

CITY OF RYE

NOTICE

There will be a regular meeting/Budget Workshop of the City Council of the City of Rye on Wednesday, November 20, 2013, at 8:00 p.m. in Council Chambers at City Hall.

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 November 6, 2013 and the Budget Workshop held November 13, 2013.
6. Mayor's Management Report
 - Update on General Code Revision Project
 - Capital Projects Update
 - Legal Update
7. Discussion of the FY 2014 Budget.
 - Police Department Budget Review
 - Rye Free Reading Room Budget Review
 - Review of City Council Budget Questions
8. 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.
9. Continuation of Public Hearing to 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. Public Hearing to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties.
11. Authorization for the City Manager to execute, on behalf of the City of Rye, a Payment in Lieu of Tax Agreement (PILOT) between Rye Manor, LLC and the Westchester County Industrial Development Agency (IDA).
Roll Call.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.

13. Authorization for City Manager to enter into a Memorandum of Understanding with the County of Westchester to provide access to Westchester Records Online: the County Clerk's land records and legal files.
Roll Call.
14. Authorization for City Manager to participate in the reimbursement program with the New York State Bureau of Marine Services for reimbursement of the cost of tow vehicles for Marine Patrol use.
Roll Call.
15. Acceptance of donation to the Rye Police Department of a twenty-foot overseas shipping container from Vincent Service Station, Inc. of Mamaroneck, New York.
Roll Call.
16. Appeal of denial of FOIL requests by Timothy Chittenden.
17. Miscellaneous communications and reports.
18. Old Business.
19. New Business.
20. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, December 4, 2013 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: November 20, 2013

CONTACT: Chief Michael Taylor

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

FOR THE MEETING OF:

November 20, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the election of Connor Stetler to the Poningo Hook and Ladder Company.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has advised that Connor Stetler was elected into membership to the Poningo Hook and Ladder Company of the Rye Fire Department and was approved by the Fire Wardens at their November 5, 2013 meeting.

See attached.



Good Evening,

I am writing in regards to the upcoming City Council meeting. I would like to have the name of our newest member put on the agenda and brought up. Here is his letter of reference.

On November 5th, Connor Stetler was voted into the Poningo Hook and Ladder Company of the Rye Fire Department. He was sponsored by Past Captain Richard Cadigan. His application, physical, arson report, and background check were all completed and have been approved by the Board of Wardens. Connor is a graduate of Rye 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

He will also be attending the upcoming city council meeting as well if he is approved for the agenda.

Respectfully Submitted,

Lt. Peter Kennedy
Milton Engine and Hose



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: November 20, 2013

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held November 6, 2013 and the Budget Workshop held November 13, 2013, as attached.

FOR THE MEETING OF:

November 20, 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 November 6, 2013 and the Budget Workshop held November 13, 2013, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on November 6, 2013 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVICH
JULIE KILLIAN
CATHERINE F. PARKER
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

Mayor French congratulated the winners in the election and offered thanks to everyone who had run.

Councilwoman Parker noted that the City Council had designated November as Pancreatic Cancer Awareness month.

Councilman Filippi announced that on November 21st the Pace University Land Use Training would be offering a seminar on Affordable Housing in Westchester at the Mamaroneck Town Center.

4. Draft unapproved minutes of the regular meeting of the City Council held October 23, 2013

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 23, 2013.

5. Mayor's Management Report

● Capital Projects Update

City Manager Pickup reported that work on the Old Milton Road drainage project continues. The City Engineer is close to working out the issues regarding encumbrances in the right-of-ways and it is hoped that the project will be completed prior to the winter weather setting in. Mr. Pickup also reported that there is a busy schedule of capital work that is in process, approved through the bond, or approved through grants that will be worked on through the winter and, hopefully, out to bid in Spring.

● Legal Update

There was nothing reported under this topic.

6. Presentation of the FY 2014 Budget by the City Manager

Prior to presenting the proposed 2014 Budget, Deputy Comptroller Joseph Fazzino reviewed the projections through the end of 2013. The City expects to have a profit of \$1.5 Million, which is largely due to revenues performing better than budget.

2014 Proposed Budget

The total amount budgeted for 2014 Expenditures is \$34,589,349, which is \$2,883,000 over the 2013. The largest portion is transfers to the Capital Project Fund and Building and Vehicle Fund for \$2 Million as opposed to \$195,000 in 2013. This will come from the Unassigned Fund Balance, not the tax levy. Health insurance costs will increase by 14% and salaries by 4.8%. The budget will be balanced in three ways:

(1) Use of Fund Balance for capital projects and equipment purchases and \$310,000 use of Restricted Fund Balance for a Workers Compensation premium payment.

(2) Revenues other than property taxes such as a \$400,000 increase in mortgage tax and \$195,000 increase in building permit revenues over the 2013 budget.

(3) Increase the property tax levy. The levy for 2014 is 66% of total revenues. The property tax levy is \$21,129,446, with a levy increase of \$566,206 over the 2013 budget. This translates to a 2.52% tax rate increase or an annual increase of about \$92 to the average home in Rye. The 2014 total levy is approximately \$37,000 under the tax cap.

Mr. Fazzino concluded by saying the proposed budget is positive for 2014 in that revenues have rebounded; there is fund balance for capital projects; and service levels have not been reduced. Pension rates have stabilized and hopefully will continue to decrease. Health insurance costs continue to go up but the City has not yet felt the affects of the Affordable Care Act. The City must continue to explore new sources of revenue and ways to reduce the expenditures that can be controlled.

7. Consideration to set a Public Hearing on the 2014 Budget for December 4, 2013

Councilwoman Brett made a motion, seconded by Councilman Filippini and unanimously carried, to adopt the following Resolution to set the public hearing on the 2014 Preliminary Budget for December 4, 2013:

WHEREAS, it is now desired to call a public hearing on the proposed 2013 budget, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 4, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such budget.

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

**CITY OF RYE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on Wednesday, the 4th day of December, 2013 at 8:00 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Proposed Budgets of the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2014 through December 31, 2014, and at such time and place any person interested in said Proposed Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF PROPOSED BUDGETS

<u>Fund/Program</u>	<u>Proposed Budgets</u>
General Fund	\$34,589,349
Rye Cable TV Special Revenue Fund	422,773
K.T. Woods Permanent Fund	-0-
Debt Service Fund	403,384
Capital Projects Fund	950,000

Boat Basin Enterprise Fund	968,756
Rye Golf Club Enterprise Fund	6,197,291
Risk Retention Internal Service Fund	663,472
Building and Vehicle Maintenance Internal Service Fund	<u>6,176,144</u>
TOTAL - All Funds	<u>\$50,371,169</u>

Dawn F. Nodarse
City Clerk
Dated: November 21, 2013

8. 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

Councilwoman Brett summarized the proposed local law as a way to encourage people to renovate and restore historic properties rather than tear them down. She said implementation of the law would require the Landmarks Committee to designate Historic Districts. Corporation Counsel Wilson said the tax exemption would only apply to City taxes and not to School or County taxes. Councilwoman Parker asked if the School District and County could be contacted to see if they would be interested in enacting similar legislation.

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

WHEREAS, the Council wishes to amend Chapter 177
“Taxation” of the Code of the City of Rye; and

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

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on November 20, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing on a proposed local law to amend
Chapter 177 “Taxation”, of the Code of the City of Rye,
New York by adding a new Article XII “Exemption for Historic Districts.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 20th day of November 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 177 “Taxation” of the Code of the City of Rye, New York by adding a new Article XII “Exemption for Historic Districts”.

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

Dawn F. Nodarse
City Clerk
Dated: November 13, 2013

9. Authorization for the City Manager to enter into an agreement with the International City/County Management Association (ICMA) for an amount not to exceed \$40,000 for professional consulting services to conduct an Executive Search for a Police Commissioner for the City of Rye
Roll Call.

City Manager Pickup said that the ICMA process is a collaborative community process as opposed to a traditional search process. There is a vigorous community outreach component that is fairly time consuming in order to build community consensus about what the Candidate Profile would look like; what department and community issues are relating to the police; and identifying candidates in the search who meet the criteria. The actual search process will not take place until 2014. There was a discussion among the Council regarding what would be involved in the various phases of the ICMA process including the Community Outreach phase, the development of the Candidate Profile, the Recruitment Phase, as well as the advisability of proceeding with the process prior to the new Council taking office in January. The item was deferred to November 13th in order for the City Manager was asked to provide the Council with two exhibits referred to in the contract.

John Carolin suggested that the City should ask Police Organizations for referrals for Police Commissioner and should put together a committee of two or three qualified people to hear proposals instead of spending month on a contract with ICMA. He also said that the sound system in Council Chambers needed to be fixed because people in the room and at home cannot hear what is being said at meetings.

Councilmembers-elect *Terry McCartney* and *Kirsten Bucci* said the City should reconsider spending the \$40,000 and agreed that the process should wait until the new Council is in place to begin the process in order to determine if they want to continue with the position as Police Commissioner or go back to Police Chief.

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

Jim Amico spoke about several issues related to the Police Department. He also said that public safety issues should be taken into consideration when choosing a new Police Commissioner.

11. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Budget Workshop/Special Meeting of the City
Council of the City of Rye held in City Hall on
November 13, 2013 at 8:00 P.M.

PRESENT:

LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVICH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: DOUGLAS FRENCH Mayor
JULIE KILLIAN Councilmember

1. Pledge of Allegiance

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

2. Roll Call

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

3. Discussion of the FY 2014 Budget.

- Fire Department Budget Review

Fire Chiefs Mike Taylor and Peter Cotter and Fire Lieutenant Kurt Tietjen presented on behalf of the Fire Department. They said that the Fire Department budget was flat from last year. They expressed concerns regarding large equipment that needs to be replaced, specifically the 19-year old Pumper Truck and 27-year old spare truck and outlined the process that is usually followed when the Department is considering replacing a truck. The cost of replacing a vehicle, chassis and equipment is over \$600,000. There was also discussion of equipping a donated boat as a fire boat and concerns about adequate manpower and getting people out to fires. City Manager Pickup said that this year's budget process focused on protective issues and updating safety equipment. An upgrade of a chief's vehicle is included in the budget because it serves as a mobile command center at the scene of a fire. Mr. Pickup added that outfitting a fire boat was not deemed the best use of money because there are other options available on the water. The City Manager was asked to provide a list outlining the pros and cons of having a fire boat. In discussing the numbers of volunteers in the Department, the Chiefs said that the demographics in

Rye can be a deterrent because of the time commitment required of volunteers but noted the various ways the Department utilizes to try to recruit new members.

- Public Works Department Budget Review

City Engineer Ryan Coyne reported that the Operating Budget for the Department of Public Works was basically flat with some minor increases for staffing but the City is looking to reallocate money to create a new position for a Facilities and Project Management person. The idea is to deal with facilities and capital projects before they fail. This person would concentrate on capital project coordination, some design and project management, and more intensive dealings with the City's facilities. The person could address issues before they become drastic problems. The City Manager said the City is looking into efficiency grant opportunities to deal with issues and the new person could coordinate this effort. Money was also added to the operating budget to cover maintenance of the Bowman Avenue Sluice Gate. The Capital Project Budget includes increases in the street resurfacing program to bring it back to a combined funding from the City and State of \$500,000; the sidewalk and curb replacement program is reestablished and upped to \$100,000; and there is also an increase in the annual sewer and drain program. The Pavement Management System is used to determine which roads will be resurfaced. Additional capital projects funded in the 2014 Budget involve fixing sewers and upgrading pump systems and monitoring systems. There is also money to fund studies for the realignment of the Boston Post Road and Nature Center Bridge and a redesign of the Boston Post Road through the "snow dump"; and a Disbrow Park Study Master Plan study.

- ~~4. Authorization for the City Manager to enter into an agreement with the International City/County Management Association (ICMA) for an amount not to exceed \$40,000 for professional consulting services to conduct an Executive Search for a Police Commissioner for the City of Rye.~~

~~Roll Call.~~

This agenda item was withdrawn from this meeting.

5. One appointment to the Board of Architectural Review for a three-year term, by the Mayor with Council approval.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried to appoint Holly Kennedy to the Board of Architectural Review for a three-year term expiring on January 1, 2016.

6. Adjournment

There being no further business to discuss Deputy Mayor Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 9:20 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: November 20, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

November 20, 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:

- Update on General Code Revision Project
- Capital Projects Update
- Legal Update



CITY COUNCIL AGENDA

NO. 7 DEPT.: City Manager's Office DATE: November 20, 2013
CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Discussion of the FY 2014 Budget: Police Department and the Rye Free Reading Room.

FOR THE MEETING OF:
November 20, 2013
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made on the proposed 2014 Budgets for the Police Department and the Rye Free Reading Room.

- Police Department Budget Review
- Rye Free Reading Room Budget Review
- Review of City Council Budget Questions



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: November 20, 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:

November 20, 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.

Christian K. Miller, AICP
City Planner
1051 Boston Post Road
Rye, New York 10580



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E-mail: cmiller@ryeny.gov
<http://www.ryeny.gov>

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

Page 2 of 4

- *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

Page 3 of 4

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

Page 4 of 4

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.

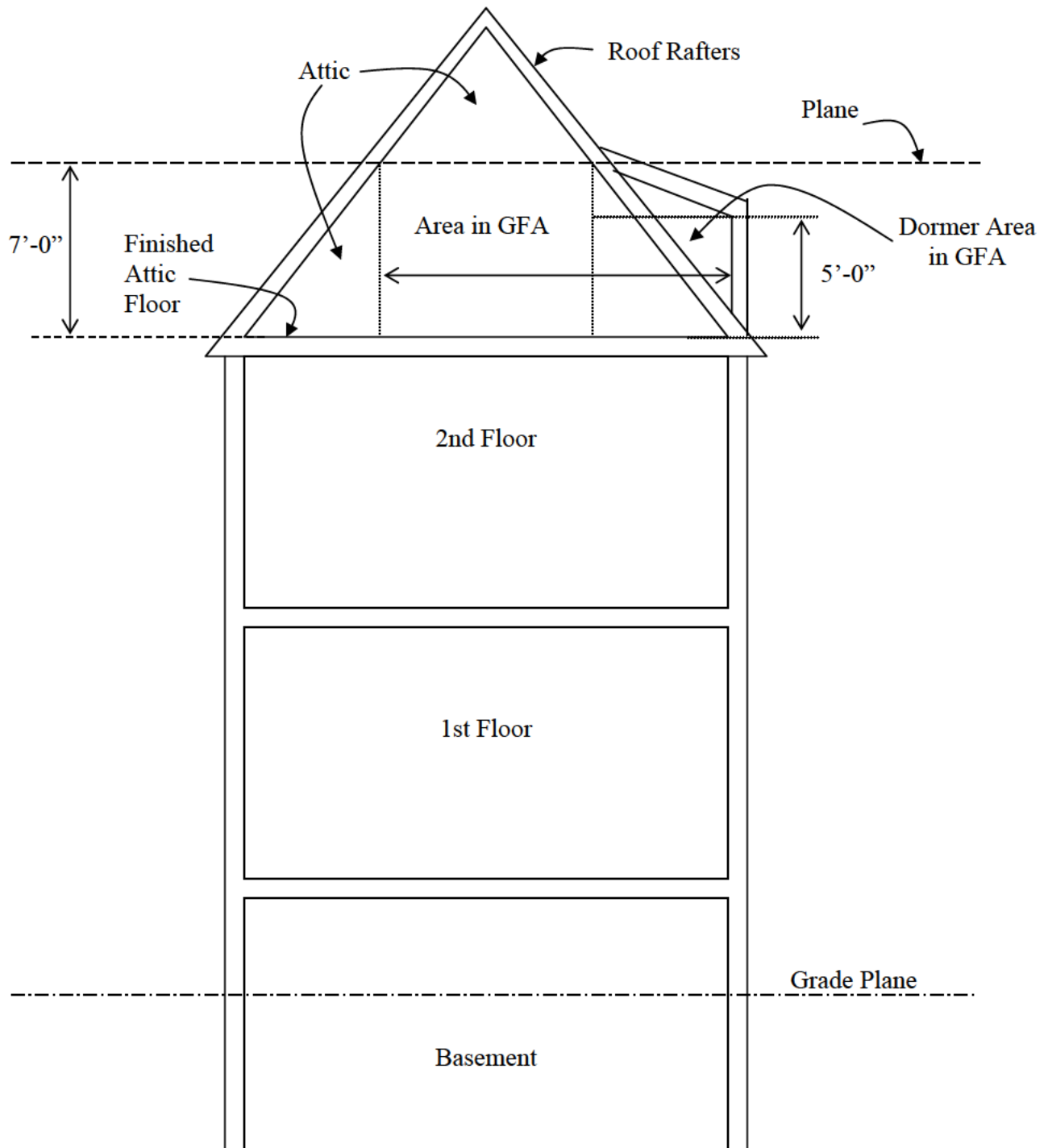
Section 4. Effective Date

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: November 20, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Continuation of Public Hearing to 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:

November 20, 2013

RYE CITY CODE,

CHAPTER 197
SECTION

RECOMMENDATION: That the Council hold a Public Hearing to amend 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 to amend the local law to add regulations regarding outdoor fire pits/kitchens

See attached Draft Local Law.

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: November 20, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

ACTION: Public Hearing to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties.

FOR THE MEETING OF:

November 20, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council hold 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 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.

** Rye has 288 homes that were built in 1904 or earlier, however this figure does not represent an accurate total of potentially historic dwellings since the age of some dwellings is unknown and they do not appear in the count. In addition, the year built for commercial structures does not appear in the database.

See attached:

- Draft Local Law
- Information on communities that have enacted a Historic Tax Exemption
- Information provided by NYS Tax and Finance on 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
Cohoes	<p style="text-align: center;">7 properties</p> <p>To be eligible the property must be in an area designated as historical, meet the requirements and be approved by the Historical Committee.</p>	<p>7 buildings have qualified for this exemption.</p>	<p>It is considered a financial win for the city as many of the buildings were in need of total rehab. The exemption is the cost of improvements that qualify under the historical requirements.</p> <p>Example: Current building assessed value \$45,000 Cost of Historic Rehab. \$100,000 New assessed value \$200,000 Less cost of Rehab -\$100,000 (10 year exemption) Years 1-5 100%, yr 6 80%, yr 7 60%, yr 8 40%, yr 9 20, yr 10-0 New assessed value \$100,000 This exemption is granted by the City of Cohoes and the Cohoes School District.</p> <p>The Assessor noted that they have been lucky that the people that took advantage of this exemption had buildings that were in need of rehab totaling \$100,000 to \$400,000. They currently have \$1,574,000 in exemptions on \$1,908,400 of assessed value. They currently have a 56% equalization rate.</p>
Ithaca	<p>575 properties</p>	<p>Abatement has been used five times since the local ordinance was adopted back in 1997 **</p>	<p>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.</p>

Historic Property Exemption

North Castle	93 properties	None applied	n/a
Northport		<p>One property with a very small exemption for a porch.</p> <p>One property will be receiving the exemption upon completion of the renovations.</p>	
Seneca Falls	The exemption is very specific as to the type of renovation/restoration so that has limited property owners from applying.	1 property	The exemption only covers Town taxes so: if the restoration causes the assessment to rise by \$200,000 then the exemption would be computed as follows: 200.000 amount x 3.96 tax rate = \$792.00.

** 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.

MUNI_CODE	COUNTY_NM	MUNI_NM	VILLAGE_NM	SBL # (Section-Block-Lot)	PROP_CLASS
010100	Albany	Albany		76.31-4-24	210
010100	Albany	Albany		76.49-5-5	220
010100	Albany	Albany		76.24-5-37	210
010100	Albany	Albany		76.39-2-10	220
010100	Albany	Albany		76.26-3-1	481
010100	Albany	Albany		76.34-3-3	481
010100	Albany	Albany		76.49-1-6	230
010100	Albany	Albany		76.49-1-9	230
010100	Albany	Albany		76.24-2-42	481
010100	Albany	Albany		76.24-6-88	210
010100	Albany	Albany		76.34-3-2	481
010100	Albany	Albany		65.80-4-77	411
010300	Albany	Cohoes		10.59-1-21	482
010300	Albany	Cohoes		10.67-2-38	482
010300	Albany	Cohoes		10.67-2-5	481
010300	Albany	Cohoes		10.59-1-22	481
010300	Albany	Cohoes		10.59-3-45	482
010300	Albany	Cohoes		10.59-4-2	481
010300	Albany	Cohoes		10.59-3-44	482
050100	Cayuga	Auburn		116.54-1-18	210
050100	Cayuga	Auburn		116.77-1-17	210
050100	Cayuga	Auburn		123.21-1-28	210
050100	Cayuga	Auburn		116.61-1-28	210
050100	Cayuga	Auburn		116.77-1-6	210
050100	Cayuga	Auburn		116.61-1-30.2	210
050100	Cayuga	Auburn		123.21-1-41	210
130200	Dutchess	Beacon		5954-16-755455-0000	210
140200	Erie	Buffalo		100.27-2-35	210
140200	Erie	Buffalo		89.82-1-61	210
140200	Erie	Buffalo		99.84-7-10	230
140200	Erie	Buffalo		99.84-7-11	230
140200	Erie	Buffalo		89.82-4-69	210
140200	Erie	Buffalo		99.84-7-12	220
140200	Erie	Buffalo		89.66-4-30	210
140200	Erie	Buffalo		99.76-6-12	210
140200	Erie	Buffalo		111.21-3-6	411
140200	Erie	Buffalo		100.77-1-7	220
140200	Erie	Buffalo		100.78-4-26	411
142200	Erie	Amherst		67.20-6-37	210
261400	Monroe	Rochester		120.360-0001-003.000	210
261400	Monroe	Rochester		120.360-0002-040.000	280
261400	Monroe	Rochester		121.270-0001-017.000	220
261400	Monroe	Rochester		121.420-0001-025.000	210
261400	Monroe	Rochester		105.840-0002-025.000	442
261400	Monroe	Rochester		122.380-0001-016.001/0000	210
261400	Monroe	Rochester		122.470-0002-004.001/0002	210

261400	Monroe	Rochester		121.780-0001-004.001	210
261400	Monroe	Rochester		122.470-0002-004.001/0003	210
261400	Monroe	Rochester		122.470-0002-004.001/0001	210
261400	Monroe	Rochester		122.460-0001-028.000	210
261400	Monroe	Rochester		121.340-0002-045.000	280
262000	Monroe	Brighton		150.06-5-12	210
262000	Monroe	Brighton		123.09-1-80	210
262000	Monroe	Brighton		138.05-2-72	210
262000	Monroe	Brighton		150.06-5-16	210
262000	Monroe	Brighton		137.12-1-42	210
301600	Oneida	Utica		318.50-2-42	464
331100	Orange	Newburgh		45-5-23	210
331100	Orange	Newburgh		45-5-23	210
331100	Orange	Newburgh		45-6-7	230
331100	Orange	Newburgh		45-6-7	230
331100	Orange	Newburgh		45-6-1	220
331100	Orange	Newburgh		45-6-1	220
331100	Orange	Newburgh		11-1-22	220
331100	Orange	Newburgh		11-1-22	220
331100	Orange	Newburgh		39-5-20	220
331100	Orange	Newburgh		39-5-20	220
331100	Orange	Newburgh		45-6-13	220
331100	Orange	Newburgh		45-6-13	220
331100	Orange	Newburgh		39-5-15.1	481
331100	Orange	Newburgh		39-5-15.1	481
331100	Orange	Newburgh		18-6-43	220
331100	Orange	Newburgh		18-6-43	220
331100	Orange	Newburgh		4-9-2	220
331100	Orange	Newburgh		4-9-2	220
331100	Orange	Newburgh		40-2-1.12	710
331100	Orange	Newburgh		40-2-1.12	710
343400	Orleans	Ridgeway	Medina	80.37-1-3	457
343400	Orleans	Ridgeway	Medina	80.37-2-47	481
343400	Orleans	Ridgeway	Medina	80.37-1-16.1	481
343400	Orleans	Ridgeway	Medina	80.37-1-34	481
343400	Orleans	Ridgeway	Medina	80.37-1-34	481
343400	Orleans	Ridgeway	Medina	80.37-1-34	481
411500	Saratoga	Saratoga Springs		165.66-2-62	483
411500	Saratoga	Saratoga Springs		165.74-2-31	483
411500	Saratoga	Saratoga Springs		165.68-2-52	210
421500	Schenectady	Schenectady		39.63-2-15	220
421500	Schenectady	Schenectady		39.63-3-38	411
421500	Schenectady	Schenectady		60.38-2-1.21	411
460300	Steuben	Corning		318.37-01-052.000	481
460300	Steuben	Corning		317.44-02-026.000	481
460300	Steuben	Corning		318.37-01-013.000	481
460300	Steuben	Corning		318.37-01-045.000	481

473400	Suffolk	Smithtown	Nissequogue	12.-2-13.1	210
500700	Tompkins	Ithaca		8.-5-1	220
500700	Tompkins	Ithaca		11.-1-1	210
500700	Tompkins	Ithaca		69.-2-19	414
555400	Westchester	Yorktown		70.13-1-36	210

TOTAL ASSESSED VALUE	PRIMARY_OWNER	EX_CD	EX_APPLICA	EXEMPTION_AMOUNT
96100	GILHOOLY, MICHAEL	4196	3	71100
128800	TOOMEY, MATTHEW	4196	3	30180
150000	YATES STREET REALTY, LLC	4196	3	74000
150000	GILHOOLY, MICHAEL	4196	3	140000
159600	DAVISON, RONALD C	4196	3	28140
168600	Truman INC., Paul	4196	3	15720
170000	Madison Place Properties LLC	4196	3	72000
188000	Moneymaker, Richard W	4196	3	101400
200000	DIRTY HARRY'S LLC	4196	3	73920
220000	IANNELLI, LAURA A	4196	3	140000
257100	73 N PEARL STREET LLC.	4196	3	31420
396700	The Mclaughlin Limited	4196	3	192780
145800	1000 Davis, LLC	4196	6	100000
196700	Derry, M. Scott	4196	6	125000
245000	Trinity Place	4196	6	200000
261900	Planet Development LLC	4196	6	200000
285000	R&B Properties of NY LLC	4196	6	175000
375000	East Ridge Associates LLC	4196	6	425000
399000	East Ridge Associates LLC	4196	6	500000
136000	Selvek, Stephen M	4196	6	10001
149999	Clark, William	4196	6	12510
158400	Chamberlain, Michael	4196	6	17408
216700	Champion, Maxsen D	4196	6	35038
262700	Hoey, Kevin Sr	4196	6	17507
278600	Guinn, Randall D	4196	6	89182
326600	Shellenberger, Alan	4196	6	45574
616000	Lee, Yuan	4196	3	250000
49900	Davis, Cozette	4196	0	26940
50000	Spigner, Deborah	4196	0	35000
50000	Purtell, Christopher E	4196	0	12000
52000	Burkhardt, Adam E	4196	0	16740
55000	Sales, Elvira	4196	0	30000
60000	Bordonaro, Louis P	4196	0	21600
65000	Burton, David	4196	0	12160
95000	Holdaway, Holly	4196	0	56000
140000	Nickel City Development LLC	4196	0	39761
250000	Delaware Properties LLC	4196	0	192000
275000	Franklin Street Properties LLC	4196	0	200000
276000	Duax, William L &	4196	0	152000
48000	Crawford Delois	4196	6	38000
84500	Warfield Michael	4196	6	64500
185000	Mastrodonato Andrea L	4196	6	63700
250000	Habza Daniel J & Laura O	4196	6	22380
283000	Quarterman Todd	4196	6	84900
415000	Weaver-Catalana Bernadett	4196	6	59100
460000	Valenti Frank P & Mary	4196	6	254200

473000	Janofsky Rosemary	4196	6	18750
597500	Griffiths Clifford H &	4196	6	433000
635500	Kavey Rae-Ellen/friedman	4196	6	475800
900000	Parker Jane Trustee Of	4196	6	365000
1150000	Tait Robert C & Amy L	4196	6	713500
175000	Press, Vincent L	4196	3	25000
195000	Apetz, Leslie J	4196	3	80000
210000	Nearpass, Gregory R	4196	3	16000
298000	Berkner, Jonathan	4196	3	28900
970000	Chessin, Daniel J	4196	3	68800
60000	Homestead Enterprises Two, LLC	4196	6	20000
88000	Bluestone Developers Inc	4196	3	44800
88000	Bluestone Developers Inc	4196	4	44800
99800	Bluestone Developers	4196	3	49900
99800	Bluestone Developers	4196	4	49900
111000	Bluestone Developers	4196	3	43000
111000	Bluestone Developers	4196	4	43000
118800	Majeed, Rafiq	4196	3	100000
118800	Majeed, Rafiq	4196	4	100000
125100	Bluestone Developers Inc	4196	3	114200
125100	Bluestone Developers Inc	4196	4	114200
127300	Bluestone Developers Inc	4196	3	115300
127300	Bluestone Developers Inc	4196	4	115300
146000	Liberty Street Development LLC	4196	3	129500
146000	Liberty Street Development LLC	4196	4	129500
158500	Arrabito, Edward	4196	3	100400
158500	Arrabito, Edward	4196	4	100400
350000	Majeed, Mohammad S	4196	3	300000
350000	Majeed, Mohammad S	4196	4	300000
1506100	Newburgh Brewing Co LLC	4196	3	490000
1506100	Newburgh Brewing Co LLC	4196	4	490000
36000	Cooper, Timothy D	4196	5	15600
51800	Thurston , Fred R	4196	5	33000
57500	Thomas Development, LLC	4196	5	14800
207800	ReNewell, LLC	4196	5	28440
207800	ReNewell, LLC	4196	5	66100
207800	ReNewell, LLC	4196	5	74500
249300	Luciano, Grace H	4196	3	119450
255000	Gasser, George H	4196	3	128400
285000	Kelley, Wm Jr	4196	3	21427
143400	White, Robin T	4196	0	20000
355000	White, Robin T	4196	0	30000
1465200	Excelsior Development LLC	4196	0	779600
300000	Tshmoo Riley LLC	4196	0	115000
450000	Sorge Property Development	4196	0	412100
1000000	Klugo Partners LP LLC	4196	0	535000
1500000	Centerway Commerce Bldg LLC	4196	0	973000

11500 Pittella, Joseph	4196	1	675
330000 Augustinos, Robert	4196	1	140000
450000 Stuart McDougal Revoc Trust	4196	3	65000
950000 Unity Inn, LLC	4196	1	650000
15250 LINDBERG, LARS & BRONNER,	4196	3	285

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's Office

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Authorization for the City Manager to execute, on behalf of the City of Rye, a Payment in Lieu of Tax Agreement (PILOT) between Rye Manor, LLC and the Westchester County Industrial Development Agency (IDA).

FOR THE MEETING OF:

November 20, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to execute the PILOT Agreement between Rye Manor, LLC and the Westchester County Industrial Development Agency (IDA).

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Rye Manor LLC has entered into a Contract of Sale with Rye Manor HDPC to acquire and renovate the property. Rye Manor LLC is a single purpose entity created solely for the purpose of the renovation and preservation of Rye Manor as an affordable housing development. The project will be financed through the issuance of tax-exempt bonds to be issued by Westchester County Industrial Development Agency (Westchester IDA), and an allocation of Federal low-income Tax Credits from the New York State Housing Finance Agency (NYS HFA). HUD will be issuing a new 20 year HAP for the project, which will provide additional financial security for the tenants, and a new HUD Use Agreement that will ensure that the property will remain affordable for another 30 years.

Rye Manor LLC proposes to enter a Payment In-lieu of Taxes (PILOT) Agreement with the City with a \$90,000 first year PILOT payment, which would increase at 2.5% per year for the term of the 32 year PILOT. Additionally, they propose to make a one-time Municipal Impact Fee (MIF) payment of \$150,000 to the City, and continue to pay the Special District Taxes.

See attached.

**AGREEMENT FOR PAYMENT IN LIEU OF TAXES (PILOT) BY AND AMONG
THE CITY OF RYE, HONY HOUSING DEVELOPMENT FUND CORP. AND
RYE MANOR LLC**

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the “PILOT Agreement” or “Agreement”), dated November __, 2013, by and among the **CITY OF RYE, NEW YORK**, a New York incorporated municipality, having its principal office located at 1051 Boston Post Road, New York 10580 (the “City”), **HONY HOUSING DEVELOPMENT FUND CORP.**, an Article XI New York private housing finance law corporation and a New York not-for-profit corporation, having an address at 700 White Plains Road, Scarsdale, New York 10583 (the “HDFC”), which HDFC will hold nominal title to the Property (as hereinafter defined) for the benefit of **RYE MANOR LLC**, a New York limited liability company, having an address c/o Mountco Construction and Development Corp., 700 White Plains Road, Suite 363, Scarsdale, New York 10583 (the “Company”).

WHEREAS, the HDFC is or will be the bare legal or record owner, and the Company is or will be the beneficial and equitable owner of certain improved real property located at 300 Theall Road, City of Rye, Westchester County, New York, Tax Map No. Section 146.17, Block 1, Lot 1.1 (the “Property”); and

WHEREAS, the HDFC is a corporation established pursuant to section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (“PHFL”); and

WHEREAS, the HDFC is or will be a member of the managing member of the Company; and

WHEREAS, the HDFC and the Company have each been formed for the purpose of providing residential rental accommodations for senior citizens having household incomes less than or equal to sixty percent (60%) of area median income for Westchester County, adjusted for family size (“AMI”); and

WHEREAS, the Company will own, redevelop, rehabilitate, renovate, maintain and operate a housing project on the Property consisting of approximately 100 dwelling units, not less than 99 of which shall be for senior citizens having household incomes less than or equal to sixty percent (60%) of AMI (sometimes referred to herein as the “Project”); and

WHEREAS, the HDFC’s and the Company’s plan for the use of the Property constitutes a “housing project” as that term is defined in the PHFL; and

WHEREAS, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local improvements, to the extent of all or a part of the value of the property included in the completed project; and

WHEREAS, the City Council members of the City of Rye, New York, by resolution No. adopted November, 2013, approved and authorized the execution of this Agreement,

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL, the City hereby exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements. "Local and Municipal Taxes" shall mean any and all real estate taxes levied by Westchester County ("County"), the City of Rye ("City"), the Rye City School District ("School District") or other taxing jurisdiction. Exclusions from the exemption described herein (in addition to assessments for local improvements) shall include special tax and/or special assessment districts, including, without limitation, special assessments by the Westchester County Sewer and Refuse Districts.

2. This tax exemption will commence on the date the HDFC and Company acquire title to the Property (the "PILOT Commencement Date") and shall continue for a period of thirty-two (32) years from the PILOT Commencement Date. This Agreement shall not limit or restrict the HDFC's or Company's right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement.

3. So long as the exemption hereunder continues, following the completion of rehabilitation of the Project as evidenced by the issuance of a Certificate of Completion, the Company shall make annual payments in lieu of taxes ("PILOT") in the amount of Ninety Thousand and 00/100 Dollars (\$90,000.00) ("PILOT Payment") (pro rated for the year in which said Certificate of Completion is issued), which amount shall increase two and one half percent (2.5%) each year thereafter, to cover all Local and Municipal Taxes owed in connection with the Property and the Project. Annual PILOT Payments shall be due on February 15 of each calendar year. PILOT Payments shall be mailed via First Class mail through the United States Postal Service to the City of Rye, Attention Tax Collector at 1051 Boston Post Road, Rye, New York 10580. So long as the tax exemption remains in effect, tenant rental charges for restricted units shall not exceed the maximum established or allowed by law, rule or regulation, and the Property shall be operated in conformance with the provisions of Article XI of PHFL.

4. The tax exemption provided by this Agreement will continue for the term described above provided that not less than 99 units within the Property continue to be used as housing facilities for senior citizens having household incomes less than or equal to sixty (60%) percent of AMI as described herein, and any of the following occur (i) the HDFC and/or the Company operate the Property in conformance with Article XI of the PHFL; or (ii) in the event an action is brought to foreclosure a mortgage upon the Property, and the legal and beneficial interest in the Property shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL, or by the Federal government or an instrumentality thereof, or by a corporation which is, or by agreement has become subject to the supervision of the superintendent of banks or the superintendent of insurance, such successor in interest shall operate the Property in conformance with Article XI of the PHFL, with the consent of the City of Rye and such consent shall not be unreasonably withheld.

5. The failure to make the required payment will be treated as failure to make payment of taxes and will be governed by the same provisions of law as apply to the failure to make payment of taxes, including but not limited to enforcement and collection of taxes and assessment of interest and penalties to the extent permitted by law. In the event the City commences a proceeding to enforce the provisions of this Agreement, then, in addition to the remedies to which the City shall be entitled, it shall have the right to award reasonable attorney fees. Notwithstanding the above, the City may terminate this Agreement, and the tax exemption shall thereupon terminate, pursuant to Section 6 hereof.

6. This Agreement and the exemption granted hereunder shall terminate pursuant to Section 5 above or in an event of default as follows:

(a) Failure of the Company (or the Company's investor member on its behalf) to pay in full any payment due under this Agreement within thirty (30) days of mailing of written notice by the City stating that said payment is past due.

(b) Failure of the Company (or the Company's investor member on its behalf) to comply with or perform any provision of this Agreement if such failure continues in whole or in part for more than thirty (30) days after mailing of written notice by the City of such failure to comply or perform.

In the event of a default hereunder, in addition to the termination of this Agreement and the tax exemption, the City may exercise any and all rights or remedies permitted by law.

Notwithstanding any provision hereof to the contrary, the mortgagees of record with respect to the Property (the "Lender") shall have an additional period 30 days after the cure periods of the Borrower set forth in this Section 6 to cure any monetary defaults and an additional period of up to 120 days to cure non-monetary defaults provided that the Lender shall diligently pursue such cure.

7. All notices and other communications hereunder shall be in writing and shall be sufficiently given when delivered to the applicable address stated above (or such other address as the party to whom notice is given shall have specified to the party giving notice) by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery. Copies of notices to the Company shall be provided to First Sterling Financial, Inc., 111 Great Neck Road, Great Neck, New York, New York 11021, and to the Lender at Citi Community Capital, 390 Greenwich Street, 2nd Floor, New York, New York 10013, or such other address as may be designated in writing by the Lender

8. This Agreement shall inure to the benefit of and shall be binding upon the City, the Company and the HDFC and their respective successors and assigns, including the successors in interest of the Company and the HDFC. There shall be no assignment of this Agreement except in accordance with Section 4 hereof or with written consent of the other party, which consent shall not be unreasonably withheld.

9. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that

provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

10. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

11. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the Property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

12. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized and does not require any other consent or approval, (ii) does not violate any article, by-law or organizational document or any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any indenture, credit agreement, or any other agreement or instrument to which any of them is a party. Each party represents that this Agreement shall constitute the legal, valid and binding agreement of the parties enforceable in accordance with its terms.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDFC and the Company have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

DATED: November ____, 2013

CITY OF RYE, NEW YORK

By: _____

Name: Scott D. Pickup

Title: City Manager

DATED: November ____, 2013

HONY HOUSING DEVELOPMENT FUND
CORP.

By: _____

Name: John Madeo

Title: President

DATED: November ____, 2013

Rye Manor LLC

By: Rye Manor Managers LLC,
its Managing Member

By: HONY Housing Development Fund
Corp.
its Manager

By: _____

Name: John Madeo

Title: President

MUNICIPAL IMPACT FEE AGREEMENT

THIS MUNICIPAL IMPACT FEE AGREEMENT (the “Agreement”), dated as of the ____ day of _____, 2012, by and between the **CITY OF RYE**, a municipal corporation of the State of New York with offices located at 300 Theall Road, Rye Rochelle, New York 105801 (the “City”) and **RYE MANOR LLC**, a New York limited liability company having offices at 700 White Plains Road, Suite 363, Scarsdale, New York 10583 (the “Company”).

WITNESSETH:

WHEREAS, the Company intends to acquire, redevelop, renovate and rehabilitate certain land and improvements located at or near 300 Theall Road, Rye, New York, Tax Map No. Section 146.17, Block 1, Lot 1.1, which improvements consist of a single building containing one hundred (100) residential rental units for persons and families of low-income (the “Project”); and

WHEREAS, on or about the date hereof and in connection with the Project, the City, the Company and HONY Housing Development Fund Corp.. entered into an agreement (the “PILOT Agreement”) making provisions for payments in lieu of taxes by the Company to the City for the benefit of the City, the Rye City School District and the County of Westchester, New York; and

WHEREAS, the City and the Company, in recognition that a significant inducement to the Company to redevelop the Project was the responsiveness of the City in addressing applications associated with the Project and willingness to continue to provide municipal services to the Project during the term of the PILOT Agreement and thereafter, desire to enter into this Agreement whereby the Company will pay to the City an impact fee as reimbursement for the costs and associated expenses related to the continued level of municipal services to be provided by the City for the benefit of the Project;

NOW, THEREFORE, in consideration of the covenants herein contained, and for other good and valuable consideration the receipt and sufficiency of which are acknowledged, it is mutually agreed as follows:

Section I –Payment of Impact Fee.

1.1 (i) *Payment of Impact Fee.* The Company, pursuant to the terms of this Agreement, shall pay and remit to the City an impact fee in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) (the “Impact Fee”). The Impact Fee shall be payable in full on the date of closing of the Project’s construction financing.

(ii) *Public Purpose.* The parties agree and acknowledge that the payment to be made by the Company hereunder is to obtain revenues for any public purpose, including without limitation costs and associated expenses related to municipal services or infrastructure, such as, but not limited to, road and curb repairs and/or street lighting, traffic signalization, and/or improvements to municipal parking lots in the vicinity of the Rye Manor Project.

Section II - Miscellaneous.

2.1 This Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

2.2 All notices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid, as follows:

To the City:

City of Rye
300 Theall Road
Rye, New York 10580
Attn: _____

To the Company:

Rye Manor LLC
700 White Plains Road, Suite 363
Scarsdale, New York 10583
Attn.: Joel B. Mouny

With a copy to:

First Sterling Financial, Inc.
111 Great Neck Road
Great Neck, New York 11021

Citi Community Capital
390 Greenwich Street, 2nd Floor
New York, New York 10013

To Company Counsel:

Cannon Heyman & Weiss LLP
54 State Street, 5th Floor
Albany, New York 12207
Attn.: Geoffrey Cannon, Esq.

or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when mailed or personally delivered in the manner provided in this Section.

2.3 This Agreement embodies and constitutes the entire understanding between the parties with respect to the transaction contemplated herein, and all prior agreements, understandings, representations and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument signed by the party against whom enforcement of such

waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

2.4 This Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in the City of Rye , Westchester County, New York.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF RYE, NEW YORK

By: _____

Name: Scott D. Pickup

Title: City Manager

RYE MANOR LLC

By: Rye Manor Managers LLC, Managing Member

By: HONY Housing Development Fund Corp.,
Manager

By: _____

Name: John Madeo

Title: President

THIS CONSENT and TERMINATION of RESTRICTIVE COVENANTS and REVERTER ("Termination"), dated as of the ____ day of November, 2013, made by THE CITY OF RYE, NEW YORK, a municipal corporation, with offices located at 1051 Boston Post Road, New York 10580 (the "City").

WHEREAS, the City conveyed the property located at 300 Theall Road, City of Rye, Westchester County, New York Tax, Map No. Section 146.17, Block 1, Lot 1.1 and as more particularly described in Schedule "A" annexed hereto and made a part hereof (the "Premises"), to Rye Senior Citizens' Apartment Housing Development Fund Corporation ("Rye HDFC") pursuant to that certain deed dated September 20, 1985 and recorded in the Office of the Westchester County Clerk on October 7, 1985 in Liber 8232 page 160 (the "Deed");

WHEREAS, the Deed includes the following provision (the "Restrictions"):

Subject in all cases to any rights or property interests running with respect to the premises to the United States of America, acting by and through the Department of Housing and Urban Development, or its successors or assigns ("HUD"), whether said rights or interests are created pursuant to mortgage, regulatory agreement or otherwise, said premises shall, until otherwise permitted by the party of the first part, be used for purposes of housing and may not be sold, transferred, exchanged, assigned or leased (other than leases made in the normal course of operations to tenants of the premises) without the consent of the party of the first part. In the event of a violation of the foregoing restrictions, which violation is not cured by the party of the second part after notice and a reasonable opportunity to cure, the party of the first part shall have the right to re-enter and take possession of the premises and to terminate, and re-vest in the party of the first part, the estate conveyed by this indenture to the party of the second part, provided that such right of re-entry, termination and re-vesting shall always be subject to and limited by, and shall not defeat, render invalid or limit in any way the aforementioned rights or property interest of HUD.

WHEREAS, Rye HDFC and Rye Manor LLC, a New York limited liability company (the "Company"), have notified the City that Rye HDFC intends to sell and the Company intends to acquire the Premises so that the Company may substantially rehabilitate the affordable rental housing project currently located at the Premises (the "Project"), and the Company has been working directly with the City in regard to such acquisition and rehabilitation (the "Sale");

WHEREAS, the Company, as part of the Sale, will enter into a Use Agreement with HUD regarding the continued operation of the Project as affordable rental housing;

WHEREAS, the Project's lenders (the "Lenders") are unwilling to provide acquisition and construction financing (the "Financing") for the Project while the Deed contains the Restrictions; and

WHEREAS, the City is willing to consent to the Sale of the Premises and to terminate the Restrictions in order to induce the Lenders to provide the Financing, in consideration of the Company's covenant to maintain the Project.

NOW, THEREFORE, in consideration of the above-stated premises and also in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the City hereby covenants and agrees that (a) it consents to the Sale of the Premises, and (b) the Restrictions contained in the Deed shall be hereby terminated and extinguished.

This Termination shall be governed by and interpreted in accordance with the laws of the State of New York and may not be changed or terminated orally.

IN WITNESS WHEREOF, the City has caused this Termination to be signed by its duly authorized officer as of the day and year written above.

THE CITY OF RYE, NEW YORK

By: _____

Name:

Title:

EXHIBIT A

Description of the Premises

[To Be Attached Hereto]

CONSENT AND TERMINATION OF REVERTER

by

THE CITY OF RYE, NEW YORK

Dated as of November ____, 2013

City: Rye

County: Westchester

Section: 146.17

Block: 1

Lot: 1.1

Address: 300 Theall Road

RECORD AND RETURN TO:

Cannon Heyman & Weiss, LLP
54 State Street, 5th Floor
Albany, New York 12207
Attn: Sarah C. Hetzer



U03685280

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\$900

THIS INDENTURE, made the 31st day of July, nineteen hundred and eighty-four between RYECON CORPORATION, a New York corporation with principal offices at Halstead Avenue (no number), P.O. Box 731, in the City of Rye, County of Westchester and State of New York, herein the Grantor, and RYE INTERFAITH HOUSING CORPORATION, a Not-for-Profit corporation of the State of New York, having an office at 964 Boston Post Road, Rye, New York, herein the Grantee,

WITNESSETH, that the Grantor in consideration of Ten Dollars and other valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns forever,

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being in the City of Rye, County of Westchester and State of New York (the "Premises"), described as follows:

BEGINNING at a point on the westerly side of Theall Road (formerly Railroad Avenue) said point being 10.02 feet south of the southwesterly corner of Theall Road and Halstead Avenue, which road (Halstead Avenue) was previously abandoned by action of the City Council of the City of Rye on June 19, 1963 as ordinance No. 3-1963; said abandoned road (Halstead Avenue) and Theall Road (formerly Railroad Avenue) are as shown on a certain map entitled "Map of Brentwood Plaza, at Rye and Harrison, Westchester County, N.Y., on N.Y. and New Haven R.R. as prepared on April 13, 1892, by H.H. Spindler, Civil Engineer and City Surveyor" and filed in the office of the County Clerk, Division of Land Records, formerly Register's Office of Westchester County, New York, on June 2, 1892, as R.O. Map No. 1386; running thence in a westerly direction along a line, said line being 10.00 feet southerly and parallel to former Halstead Avenue north 56° 17' 00" west 499.40 feet to a point on the westerly side of former Hillen Street which road was also abandoned by action of the City Council of the City of Rye on June 19, 1963, as ordinance No. 3-1963; running thence in a southerly direction along the westerly side of former Hillen Street south 33° 43' 00" west 90.00 feet to a point; running thence south 56° 17' 00" east 25.00 feet to the center of former Hillen Street; running thence south 33° 43' 00" west 50.00 feet along the center line of former Hillen Street to a point; thence proceeding in an easterly direction across former Hillen Street and

along the division line between Lot 34 and Lot 35 as shown on Map of Brentwood Plaza south 56° 17' 00" east 125.00 feet; thence north 33° 43' 00" east 4.33 feet; thence along the southerly side of Lot 23 of said map, south 49° 04' 00" east 100.80 feet to the southwest corner of former Eutaw Street (now abandoned); thence along the southerly side of former Eutaw Street, south 49° 04' 00" east 50.40 feet to the southeast corner of former Eutaw Street; thence running in a southerly direction south 33° 43' 00" west 60.33 feet to a point; thence in an easterly direction and along a division line between Lot 6 and Lot 7 as shown on Map of Brentwood Plaza south 56° 17' 00" east 186.50 feet, to a point on the westerly side of Theall Road; thence north 37° 09' 00" east 215.39 feet to the point or place of beginning.

TOGETHER with all right, title and interest, if any of the Grantor in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever, upon the conditions following, viz.:

1. That the Grantee or its successors and assigns (hereinafter all being referred to as "Grantee"), shall construct on the Premises structures and facilities ("Improvements") to provide housing for 100 or more elderly and handicapped persons on a non-profit basis, such construction to commence on or before December 31, 1985, and be completed no later than twenty-four (24) months after commencement, or at such later dates as may be approved by the United States Department of Housing and Urban Development or the Federal Housing Commissioner;

2. Promptly after completion of the Improvements, Grantor, upon written request ("Request") by Grantee, will furnish Grantee with an instrument, in form recordable in the Westchester County Clerk's Office, Division of Land Records, certifying to such completion. Such certification ("Certificate of Completion") by Grantor shall be a conclusive determination of satisfaction and termination of the agreements

and covenants herein contained with respect to the obligation of Grantee to construct the improvements, and of the satisfactory completion by Grantee of the Improvements. Grantor shall, within twenty (20) days after its receipt of the Request, provide Grantee with the Certificate of Completion or with a written statement (the "Statement") indicating in adequate detail in what respects the work referred to in the Request has not been adequately completed and what measures Grantee must take to obtain the Certificate of Completion. If Grantor fails to provide Grantee with either the Certificate of Completion or with a Statement within the said twenty (20) day time period, the Improvements shall be deemed to have been completed as if the Certificate of Completion therefor had been issued. If there is upon the Premises a mortgage insured, or held or owned, by the Federal Housing Administration and the Federal Housing Administration shall have determined that all buildings constituting the Improvements and covered by such mortgage are, in fact, substantially completed and are ready for occupancy, then, in such event, the Grantor shall accept the determination of the Federal Housing Administration as to such completion of the construction of the Improvements, and the Grantor shall forthwith issue its certification provided for in this paragraph. Such certification and such determination shall not constitute evidence of compliance with or satisfaction of any obligation of the Grantee to any holder of a mortgage, or any insurer of a mortgage, securing money loaned to finance the Improvements, or any part thereof;

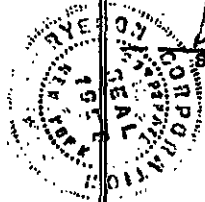
3. In the event that prior to the issuance of a Certificate of Completion Grantee shall violate its obligations with respect to construction of the Improvements (including, without limitation, the dates for the beginning and completion thereof), or shall abandon or substantially suspend construction

work (except for any delay or suspension due to unforeseeable causes beyond Grantee's control and without its fault or negligence, including, but not limited to, acts of God, the public enemy, the United States government, Grantor, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather or delays of sub-contractors due to such causes, which, in the event of such delays, shall extend the time for performance by Grantee with respect to construction of Improvements for a period of such delay), and any such violation, abandonment or suspension shall not be cured within three (3) months after written demand by Grantor so to do, then Grantor shall have the right to re-enter and take possession of the premises and to terminate (and revert in Grantor) the estate conveyed by this deed. This provision constitutes a condition subsequent to the effect that should there occur any default specified hereinabove, and same shall not be cured within the time specified therefor, Grantor, at its option, may declare a termination in favor of Grantor of the title to, and of all rights and interests in, the Premises, and that such title and all rights and interests of Grantee, and its successors and assigns, in the Premises shall revert to the Grantor. This condition subsequent, and any reversioning of title as a result thereof in Grantor, shall always be subject to and limited by and shall not defeat, render invalid, or limit in any way the rights of the United States Department of Housing and Urban Development, the lien of any mortgagee who provided funds for the purchase of the premises or the construction of part or all of the Improvements, and shall not apply to any parts of the premises, or rights and interests appurtenant thereto, or Improvements thereon for which a Certificate of Completion has been issued.

AND the Grantor covenants that the Grantor has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed by its duly authorized corporate officer and its corporate seal to be affixed, and duly attested by its secretary, the day and year first above written.

ATTEST:



Alan C. Davis
Secretary

RYECON CORPORATION

By: [Signature]
Vice-President

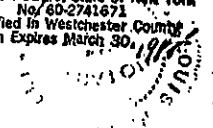
STATE OF NEW YORK)
)ss:
COUNTY OF WESTCHESTER)

On the 31st day of July, 1984, before me personally came GORDON A. THOMAS, to me known, who, being by me duly sworn, did depose and say that he is the Vice President of RYSCON CORPORATION, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

* he resides at Halsted Ave. (no number)
Rye, N.Y.

Louis B. Molinelli
Notary Public

LOUIS B. MOLINELLI
NOTARY PUBLIC, State of New York
No. 60-2741671
Qualified in Westchester County
Term Expires March 30, 1985



W2007

RYECON CORPORATION

to

RYE INTERFAITH HOUSING
CORPORATION

DEED

Sec 3
Block 66
LOT 98 DC, 11c
Town-RYE

CUDDY & FEDER
ATTORNEYS AT LAW
WHITE PLAINS, N.Y. 10601
(914) 761-1300

RECORDED BY
LTIC ASSOC., INC.
32 EAST 39th STREET
NEW YORK, N.Y. 10018
899-2170

Record & Return to
Kenneth A. Jurist Esq
Cuddy & Feder Esqs
90 Maple Avenue
White Plains NY 10601

UNR 8232 PAGE 171



WESTCHESTER COUNTY CLERK RECORDING PAGE
(THIS PAGE IS PART OF THE INSTRUMENT)

RECEIVED
WESTCHESTER COUNTY CLERK
1985 OCT -7 11:26

TYPE OF INSTRUMENT DEED DATE _____
 STATUTORY CHARGE 3 MTGE AMT _____
 RECORDING CHARGE 21 EXEMPT YES _____ NO _____
 FILING CHARGE 1 REC'D TAX ON ABOVE MTGE _____
 CROSS REFERENCE _____ BASIC \$ _____
 CERT/RECEIPT _____ ADDITIONAL \$ _____
 DED BY A 127- SUBTOTAL \$ _____
 SPECIAL \$ _____
 TOTAL \$ _____
 SERIAL NO _____

- 02 BEDFORD
- 06 CORTLANDT
- 09 EASTCHESTER
- 11 GREENBURGH
- 12 HARRISON
- 16 LEWISBORO
- 17 MAMARONECK
- 19 MT KISCO
- 20 MT PLEASANT
- 21 MT VERNON
- 22 NEW CASTLE
- 23 NEW ROCHELLE
- 24 NORTH CASTLE
- 26 NORTH SALEM
- 28 OSSINING
- 30 PEEKSKILL
- 31 PELHAM
- 35 POUND RIDGE
- 36 RYE CITY
- 37 RYE TOWN
- 38 SCARSDALE
- 39 SOMERS
- 42 WHITE PLAINS
- 43 YONKERS
- 44 YORKTOWN

CONSTO 225,000

RECEIVED
\$ 900-
REAL ESTATE
OCT - 7 1985
TRANSFER TAX
WESTCHESTER
COUNTY

ANDREW J. SPANO
WESTCHESTER COUNTY CLERK

TERMINAL NO 8380036 TRANSFER FEES NO _____

DATE RET'D _____

67248

02-01-001 10/07/85CPA

27

	SECTION BLOCK LOT VILLAGE TOWN COUNTY
RECORD AND RETURN TO:	

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:
 THE PROPERTY AFFECTED BY THIS INSTRUMENT IS SITUATE IN THE
 TOWN CITY OF RYE, COUNTY OF WESTCHESTER
 N.Y. A TRUE COPY OF THE ORIGINAL DEED RECORDED
 IN THE DIVISION OF LAND RECORDS OF THE COUNTY CLERK'S OFFICE OF
 WESTCHESTER COUNTY ON OCT. 7, 1985 AT 11:26A M. IN
 LIBER 8232 PAGE 165 IN THE BOOK OF Deeds
 WITNESS MY HAND AND OFFICIAL SEAL: Andrew J. Spano
 ANDREW J. SPANO, COUNTY CLERK

CERTIFICATE OF OCCUPANCY
DEPARTMENT OF BUILDINGS
CITY OF RYE

No. 2200
1/16, 17
Block 1
Lot 1/1

Location 350 Heald Road

Owner Rye Union Citizens' Club, Housing Development

Address Trust Corporation, 964 Lusk Road, Rye, N.Y.

Lessee _____

Address _____

Permitted Occupancy 10 Unit Union Citizens' Club & Parking

for 24 Cars - Building Per. No. 5670

Permission is Hereby Granted For The Occupancy Described Above.

Fee \$ 1.00 -

RYE, N. Y. 3/16 19 87

Alvin K. Conrad
CITY CLERK
12-9-86

Alvin K. Conrad
BUILDING INSPECTOR
1759



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for City Manager to enter into a Memorandum of Understanding with the County of Westchester to provide access to Westchester Records Online: the County Clerk's land records and legal files.

FOR THE MEETING OF:

November 20, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with Westchester County.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Through a Memorandum of Understanding with Westchester County, the City is provided access to Westchester Records Online: the County Clerk's land records and legal files. Municipalities are given exclusive access to essential abstracts of real estate transactions to assist tax assessors. There is no charge to the City for access to the records.

See attached.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF WESTCHESTER
AND**

LICENSE AGREEMENT made this _____ day of _____, 20____, by and between:

THE COUNTY OF WESTCHESTER (hereinafter referred to as the "County"), a municipal corporation of the State of New York, having and office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601 and

(hereinafter referred to as the "Licensee"), located at

WHEREAS, the County desires to provide a license for remote access to the County Clerk's land records and legal files; and

WHEREAS, the Licensee desires a license for the privilege of utilizing such remote access to the County Clerk's record; and

NOW, THEREFORE, the parties hereto agree upon the premises, terms and conditions as follows:

1. **Licensed Access:** The County hereby grants to the Licensee a License at no cost for the use of (_____) assigned user ID's from the Westchester County Clerk's system that would permit Licensee to connect computer terminal(s) for remote web access to the County Clerk's land records and legal files. Licensee accepts the land records and legal file information on an "as is" basis and the County provides no warranty as to the accuracy of the information. To the extent permitted by law, the County disclaims all liability for the information contained in the files and records.

2. **Confidentiality:** The Licensee agrees that, except in accordance with proper judicial order or as otherwise provided by law, the Licensee and any person employed, or otherwise engaged, by such Licensee who by virtue of such employment or engagement is given access to the County Clerk's Office land and legal records pursuant to this License, shall not divulge or make known in any manner any confidential information, such as social security numbers, contained in such records.

3. **Conduct of Operations:** The Licensee assumes all risk of operation and shall provide, at its sole cost and expense, all equipment and hardware, as determined by the County, necessary to gain access to the County Clerk's records. The County shall not be responsible as a bailee or otherwise for any equipment or hardware or other personal property of the Licensee, or its employees, used to gain remote access. The Licensee hereby waives any claim for loss or damages sustained to any personal property, including, without limitation, theft or other casualty. The Licensee further agrees;

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Licensee shall indemnify and hold harmless the County, its officers, employees and agents from and against any all liability damage, claims, demands, costs, judgments, fees, attorneys' fees, or loss arising directly or indirectly out of the acts or omissions hereunder by the Licensee and third parties under the direction or control of the Licensee; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this License and to bear all other costs and expenses related thereto.

4. **Term and Termination:** The term of this License shall be for a period commencing on _____ 201_, and terminating on December 31, 2014, with the County Clerk's option to extend the License for up to four additional one-year periods on the same terms and conditions. This License shall be extended for an additional one year period automatically upon Licensee's receipt of a letter notice from the County Clerk advising Licensee of the County Clerk's decision to exercise its option and extend this License for an additional one year period.

In addition, this License may be terminated by the County upon thirty (30) days written notice to the Licensee when, in its sole discretion, the County deems it in its best interest to do so. Licensee shall have the right to terminate this License upon thirty (30) days written notice to the County when, it is sole discretion, Licensee deems it in its best interest to do so.

5. **No Lease:** It is expressly understood and agreed that no equipment or space is leased to the Licensee. No exclusive rights for remote access (other than the licensed user ID's granted herein) are granted by this License.

6. **Notices:** All notices of any nature referred to in this License shall be in writing and either sent by regular mail or overnight courier, or sent by facsimile (with acknowledgement received and a copy of the notice sent by overnight courier), to the respective addresses set forth

below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt, or in the case of notices sent by regular mail, notice shall be effective three business days after the date of mailing.

To The County:

Timothy C. Idoni
Westchester County Clerk
110 Dr. Martin Luther King Jr. Blvd.
White Plains, NY 10601

And a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Licensee:

With a copy to:

Such addresses shall be subject to change from time to time as may be specified in writing.

7. **Assignment:** It is understood and agreed that this License and the privileges granted hereunder and exclusively personal in nature and the Licensee may not assign, convey, sell, transfer (including but not limited to an attempt to transfer this License pursuant to a sale or transfer of all or part of this Licensee's assets), or otherwise dispose of this License. Any attempted or purported assignment, subletting, or transfer of this License or any rights granted hereunder without the express written consent of the County is void.

8. **Entire Agreement:** This License and its attachments constitute the entire agreement between the parties hereto with respect to the subject matter hereof and shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

Signed this _____ day of _____, 20____

THE COUNTY OF WESTCHESTER

By: _____
Timothy C. Idoni, County Clerk

LICENSEE

By: _____

Print Name: _____

Title: _____

Date: _____

Approved as to form and manner of execution

Assistant County Attorney
The County of Westchester
K/g/cc/MEMORANDUM OF UNDERSTANDING Land & Legal Public Viewer 10.21.13

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On the _____ day of _____ in the year 20__ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

CERTIFICATE OF AUTHORITY

I, _____ certify that I am the _____
(Officer other than officer signing contract) *(Title)*

of the _____ (the "Licensee") a corporation duly organized and in good standing
(Name of Licensee)

under the _____ named in the
(Law under which organized, e.g., New York Business Corporation Law)

foregoing agreement; that _____ who signed said agreement on
(Name of person executing agreement)

behalf of the Licensee as, at the time of execution _____ of the Licensee
(Title of such person)

And I further certify that said agreement was duly signed for and in behalf of said Licensee by authority of its Board of Directors, thereunto duly organized, and that such authority is in full force and effect at the date hereof.

(CORPORATE SEAL)

Signature

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 20__, before me personally came _____ to me known and known to me to be the _____ of _____ the corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he/she the said _____ resides at _____ and that he/she is _____ of said corporation and knows the corporate seal of the said corporation, that the seal affixed to the above certificate is such corporate seal and that it was affixed to the above certificate by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like order.

Notary Public



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to participate in the reimbursement program with the New York State Bureau of Marine Services for reimbursement of the cost of tow vehicles for Marine Patrol use.

FOR THE MEETING OF:

November 20, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to participate in the New York State Bureau of Marine Services reimbursement program.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The New York State Bureau of Marine Services has enhanced the State Aid reimbursement program to allow for 50% reimbursement for tow vehicles purchased in 2014. Vehicles must be purchased on State contract or by competitive bid, and must be kept in service for a minimum of five years. The program is available to counties operating a Marine Patrol and actively participating in the State Aid reimbursement program. The vehicle currently assigned to the Marine Unit is more than ten years old and is in excess of 100,000 miles. The Council is asked to authorize the City Manager to participate in the reimbursement program to obtain a vehicle for the Marine Unit at considerable savings to the City.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



November 4, 2013

Memorandum for: Scott D. Pickup, City Manager
Ryan Coyne, P.E., City Engineer
William A. Micalizzi, Garage Foreman

Subject: **STATE AID TOW VEHICLE REIMBURSEMENT**

The attached correspondence has been received from the New York State Bureau of Marine Services. It advises that the Bureau will reimburse fifty percent (50%) of the cost of tow vehicles for Marine Patrol use. Requirements are summarized in the memo; essentially, the State will fund four wheel drive pickup trucks that are capable of towing all vehicles operated by a Marine Patrol Unit. Vehicles must be purchased on State contract or by competitive bid, and must be kept in service for a minimum of five years.

The vehicle currently assigned to the Marine Unit is more than ten years old and has in excess of 100,000 miles on its odometer. This program may warrant further examination as a means of obtaining a vehicle that would be capable not only of daily use by the Marine Unit, but also of operating in hazardous weather conditions, at a considerable savings.

Submitted for your consideration.

WRC/wrc

A handwritten signature in blue ink that reads "William R. Connors".

William R. Connors
Police Commissioner

Memo

To: Marine Law Enforcement State Aid Recipients
From: Matt Fish
CC: Brian Kempf
Date: November 4, 2013
Re: State Aid Tow Vehicle Reimbursement

In accordance with 9NYCRR §446.25 the Bureau of Marine Services is allowing for tow vehicle reimbursement. This 50% reimbursement will be available to counties operating a Marine Patrol and actively participating in the State Aid reimbursement program. This addition to the reimbursement program will commence with tow vehicles purchased in 2014 with reimbursements to be made the following year as part of the State Aid Package.

- All requests for tow vehicle approval must be made in writing and in advance of the purchase to the Bureau of Marine Services for consideration. Requests should include vehicle needs, number of vessels operated by the county, size of vessels to be towed and locations that the vessels would be trailered to on a regular basis.
- SUV's will not be considered for reimbursement. Only four wheel drive pickups will be eligible.
- The vehicle must be used primarily for the transport of Marine Patrol vessels to and from launching, maintenance and storage facilities.
- The tow vehicle must be capable of towing all trailerable boats operated by the Agency.
- The tow vehicle must be purchased off of an existing OGS contract or a competitive bid if no contract exists.
- The tow vehicle must be kept in service and maintained for a minimum of 5 years from the date of purchase.
- Only one tow vehicle will be approved for reimbursement by any participating Agency within a five year period.
- This reimbursement will continue annually pending the availability of sufficient state funding.

Providing this opportunity will expand the capabilities of local enforcement by providing the necessary assets to effectively provide greater on-water coverage. This effort along with those already provided by OPRHP will better ensure recreational boating safety by expanded patrolling and providing for quicker response times.



CITY COUNCIL AGENDA

NO. 15

DEPT.: Police Department

DATE: November 20, 2013

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Acceptance of donation to the Rye Police Department of a twenty-foot overseas shipping container from Vincent Service Station, Inc. of Mamaroneck, New York.

FOR THE MEETING OF:

November 20, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt the following resolution:

Whereas, Vincent Service Station, Inc. desires to donate a twenty-foot overseas shipping container to the Rye Police Department; and

Whereas, the container will be used for the storage of equipment that has been acquired as part of the Police Department's emergency preparedness efforts; and

Whereas, the donation will enhance the Police Department's emergency management capabilities; now, therefore be it

Resolved, that the City Council of the City of Rye accepts the aforementioned donation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Vincent Service Station, Inc., by letter dated October 29, 2013, advised the Police Department that they would like to donate a twenty-foot overseas shipping container. The Police Commissioner recommends acceptance of this donation.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



November 1, 2013

Memorandum for: Scott D. Pickup, City Manager

Subject: **PROPOSED DONATION OF OVERSEAS SHIPPING CONTAINER
BY VINCENT SERVICE STATION, INC.**

Vincent Service Station of Mamaroneck, New York, has expressed its intention to donate a twenty-foot overseas shipping container to this Department.

The container is a serviceable item of surplus equipment no longer utilized by the corporation. It will be used for the storage of equipment that has been acquired as part of the Department's emergency preparedness efforts.

I recommend acceptance of this donation, which will enhance the Department's emergency management capabilities. I will forward an acknowledgement letter to Mr. Anthony Paniccia, Jr., General Manager, upon approval of the donation.

Submitted for your consideration.

WRC/wrc

William R. Connors
Police Commissioner

Vincent Service Station, Inc.

Established 1963 Mamaroneck, NY

914.698.5252



October 29, 2013

Re: Container Donation

To whom it may concern,

Please accept our donation of a 20' overseas container on behalf of Vincent Service Station, Inc. located in Mamaroneck, NY. We take pride in participating with our local municipalities and we know that the department can put this container to good use. Please let me know if you have any further questions and/or concerns. As always, thank you very much for allowing us to be involved with your department, it is truly an honor.

Sincerely,

Anthony Paniccia, Jr.

General Manager

Cell: (914)522-3788

Email: antpaniccia@vincentgarage.com



CITY COUNCIL AGENDA

NO. 16 DEPT.: City Council DATE: November 20, 2013
CONTACT: Mayor French

AGENDA ITEM: One appointment to the Technology Committee for a three-year term, by the Mayor with Council approval.

FOR THE MEETING OF:
November 20, 2013
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the appointment of Arthur Henderson.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND

<u>Current Committee Members</u>	<u>Expiration Date</u>
Peter Esler	1-1-16
Edmund Szamborski	1-1-16



CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: November 20, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Appeal of denial of FOIL requests by Timothy Chittenden.

FOR THE MEETING OF:

November 20, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council make a decision on the two FOIL appeals.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The following FOIL response has been appealed by the requestor:

FOIL Appeal #1: Tracking Number 6701651603

Requested "All records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009, and all W-2 issued to Pickup since January 1, 2009" Appealed the absence of some requested records indicating salary increases or bonuses paid.

FOIL Appeal #2: Tracking Number 6697211340

Requested "Copies of all employee calendars for Police Officer Incalcaterra and Compagnone during their careers" Appealed the fact that he was only provided with one side of the records.

See attached documentation.

Work Order Form

FOIL

Tracking Number: 6701651603
Date Time Received: 9/26/2013 4:03PM
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.

Kindly consider this an e-mail FOIL Request for all records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009, and all W-2 issued to Pickup since January 1, 2009.

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

10/31/2013 3:46 PM -- Rye Foil - RESOLVED

-----Note to Citizen: Records responsive to your FOIL request have been located and can be found by accessing this link:

Work Order Form

FOIL

Tracking Number: 6701651603
Date Time Received: 9/26/2013 4:03PM
Created By: Timothy Chittenden (Citizen)

<https://ryeny.sharefile.com/d/sde515c0f18e40809>

Redactions have been made pursuant to POL 87(2)(b). The records will be available for one month and you will be allowed to download them three times.

-----Internal Note: This FOIL is complete. The requestor has been forwarded a link to access the records.

10/31/2013 9:43 AM -- IT Foil - INPROGRESS

-----Internal Note: Dawn - here is the Sharefile link:

<https://ryeny.sharefile.com/d/sde515c0f18e40809>
 This item has been re-assigned to Rye Foil.

10/29/2013 1:41 PM -- Rye Foil - INPROGRESS

-----Internal Note: Records responsive to this FOIL request are in FINANCEFOIL and ready to be uploaded to Share File. See note from Corporation Counsel regarding number of pages. Please provide link.
 This item has been re-assigned to IT Foil.

10/29/2013 12:26 PM -- Preflight Foil - INPROGRESS

-----Internal Note: Ready to be uploaded - upload the redacted version - 4 pages. Redactions were made pursuant to POL 87(2)(b).
 This item has been re-assigned to Rye Foil.

10/21/2013 3:44 PM -- Finance Foil - INPROGRESS

-----Internal Note: Kristen,

Per our conversation, the responsive documents are in the Finance foil drive for redaction. Thank you.
 This item has been re-assigned to Preflight Foil.

9/26/2013 4:05 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 Finance Foil.

9/26/2013 4:03PM -- Timothy Chittenden (Citizen) - SUBMITTED

From: Timothy Chittenden
Sent: Friday, November 01, 2013 10:59 AM
To: Nodarse, Dawn; Council&Manager; Council&Manager
Cc: Leon Sculti; Leon Sculti; Chris Falcone; Falcone Chris; ashley@hometwn.com; Liz Button
Subject: FOIL Appeal Re: Pickup salary increases and bonuses

Dear Dawn and the Rye City Council:

I respectfully appeal Nodarse's response to my e-mail FOIL Request for all records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009 and all W-2's issued to Pickup since January 1, 2009.

Although I was provided with Pickup's W-2's, I was not provided with any records indicating what the salary increases were or what any bonuses paid were. Amongst other records, I was not provided with any documentation of whether these salary increases and bonuses were authorized, any communications about them, any City Council resolutions, or any other records.

Kindly provide me with all of the records for all of the salary increases and bonuses paid to Pickup since January 1, 2009.

Thank you.

Timothy Chittenden
Rye taxpayer

Begin forwarded message:

From: "Donahue, Kerry P." <kdonahue@ryeny.gov>
Date: November 1, 2013 10:35:55 AM EDT
To: Timothy Chittenden - mac mail <timothy_chittenden@mac.com>
Subject: RE: Update: FOIL (re: Action Line Request)

[Here you go Tim - let me know how this works....](#)

[Kerry](#)

From: Timothy Chittenden [mailto:timothy_chittenden@mac.com]
Sent: Friday, November 01, 2013 10:36 AM
To: Donahue, Kerry P.
Subject: Fwd: Update: FOIL (re: Action Line Request)

Begin forwarded message:

From: "City of Rye (E-Gov Website)" <noreply@eclink.com>

Date: October 31, 2013 3:46:41 PM EDT

To: timothyhittenden@mac.com

Subject: Update: FOIL (re: Action Line Request)

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:

Records responsive to your FOIL request have been located and can be found by accessing this link: <https://ryeny.sharefile.com/d/sde515c0f18e40809>
Redactions have been made pursuant to POL 87(2)(b). The records will be available for one month and you will be allowed to download them three times.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Kindly consider this an e-mail FOIL Request for all records of all salary increases and bonuses received by Rye City Manager Pickup since January 1, 2009, and all W-2 issued to Pickup since January 1, 2009.

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: 6701651603

SUBMITTED: 9/26/2013 4:03:38 PM

Work Order Form

FOIL

Tracking Number: 6697211340
Date Time Received: 9/25/2013 1:40PM
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 employee calendars for 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

11/14/2013 10:18 AM -- Rye Foil - RESOLVED
-----Note to Citizen: Records responsive to your FOIL request have been located and can found by accessing this link:
<https://ryeny.sharefile.com/d/s6dc348c6cc14beca> The records will be available for one month and you will be allowed to

Work Order Form

FOIL

Tracking Number: 6697211340
Date Time Received: 9/25/2013 1:40PM
Created By: Timothy Chittenden (Citizen)

download them three times. Documents regarding Police Officer Incalcaterra were forwarded to you previously in connection with a another FOIL request.

-----Internal Note: This FOIL is complete. The requestor has been forwarded a link to access the records.

11/13/2013 9:36 PM -- IT Foil - INPROGRESS

-----Internal Note: Dawn - here is the Sharefile link:

<https://ryeny.sharefile.com/d/s6dc348c6cc14beca>

 This item has been re-assigned to Rye Foil.

11/08/2013 4:37 PM -- Rye Foil - INPROGRESS

-----Internal Note: Records responsive to this FOIL are in POLICEFOIL and ready to be uploaded to Share File. Please provide link.
 This item has been re-assigned to IT Foil.

11/08/2013 2:49 PM -- Preflight Foil - INPROGRESS

-----Internal Note: The responsive documents are ready to be released. Other responsive documents were provided as part of a prior request.
 This item has been re-assigned to Rye Foil.

11/07/2013 7:02 PM -- Police Foil - INPROGRESS

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

Responsive documents are attached regarding Police Officer Compagnone. Additional documents regarding Police Officer Incalcaterra were provided under a prior FOIL request, C 13 2, April 26, 2013.

-----Internal Note: Responsive documents are attached regarding Police Officer Compagnone. Additional documents regarding Police Officer Incalcaterra were provided under a prior FOIL request, C 13 2, April 26, 2013.
 This item has been re-assigned to Preflight Foil.

9/25/2013 3:42 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 1:40PM -- Timothy Chittenden (Citizen) - SUBMITTED

From: Timothy Chittenden

Sent: Thursday, November 14, 2013 11:02 PM

To: Nodarse, Dawn; Council&Manager; Council&Manager; Sack, Joe; Brett, Laura; Parker, Catherine F.; Killian, Julie P.; Sack, Joseph A.

Subject: FOIL Appeal Re: Compagnone Calendars

Dear Rye City Council:

I respectfully appeal what was provided to me by Nodarse in response to my e-mail FOIL Request for all of Compagnone's employee calendars.

All of these employee calendars have (2) sides. I was only provided with one side and no reason for denying the other side of the employee calendars. The side I was not provided with contains running totals and balances of vacation days, personal days, sick days, etc.

Thank you.

Timothy Chittenden

Rye taxpayer

Begin forwarded message:

From: "City of Rye (E-Gov Website)" <noreply@eclink.com>

Date: November 14, 2013 10:18:04 AM EST

To: timothychittenden@mac.com

Subject: Update: FOIL (re: Action Line Request)

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:

Records responsive to your FOIL request have been located and can be found by accessing this link: <https://ryeny.sharefile.com/d/s6dc348c6cc14beca>. The records will be available for one month and you will be allowed to download them three times. Documents regarding Police Officer Incalcaterra were forwarded to you previously in connection with another FOIL request.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

Copies of all employee calendars for 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: 6697211340

SUBMITTED: 9/25/2013 1:40:03 PM
