers Law states that certain records can be withheld if these records could endanger the life or safety of any person.

I am enclosing an example of a Rye Police Department Activity Sheet. The Honorable City of Rye Judge Joseph Latwin, who was appointed by the Rye City Council, ruled several months ago that nothing contained within this enclosed Activity Sheet could endanger the life or safety of any person including the dark house checks listed on this Activity Sheet.

As I have previously reported to you, the Chairman of the NYS Committee on Open Government, Robert Freeman, has already opined that these Activity Sheets cannot be painted with a broad brush of complete denial utilizing the 87(2)(f) exemption. If there is any information contained on these Activity Sheets that could endanger the life or safety of any person, it can be easily redacted and then provided.

As I have previously reported to you, Connors has provided Activity Sheets in response to previous FOIL Requests.

I respectfully request that you uphold the Honorable City of Rye Judge Joseph Latwin's determination, the opinion of the Chairman of the NYS Committee on Open Government and use your own common sense and provide me with the requested Activity Sheets. If any information is contained on any of these Activity Sheets that could endanger the life or safety of any person, that this information be redacted and then provided to me.

Thank you.

Timothy Chittenden
Rye taxpayer

On Oct 10, 2013, at 1:47 PM, City of Rye (E-Gov Website) wrote:

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

TICKET STATUS: 'RESOLVED'

LATEST ACTIVITY:

This FOIL request is denied. The requested documents are not subject to disclosure pursuant to 87 (2)(f) of the New York State Public Officers Law since Activity Reports contain sensitive information regarding the deployment of police officers during their shifts, patrol patterns, and locations patrolled, such as dark house extra patrol requests. If you wish to appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all Activity Reports for Police Incalcaterra and Compagnone from January 1, 2010 thru September 19, 2013.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.

By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

FORM: FOIL

TRACKING NUMBER: 6697521404

SUBMITTED: 9/25/2013 2:04:33 PM

Work Order Form

FOIL

Tracking Number: 6697521404

Date Time Received: 9/25/2013 2:04PM

Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy

Last Name: Chittenden

Business Name:

Email: [REDACTED]

Daytime Phone: [REDACTED]

Fax:

Address: [REDACTED]

City: Rye

State: NY

Zip: 10580

Country:

Issue Location

Street:

Unit:

City: Rye

State: NY

Zip: 10580

Comments:

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all Activity Reports for Police Incalcaterra and Compagnone from January 1, 2010 thru September 19, 2013.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

10/10/2013 1:47 PM -- Rye Foil - RESOLVED

-----Note to Citizen: This FOIL request is denied. The requested documents are not subject to disclosure pursuant to 87 (2)(f) of the New York State Public Officers Law since Activity Reports contain sensitive information regarding the

Work Order Form

FOIL

Tracking Number: 6697521404
Date Time Received: 9/25/2013 2:04PM
Created By: Timothy Chittenden (Citizen)

deployment of police officers during their shifts, patrol patterns, and locations patrolled, such as dark house extra patrol requests. If you wish to appeal this denial you can do so by directing your appeal to the City Council by way of the City Clerk.

-----Internal Note: This FOIL is complete. Requestor has been notified by email of the reason for denial and provided information regarding appealing the decision.

10/10/2013 12:06 PM -- Preflight Foil - INPROGRESS

-----Internal Note: Dawn - please send Mr. chittenden a denial based on the above exemption.
 This item has been re-assigned to Rye Foil.

10/07/2013 3:40 PM -- Police Foil - INPROGRESS

-----Note to Citizen: This matter has been referred for internal review.

-----Internal Note: The requested documents are not subject to disclosure pursuant to 87 (2)(f) of the New York State Public Officers Law since Activity Reports contain sensitive information regarding the deployment of police officers during their shifts, patrol patterns, and locations patrolled, such as dark house extra patrol requests.
 This item has been re-assigned to Preflight Foil.

9/25/2013 4:06 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Police Foil.

9/25/2013 2:04PM -- Timothy Chittenden (Citizen) - SUBMITTED