

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, November 6, 2013, at 8:00 p.m. in Council Chambers at City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held October 23, 2013.
5. Mayor's Management Report
 - Capital Projects Update
 - Legal Update
6. Presentation of the FY 2014 Budget by the City Manager.
7. Consideration to set a Public Hearing on the 2014 Budget for December 4, 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.
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.
10. Residents may be heard on matters for Council consideration that do not appear on the agenda.
11. Adjournment.

* * * * *

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

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

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



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: November 6, 2013

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held October 23, 2013, as attached.

FOR THE MEETING OF:

November 6, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Approve the minutes of the regular meeting of the City Council held October 23, 2013, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 23, 2013 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor (Arrived at 9:05 p.m.)
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVIH
JULIE KILLIAN
CATHERINE F. PARKER (Arrived at 8:10 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 7:08 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Killian and unanimously carried, to immediately adjourn into executive session to discuss labor relations and personnel. Mayor French and Councilmembers Brett and Sack were also present. Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the executive session at 8:00 p.m. The regular meeting began at 8:08 p.m.

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. General Announcements

Announcements were made regarding various topics that may be of interest to residents.

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

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

RESOLVED, that the City Council of the City of Rye, hereby approves the election of Charles Little to the Milton Engine and Hose Company, as approved at the October 1st meeting of the Board of Fire Wardens.

5. Draft unapproved minutes of the regular meeting of the City Council held October 9, 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 9, 2013.

6. Mayor's Management Report

- Capital Projects Update
- Legal Update

This agenda item was deferred.

7. Financial Update by the Deputy City Comptroller providing 3rd quarter results

Deputy City Comptroller Joseph Fazzino reported on the 3rd quarter results for 2013. General Fund Revenues are up roughly 1.4 Million Dollars or 5.1% resulting from \$537,000 in additional property tax revenue, \$386,000 in additional building permit revenue, and \$262,000 in first half mortgage tax revenue. The City received FEMA aid in the amount of \$493,000. Although the sale of 1037 Boston Post Road results in a loss of rental income of \$115,000 it is offset by the decrease in property tax expenses for the property. Revenue from fines and forfeitures are down \$97,000, largely due to a \$75,000 decrease in parking fine revenue. Overall expenditures are up \$1.5 million or 7.6% but are in line with what was budgeted for. Salaries and wages are up 236,000; Materials and Supplies are up \$365,000, primarily due to \$254,000 for several large commercial property Tax Certiorari settlements; and, salt costs for snow removal increased by 54,000. Transfers to other funds are up \$195,000 as budgeted, but, there had been no transfers to fund any capital projects or vehicle acquisitions in 2012. Employee benefits and taxes are up \$559,000; Workers Compensation costs are up \$189,000 which reflects the first full year of the City's premium being adjusted due to a large claim in 2011; and Health Insurance costs are up \$335,000 over the same period last year.

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

The Public hearing remained open from the last meeting. Several members of the public commented on the proposed local law. *John May Smith and Emily Hurd* urged the Council to pass the law as proposed. *Paul Benowitz, Leo Napior, David Turiano, Mark Mustacato and Jonathan Kraut* urged the Council to provide exemptions in the law; look into legislation that

other communities have adopted; appoint a subcommittee to study the issue; consider the impacts on property values and assessments; and to refer the proposed legislation to the Zoning Board for their comment. City Planner Christian Miller said he would look at the idea of granting exceptions to some properties; look into how additional communities deal with the issue of bulk and mass, and try to put together a working group.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the public hearing to the November 20th City Council meeting.

Agenda Item 18 was taken out of order at this time.

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

Corporation Counsel Wilson summarized the changes in the proposed local laws. The proposed change in Chapter 53 would reduce what a small project is in order to exempt some projects from consideration by the Board of Architectural Review. The proposed change in Chapter 197 would set regulations regarding outdoor fireplaces and kitchens.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to keep the public hearing on Chapter 197 Article IV "Use Regulations" open until the November 6th City Council Meeting in order to receive feedback from the Fire Department and Building Department on the safety issues.

Councilman Jovanovich made a motion, seconded by Councilwoman Brett, and unanimously carried, to close the public hearing on Chapter 53, Architectural Review, §51-3, "Definitions".

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

**CITY OF RYE
LOCAL LAW NO. 3 2013**

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

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

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

§ 53-1. Legislative findings; definitions.

SMALL PROJECT

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

- (1) For which valid certificate of occupancy exists for all structures on the property;
- (2) Upon which property there are no open building permits and no building permit or certificate of occupancy was issued within the immediate past 12 months;
- (3) That does not change the appearance visible from the street of any front or side facade or roof.

Section 2: Severability.

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

Section 3: Effective date.

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

ROLL CALL:

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

The local law was adopted by 6 votes in favor and 1 abstention.

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

This Agenda item was postponed to the November 6th Council meeting.

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

City Manager Pickup said that the City is in a window where an RFP could be implemented and a new vendor could be in place for the 2014 season. Peter Marshall and Angela Sposoto, presented on behalf of the Golf Club Strategic Committee. The Golf Club is forecasted to deliver close to budget in 2013 but the challenge is the food and beverage operation which is projected to post a significant deficit. The Strategic Committee has provided a draft RFP, which the Golf Commission voted unanimously to support. The Commission also voted to contribute money towards hiring a food and beverage expert to assist the effort. Several experts surveyed have indicated they believe the RFP should generate a positive response. They would like to release the RFP by October 25th in order to get someone in for the 2014 season who would run the organization and get the City out of the food and beverage operation. They suggest that the City Council, Rye Golf Club Commission, Strategic Committee and City Manager collaborate on the RFP in order to have everyone's interests represented. City Manager Pickup said there were issues related to the City currently holding the liquor license for the facility that were being worked on.

Agenda Item 12 was taken prior to Agenda Item 11.

12. Presentation on Smart 911 technology

Former Councilman Matt Fahey, a member of the Rye Community Emergency Response Team (Rye CERT) said that the City should urge the County to adopt the Smart 911 Program and that the City should also adopt the Smart Prepare program. Adam Eisman, a representative of Rave Mobile Safety, provided an overview of the two programs that he said would enhance public safety. Smart 911 is a free service program to citizens that allows them to create a safety profile that includes information they choose to provide such as family member information, photos, medical conditions, etc., which will automatically come up if they call 911. The information is updated on a regular basis to make sure the profile information is current. Smart Prepare is a program that would aid credentialed members in the City in locating people based on certain criteria. It would be an aid to first responders in emergency situations. The data in the systems is encrypted and there has never been a breach in security. Mr. Fahey suggested that the program be passed to the City Manager for further consideration and discussion during the budget process.

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

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

RESOLUTION OF THE CITY OF RYE
ESTABLISHING A COMPLETE STREETS POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Vision

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

2. Definitions

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

3. Purpose

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

4. Directives

- a. The City of Rye will seek to enhance the safety, access, convenience and comfort of all users of all ages and abilities, including pedestrians, people requiring mobility aids, bicyclists, transit users and motorists, through the design, operation and maintenance of the transportation network so as to create a connected network of facilities accommodating each mode of travel that is consistent with and supportive of the local community, recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner.
- b. Early consideration of all modes for all users will be important to the success of this Policy. Those planning and designing street projects will give due consideration to bicyclists and pedestrians, from the very start of planning and design work. This will apply to all roadway projects, including those involving new construction, reconstruction, repaving, or changes in the allocation of pavement space on an existing roadway.
- c. In addition to design elements such as bike lanes, street treatments that are used to make streets more complete include, but are not limited to: sidewalks, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, and roundabouts.

- d. The City will seek to carry out projects that eliminate identified gaps in the sidewalk and key corridor networks. The project development process should include identification of gaps or deficiencies in the network for various user groups that could be addressed by the project, and an assessment of the tradeoffs to balance the needs of all users. Factors that should be addressed when making that assessment include the following:
 - i. Whether the corridor provides a primary access to a significant destination such as a community or regional park or recreational area, a school, a shopping/commercial area, or an employment center;
 - ii. Whether the corridor is in an area where a relatively high number of users of non-motorized transportation modes can be anticipated during the expected life of the project;
 - iii. Whether a road corridor provides important continuity or connectivity links for an existing trail or path network; or
 - iv. Whether nearby routes that provide a similar level of convenience and connectivity already exist.
- e. The needs of bicyclist and pedestrian transportation users shall be incorporated into all roadway projects except under one or more of the following conditions:
 - i. A project involves only ordinary maintenance activities designed to keep assets in serviceable condition, such as mowing, cleaning, sweeping, spot repair, concrete joint repair, or pothole filling.
 - ii. The cost of establishing a bikeway, walkway or other transit enhancement is excessive and disproportionate.
 - iii. The construction is not practically feasible because of significant or adverse impacts on neighboring land uses or the environment.
 - iv. There is a clear absence of both current and expected future bicycling and pedestrian use.
- f. Any exception to the application of this Complete Streets Policy to a specific roadway project must be approved by the City Council.

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

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

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

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

14. Discussion of the next phase of the Central Business District Improvements

City Planner Christian Miller provided a brief update on Bond projects that were approved last year relating to improvements in the Central Business District (CBD) at Purchase Street and Smith Street and Elm Place. A CBD Working Group has been meeting since May to discuss the projects. Any improvements made will have a lifespan of 50 to 60 years so it is important to do it right. Mr. Miller said that the Working Group has looked at many issues in the CBD such as pedestrian conflicts, parking issues, streetscape ideas and must consider the subsurface issues relating to sewer lines. Two scenarios have been considered: the parking plan that maximizes parking but includes pedestrian enhancements and, the pedestrian plan which enhances sidewalk improvements. A balanced plan would mimic what was done at Locust Avenue and Elm Place. Consideration is also being given to how any proposed improvements would fit into future improvements. The possibility of making Smith Street one-way has also been considered. The City may conduct traffic trials of different scenarios in order to determine what the effect would be on the CBD if implemented.

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

Roll Call

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

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

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

City Manager Pickup said that the initial \$15,000 would cover the first two of four steps which would include the development of a candidate profile for the position of General Manager. There was a brief discussion among the Council about the advisability of entering into a contract with a consultant to conduct a search for a General Manager for the Rye Golf Club prior to receiving back the RFP for Whitby Castle and Snack Bar operation. It was noted that the consulting firm would be exploring two tracks in their search in order to find candidates for General Manager who would best meet the needs of the Club based on the outcome of the RFP process.

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

RESOLVED that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with Denehy – Club Thinking Partners, LLC for an amount not to exceed \$15,000, for professional consulting services to conduct Steps 1 and 2 and a double track Executive Search for a General Manager for the Rye Golf Club.

ROLL CALL:

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

The Resolution was adopted by a 6-1 vote.

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

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

RESOLVED that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with the Friends of the Rye Nature Center for the use of the second floor at the Nature Center building.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

This Agenda item was taken after Agenda Item 8.

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

Many residents turned out to discuss the Sustainable Playland Inc. (SPI) proposal for Playland, in particular the plan for the proposed field house. Mayor French said the City must get a legal opinion regarding what the City's rights are in connection with the County doing work at Playland; it is the Council's responsibility to defend the rights of the community; and that all the parties should be brought together to get all the information out to the public. Councilwoman Parker said that now that the plan has been submitted to the County it was time to open the discussion to the public. She suggested that the County Government Operations Committee should hold a meeting in Rye to discuss the issue. Ms. Parker also read a fact sheet issued by SPI that touched on issues related to the field house including: height and location of the building; lighting; housing values; noise; traffic and parking; replacing asphalt with fields; Art Deco style; and financing. She added that the City had received approximately 70 emails in favor of the SPI proposal. Corporation Counsel Wilson said the proposal is an inter-governmental land use application with the City as the host community. The law is not clear as to whether the City's zoning laws would apply. However, there is a nine-factor balancing test that may apply to the application. Ms. Wilson will look at what has been posted and provide an analysis of how the City's laws might apply to the application. She said that the City would also be involved in the SEQRA process that the plan would be subject to.

Members of the public who spoke on the issue included: *Kenneth Ball, George Szczerba, Les Barnes, Michael Visci, Jason Mehler, John Grieco, Joseph Latwin, Mack Cunningham,*

Peter Davies, Deirdre Curran and Ralph Vallone. They urged the Council to establish a committee made up of area residents in order to gain their insight; questioned the accuracy of the SPI fact sheet regarding the proposed field house and property values; asked if an Environmental Impact Study had been done; had a Con Ed grid study been done to determine if the grid would be able to handle the addition of the field house; questioned the ability of SPI to handle public safety and emergency care; raised issues regarding flooding; questioned the findings of the traffic report regarding issues of traffic and parking; and noted that a petition that was being circulated had more than 70 signatures against the proposal.

Members of the Council said that the City believes they have planning approval over the project; SPI should have to answer questions raised by residents; the Council needs to get information out to the public; the proposed SPI plan went before the County Board of Legislators in October and County meetings will come to Rye; the plan as originally submitted has changed and the Council needs to examine the changes; what happens in one area of Rye affects all areas of Rye

19. Appeal of denial of FOIL requests by Timothy Chittenden

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

RESOLVED that the City Council of the City of Rye hereby denies the FOIL appeal of Timothy Chittenden for “Copies of all disciplinary, command disciplines and letters of reprimand received by Police Officer Incalcaterra and Compagnone during their careers”, pursuant to § 87(2)(a) of the New York State Public Officers Law and § 50-a of the New York State Civil Rights Law.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

RESOLVED that the City Council of the City of Rye hereby denies the FOIL appeal of Timothy Chittenden for “Copies of all civilian complaints filed against Police Officer Incalcaterra

and Compagnone during their careers”, pursuant to § 87(2)(a) of the New York State Public Officers Law and § 50-a of the New York State Civil Rights Law.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

RESOLVED that the City Council of the City of Rye hereby denies the FOIL appeal of Timothy Chittenden for “Copies of all performance evaluations performed on Police Officer Incalcaterra and Compagnone in their careers”, pursuant to § 87(2)(a) of the New York State Public Officers Law and § 50-a of the New York State Civil Rights Law.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

RESOLVED, that the City Council of the City of Rye hereby denies the FOIL appeal of Timothy Chittenden for “Copies of all Activity Reports for Police Incalcaterra and Compagnone from January 1, 2010 thru September 19, 2013”, pursuant to § 87 (2)(f) of the New York State Public Officer Law.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

20. Miscellaneous Communications and Reports

Councilwoman Parker said that the Senior Advocacy Committee wants to expand and is looking for people who are willing to be advocates for senior issues before groups such as the School District, Rye Recreation, Rye Golf Club or City Council.

Councilman Filippi said that the second phase of the Pace Law School Land Use event will be held on October 25th.

21. Old Business

Councilwoman Brett asked the City Manager about setting up a flood meeting with the County.

Mayor French said he understood that there would be an Arbitration Award issued this week in connection with the Police Contract. He said he hoped both parties would get back to the table to negotiate.

Councilman Filippi asked if talks could be scheduled with the MTA in connection with the parking lot. City Manager Pickup suggested that prior to that the Council should meet and determine their goals and objectives.

22. New Business

There was nothing discussed under this Agenda item.

23. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 12:51 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: November 6, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

November 6, 2013

RYE CITY CODE,

CHAPTER
SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

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

- Capital Projects Update
- Legal Update



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: November 6, 2013

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation of the FY 2014 Budget by the City Manager.

FOR THE MEETING OF:

November 6, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION:

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City Manager's Budget for 2014 will be presented by Deputy Comptroller Joseph Fazzino.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: November 6, 2013

CONTACT: Scott Pickup, City Manager

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

FOR THE MEETING OF:

November 6, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council schedule a public hearing on the proposed 2014 Rye City Budget on December 4, 2013 at City Hall.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Charter stipulates that a Public Hearing must be held on the proposed budget. The Public Hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice.



CITY COUNCIL AGENDA

NO. 8

DEPT.: Corporation Counsel

DATE: November 6, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

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

FOR THE MEETING OF:

November 6, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

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

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: A proposal has been made to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties. The law allows a property owner to seek a tax exemption (for a certain number of years) for any increase in assessed value as a result of rehabilitation and/or alteration to historic structures. The percent tax exemption decreases over a ten year period as set forth in the draft law. The 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>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**

RP-444-a (9/08)

**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) _____

Day no. () _____
Evening no. () _____
E-mail (optional) _____
2. Mailing address of owner(s) _____

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. 9

DEPT.: City Manager

DATE: November 6, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: 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.

FOR THE MEETING OF:

November 6, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with the International City/County Management Association (ICMA) for an amount not to exceed \$40,000.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: It has been recommended that the City of Rye engage a professional consulting firm to conduct an Executive Search for a new Police Commissioner; it is expected that a search will take three to four months. The Council is asked to authorize the City Manager to enter into an agreement with the International City/County Management Association (ICMA) to conduct the search.

See attached documentation.

Police Chief Selection

Rye, New York

ICMA / IPMA-HR / Chief Selection Advantage™



Submitted by:

ICMA Center for Public Safety Management
International City/County Management Association
777 North Capitol Street NE, Suite 500
Washington, DC 20002
716-969-1360



Leaders at the Core of Better Communities



The Chief Selection Advantage™



Since 2006 representatives of ICMA and IPMA-HR have served as members of the Advisory Committee Board of the Law Enforcement Leadership Initiative (LELI). This project NCs funded by the Department of Justice, Bureau of Justice Assistance to identify the core competencies required to be a successful police chief. After participating in this project for several years, it became clear to ICMA & IPMA-HR that the current processes that most city managers and HR Directors use to select police chiefs were not meeting the needs of the communities their members serve, often resulting in a selection process that did not clearly identify the true skills and abilities needed for the chief of the particular community. In discussing these issues with members of our respective professional associations, we identified an alternative strategy to offer to our members.

Building upon past joint efforts, ICMA and IPMA-HR entered into a partnership, with the goal to provide assistance to local governments in the chief selection process. These two premier associations selected as their technical advisors the Pittman – McLenagan Group, a highly experienced leader in the testing and selection field.

This ICMA / IPMA-HR / PMG alliance is not a traditional recruiting / selection consulting firm. We do not recruit candidates or participate in rating or selecting candidates. We do not create “short lists” or in any way interject our judgment into the selection process. We believe that the local government is capable of conducting sophisticated selection processes if they have the tools and professional expertise available to them which our alliance can provide.

In addition to the technical expertise grounded in professional and legal guidelines that the alliance provides in the formal selection and assessment process, we also have the unique capability to assess the police department in advance of the selection process to identify the challenges that the new chief will face. That information is critical to identifying the skills and abilities needed in the successful candidate.

ICMA Center for Public Safety Management

The ICMA *Center for Public Safety Management* is one of four centers in the U. S. Programs unit of ICMA and provides technical assistance to public safety agencies utilizing Operations Research techniques and nationally recognized subject matter experts. The *Center* conducts research, training, technical advice and creates publications advancing the management of police, fire and EMS agencies of all sizes.

Why the Chief Selection Advantage can help you make the right choice.

“Executives spend more time on managing people and making people decisions than on anything else – and they should. No other decisions are so long-lasting in their

consequences or so difficult to make". "And yet, by and large, **executives make poor promotion and staffing decisions** ... their batting average is no better than .333 ... **In no other area of management would we put up with such miserable performance.** ... we need not and we should not ... especially since in no other area of management do we know so much". "Making the right people decisions is the ultimate means of controlling an organization well. Such decisions reveal how competent management really is, what its values are and whether it takes its job seriously." — Peter F. Drucker

So how does an organization get it right? By doing it right! Unfortunately, just like other business processes, there are good and bad methods of selection. Frequently, management is not aware of the industry standards for "doing it right" and fall into the trap of using what has been done in the past or what someone else has done. Or worse, they may contract out the recruitment and selection process surrendering much of the important decision making process to consultants. The process of selecting individuals should be carefully considered using research and best practices to ensure the right process is used.

One would think that in this day and age that science and proven methods would predominate. Unfortunately the opposite is true. Many Police Chief selection decisions are highly unstructured and based mostly on emotions. In fact, the primary professionals responsible for executive recruitment and selection typically rely on unstructured interviews and reference checks in making their decisions. Perhaps not so amazing is the fact that these are the types of tools that inhabit the low end of the validity continuum (Howard, 2001). Unstructured processes are simply less predictive than processes with more structure. Using less predictive tools makes it more difficult to gather relevant, valid, reliable data and thus, more difficult to make a good decision.

The proper research – understanding the organization, analyzing the job, focusing the assessment tools, effectively implementing the process – all serve to increase the ability to predict success and the validity of the process. This could not be more important than when selecting the person to lead and drive the department. Understanding the environment, conducting the right research and asking the right questions are all part of "doing it right." The Alliance of ICMA, IPMA and PMG, all leaders in the industry, bring all of these things to the table.

Howard, A., (2001). Identifying and assessing, and selecting senior leaders. In S.J. Zaccaro & R. Klimoski (eds.), *The nature and context of organizational leadership* (pp. 305-346). San Francisco: Jossey-Bass.

The Team



The International City/County Management Association (ICMA) is the premier local government leadership and management organization. Since 1914, ICMA's mission has been to create excellence in local governance by developing and fostering professional local government management worldwide.

The **ICMA Center for Public Safety Management (ICMA/CPSM)** is one of four Centers within the US Programs of ICMA, providing support to local governments in the areas of police, fire, EMS, Emergency Management and Homeland Security. In addition to providing technical assistance in these areas we also represent local governments at the federal level and are involved in numerous projects with the Department of Justice and the Department of Homeland Security.

ICMA/CPSM is also involved in police and fire chief selection; assisting local governments in identifying these critical managers through original research we have conducted identifying the core competencies of police and fire managers and providing assessment center resources.

Our local government technical assistance includes workload and deployment analysis, using Operations Research techniques and credentialed experts to identify workload and staffing needs as well as best practices. We have conducted approximately 150 such studies for 87 jurisdictions in 29 states in communities ranging in size from 8,000 population Boone, IA to 800,000 population Indianapolis, IN.

The International Public Management Association for Human Resources (IPMA-HR) is the premier global public sector human resources association. Since 1906, IPMA-HR has represented the interests of public sector human resource professionals. The Association produces publications, conducts HR research, sponsors professional development programs and certification programs, and develops and validates assessment products that are designed to provide solutions that foster public sector HR excellence.

THE PITTMAN MCLENAGAN GROUP, L.C. (PMG) is a leader in the development and implementation of customized assessment tools for positions at all levels within an organization. With extensive experience in the public safety arena, PMG understands that there are unique considerations when identifying and selecting high performers for such organizations. With over 60 years of combined experience, Shane Pittman, Ph.D., and Mike McLenagan, partners in the firm, are especially adept at analyzing job demands and associated critical competencies that make the performance difference. PMG has vast experience creating a wide range of assessment tools based on professional and legal guidelines important to the success of selection programs. Such tools include screening guidelines, structured interviews, assessment center exercises, knowledge/technical tests, video-based and computer based tests.

The Project

Departmental / Stakeholder Analysis Options

In addition to the standard process described below, we can provide additional research tools which would improve the management's understanding of what community expectations are and/or completely analyze police departments operation

- Conduct a two day, on site review of the police department with two subject matter experts. We will meet with the current chief, command staff, representatives of the workforce, other city department heads and other stakeholders identified by the city manager. Additionally we will review internal department documents such as policy and procedures manuals, operating orders and training records. Our purpose will be to develop a clear understanding of the challenges the next chief will face. This review will be utilized as the initial input for the job analysis.

OR

- Conduct a comprehensive analysis of the department The ICMA team follows a standardized approach to conducting analyses of police, fire and public safety departments. We have developed this standardized approach by combining the experience sets of dozens of subject matter experts.

We begin most projects by extracting raw data on calls for service from an agency's computer aided dispatch system. The data are sorted and analyzed for comparison to commonly recognized performance indicators. These performance indicators (response times, workload by time, multiple unit dispatching, etc.) are valuable measures of agency performance. The findings are shown in tabular as well as graphic form and follow a standard format for presentation of the analyzed data. While the format will be similar from community to community, the data reported are unique to the specific agency.

ICMA also conducts an on-site operational review. Here the performance indicators serve as the basis for the operational reviews. Prior to any on-site arrival of an ICMA team, agencies are asked to compile a number of key operational documents (policies and procedures, assets lists, etc.). Most on-site reviews consist of interviews with management and supervisors, as well as rank and file officers; attendance at roll calls and ride-alongs with officers. We review case files with investigators and observe dispatch operations to ensure compliance with the provided written documentation.

As a result of on- site visits and data assessments, our subject matter experts produce observations and recommendations which highlight the strengths, weaknesses, opportunities and threats of the department.

Our purpose will be to develop a clear understanding of the challenges the next chief will face. This review will be utilized as the initial input for the job analysis.

Standard Selection Process

- A. Job Analysis:** We will locally validate the results of a nationally conducted job analysis for the position of Police Chief. This national study NCs recently completed by the ICMA / IPMA-HR / PMG alliance. The national study is a powerful tool used in supporting the Chief Selection Advantage. One of the interesting findings of the study was that differences in the size of the communities that an agency serves drives the competency set required of that agency's chief. Those results will be used as a beginning point in the job analysis for the City. This effort will verify those results where they are a good match for the City and customize them where they are not and, in so doing, will ensure that the resulting uses of the job analysis are focused entirely on the needs of the City. The job analysis, using a content validity strategy and adhering to professional and legal requirements (CFR 29, 1607, UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES), will identify experience, education, and training requirements that are required or desired at entry into the position. This information can be used by the City to screen candidate resumes. The job analysis will also identify critical and important tasks to be performed by the position and critical and important Knowledge, Skills and Abilities and Other characteristics (KSAOs) to be used in the development of assessment exercises used in the assessment center and structured interview questions.
- B. Resume:** The City will request that candidates submit a resume that they believe reflects their skills and competencies as they relate to the position of Police Chief in the City. Candidates should consider the environment and the community for the City when submitting their resume.
- C. Structured Resume Screen:** Using the job analysis results and input from the City, we will develop a resume screen to be used by the City to review and evaluate resumes of all candidates and determine who should be considered further.
- D. Structured Phone Interview Screen:** The City will contact by phone those candidates deemed qualified for further consideration to discuss their skills and competencies as they relate to this job. We will develop the instrument for the use of the City to conduct this interview process.
- E. Assessment Center:** Using the job analysis results and input from the City, we will develop assessment center exercises focused on the needs of the City and designed to assess those critical competencies enabling excellent performance in the position of Police Chief. The assessment center will be used as part of the evaluation of a select number of candidates. While assessment centers are considered best practice for selection assessment, assessment centers customized to the specific needs of not only the position but to the unique requirements of the jurisdiction within which the position must operate, perform even better. Not only does customization put "face" validity on the exercises and their content, it helps to ensure a best fit approach that generic exercises cannot address.

Candidates will be asked to respond to a series of scenarios reflective of performing as the Police Chief. For example, candidates may be asked to make a presentation on a relevant city issue to a specific “community” group or to the “city council”, and review a written packet of information related to a problem facing the city and respond with an analysis and a set of specific recommendations. In addition, candidates can be presented an emergency management / command scenario that is representative of those scenarios that the Police Chief might face. We will provide specific training for the exercises to the identified individuals who will assess the assessment center performance. We will develop a structured interview focused on the critical competencies for the City to further evaluate the best candidates remaining after the assessment center. This interview will be conducted by city officials after training by us.

- F. Final Selection:** For those candidates considered through all phases of the process, city officials will consider all information and make a final selection. Candidates may be invited to a final interview with city officials before a final decision is made.

Project Staffing

Project Manager

Director of Research and Project Development, ICMA Center for Public Safety Management

Leonard A. Matarese, MPA, ICMA-CM, IPMA-CP

- **Background**

Mr. Matarese is a specialist in public sector administration with particular expertise in public safety human resources issues. He has 43 years experience as a law enforcement officer, police chief, public safety director, city manager and major city Human Resources Commissioner. He NCs one of the original advisory board members and trainer for the first NIJ/ICMA Community Oriented Policing Project which has subsequently trained thousands of municipal practitioners on the techniques of the community policing philosophy over the past 18 years. He has conducted numerous studies of emergency services agencies with particular attention to matching staffing issues with calls for service workload. As a public safety director he has managed fire departments with ALS transport capabilities.

Recognized as an innovator by his law enforcement colleagues he served as the Chairman of the SE Quadrant, Florida, Blue Lighting Strike Force, a 71-ageNCy, U.S. Customs Service anti-terrorist and narcotics task force and also as president of the Miami-Dade County Police Chief's Association – one of America's largest regional police associations. He represents ICMA on national projects involving the United States Department of Homeland Security, The Department of Justice, Office of Community Policing and the Department of Justice, Office Bureau of Justice Assistance. He has also served as a project reviewer for National Institute of Justice. He is the subject matter expert on several ICMA / USAID police projects in Central America.

He has a Master's degree in Public Administration and a Bachelor's degree in Political Science. He is a member of two national honor societies and has served as an adjunct faculty member for several universities. He holds the ICMA Credentialed Manager designation, as well as Certified Professional designation from the International Public Management Association- Human Resources. He also has extensive experience in labor management issues, particularly in police and fire departments and is currently editing an ICMA book on the selection of police and fire chiefs.

Shane Pittman, Ph.D. - President of The Pittman McLenagan Group, L.C.

Dr. Pittman serves as project director and/or advisor for all projects. Dr. Pittman has extensive experience in the area of human resource development and assessment to include expertise in job analysis, selection processes, organizational analysis, program evaluation and survey research. She has developed and conducted training programs in such areas as performance appraisal, quality management, and customer service. Dr. Pittman is an accomplished process consultant and facilitator. She has been consulting for the past thirty years during which time she developed and refined our client-centered approach, the hallmark of The Pittman

McLenagan Group, L.C. Dr. Pittman received her Ph.D. in Industrial/Organizational Psychology from George Mason University.

Mike McLenagan, MBA - Vice-President of The Pittman McLenagan Group, L.C.

Mr. McLenagan has extensive experience in the human resource function, both as a consultant and within a public sector organization, which gives him a unique perspective on organizational needs. Previously, Mr. McLenagan held the position of head of the personnel division of a Washington metropolitan area public sector organization. He NCs also chairperson of the Public Safety Training Committee for the Washington area Council of Governments. He has extensive experience in human resource areas such as quality management, organizational analysis, video-based assessments, and personnel assessment. He also has extensive experience in training design and delivery and has researched, designed and implemented many work-based adult education programs. Further, his experience includes survey design and analysis, salary studies, customer service studies and position classification planning. Mr. McLenagan has been providing services in this field for twenty-five years. Mr. McLenagan has an MBA from George Mason University.

CONTRACT FOR INDEPENDENT CONTRACTOR/PROFESSIONAL SERVICES

This Contract is made as of the ____ day of _____, 2013 by and between the of _____, _____, a municipal corporation of the State of _____, (hereinafter "the CITY"), and the International City/County Management Association, a not-for-profit corporation incorporated under the laws of the State of Illinois, whose principal office is located in Washington, D.C. (hereinafter "the CONTRACTOR") and whose Federal I.D. number is 36-2167755.

WHEREAS, the CITY desires to retain the CONTRACTOR, and the CONTRACTOR desires to be retained, pursuant to the scope of services attached hereto as Exhibit "A" and incorporated herein in its entirety;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the CITY and the CONTRACTOR agree as follows:

ARTICLE 1 - SERVICES

The services to be rendered by CONTRACTOR under this Contract are set forth in Exhibit "A" attached hereto.

ARTICLE 2 - SCHEDULE

The schedule for services to be rendered by CONTRACTOR is set forth in Exhibit "A" attached hereto.

ARTICLE 3 - PAYMENTS TO CONTRACTOR

Payment by the CITY under this Contract shall be governed by Exhibit "A".

ARTICLE 4 - TERMINATION

Unless the CONTRACTOR is in breach of the Contract, the CONTRACTOR shall be paid for services rendered to the CITY's satisfaction through the date of termination. This is a legal-binding contract and cannot be terminated without cause. After receipt of a termination notice and except as otherwise directed by the CITY, the CONTRACTOR shall:

- A. Stop work on the date and to the extent specified;
- B. Transfer all work in process, completed work, and other materials related to the terminated work to the CITY; and
- C. Continue and complete all parts of the work that have not been terminated.

ARTICLE 5 - PERSONNEL

The CONTRACTOR is, and shall be, in the performance of all work, services and activities under this Contract, an independent contractor, and not an employee, or agent of the CITY. All persons engaged in any of the work or services performed pursuant to this Contract shall at all times, and in all places, be subject to the CONTRACTOR's sole direction, supervision, and control. The CONTRACTOR shall exercise control over the means and manner in which it and its employees perform the work, and in all respects the CONTRACTOR's

relationship and the relationship of its employees to the CITY shall be that of an independent contractor and not as employees or agents of the CITY.

The CONTRACTOR represents that it has, or will secure at its own expense, all necessary personnel required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the CITY, nor shall such personnel be entitled to any benefits of the CITY including, but not limited to, pension, health and workers' compensation benefits.

The CONTRACTOR warrants that all services shall be performed by skilled and competent personnel consistent with applicable technical and professional standards in the field.

ARTICLE 6 - AVAILABILITY OF FUNDS

The CITY's elected body has appropriated sufficient funds in the operating budget(s) for which the work to be performed will occur and until the contract has been fully executed.

ARTICLE 7 - INSURANCE REQUIREMENTS

The CONTRACTOR will be required to provide certificates of insurance showing that it carries, or has in force, automobile liability insurance, general liability insurance and professional liability insurance. Limits of liability for automobile liability insurance shall be, at a minimum, \$1,000,000.00 combined single limit. Limits of liability for general liability insurance shall be, at a minimum, \$1,000,000.00 per occurrence, \$1,000,000.00 personal and advertising injury, \$1,000,000.00 general aggregate and \$1,000,000.00 products/completed operations aggregate. General liability insurance will include coverage for contractually assumed liability. Limits of liability for professional liability insurance shall be, at a minimum, \$1,000,000.00 per occurrence/claim and \$1,000,000.00 aggregate. If the general liability insurance coverage and/or the professional liability insurance coverage is on a claims-made basis, the CONTRACTOR will maintain coverage in force for a period of two (2) years following the termination of the contract at the limits specified in this paragraph. The CONTRACTOR is responsible for the payment of any deductibles or self-insured retentions.

The CITY will be named as additional insured under the CONTRACTOR's general liability insurance and automobile liability insurance policies.

The CONTRACTOR agrees to indemnify, hold harmless, and defend the CITY, its officials, representatives, agents, servants, and employees from and against any and all claims, actions, lawsuits, damages, judgments, liability and expense, including attorneys fees and litigation expenses, in whole or in part arising out of, connected with, or in any way associated with the activities of the CONTRACTOR, its employees, or its sub-contractors in connection with the work to be performed under this contract.

ARTICLE 8 - SUCCESSORS AND ASSIGNS

The CITY and the CONTRACTOR each binds itself and its partners, successors, executors, administrators and assigns to the other party and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Contract. Except as stated above, neither the CITY nor the CONTRACTOR shall assign, sublet, convey or transfer its interest in this Contract without the written consent of the other. Nothing

herein shall be construed as giving any rights or benefits hereunder to anyone other than the CITY and the CONTRACTOR.

ARTICLE 9 – LAW GOVERNING THIS CONTRACT

The Contract shall be governed by the laws of the State of _____. Any and all legal action necessary to enforce the Contract will be held in _____ County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law, in equity, by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.

Dispute Resolution

In case of a dispute regarding the interpretation of any part of this Contract, the Parties shall use their best efforts to arrive at a mutually acceptable resolution. The CONTRACTOR shall proceed diligently with its performance of the work under this Contract pending the final resolution of any dispute arising or relating to this Contract. The Client shall continue to pay the CONTRACTOR for its performance under the Contract except for those items related to the dispute.

ARTICLE 10 - CONFLICT OF INTEREST

The CONTRACTOR represents that it has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of services required.

CONTRACTOR employees, subject matter experts, or subcontractors may undertake outside professional activities provided such activity and involvement does not conflict or interfere with this Contract. In addition, employees, subject matter experts, or subcontractors will not directly or indirectly, alone or with others, engage in or have any interest in any person, firm, or entity that engages in any business activity that is competitive with the business performed under this Contract.

ARTICLE 11 - EXCUSABLE DELAYS

The PARTIES shall not be considered in default by reason of any failure in performance if such failure arises out of causes reasonably beyond the control of the PARTIES and without their fault or negligence. Such causes include, but are not limited to: acts of God; natural or public health emergencies; and abnormally severe and unusual weather conditions.

Upon either PARTY'S request, the other PARTY shall consider the facts and extent of any failure to perform the work and, if the PARTY'S failure to perform was without its fault or negligence, the Contract Schedule and/or any other affected provision of this Contract shall be revised accordingly to a newly agreed upon timeline. It shall be the responsibility of the PARTIES to notify the other PARTY promptly in writing whenever a delay is anticipated or experienced, and to inform the other PARTY of all facts and details related to the delay.

ARTICLE 12 - DISCLOSURE AND OWNERSHIP OF DOCUMENTS

All written and oral information not in the public domain or not previously known, and all information and data obtained, developed, or supplied by the CITY or at its expense will be kept confidential by the CONTRACTOR and will not be disclosed to any other party, directly or indirectly, without the CITY's prior written consent unless required by a lawful order. All drawings, maps, sketches, programs, data base, reports and other data developed, or purchased, under this Contract for or at the CITY's expense shall be and remain the CITY property and may be reproduced and reused at the discretion of the CITY.

All covenants, agreements, representations and warranties made herein, or otherwise made in writing by any party pursuant hereto, including but not limited to any representations made herein relating to disclosure or ownership of documents, shall survive the execution and delivery of this Contract and the consummation of the transactions contemplated hereby.

ARTICLE 13 - NONDISCRIMINATION

The CONTRACTOR warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, and sexual orientation.

ARTICLE 14 - ENFORCEMENT COSTS

If any legal action or other proceeding is brought for the enforcement of this Contract, or because of an alleged dispute, breach, default or misrepresentation in connection with any provision of this Contract, the successful or prevailing party will be entitled to recover reasonable attorney's fees, court costs and all expenses (including taxes) even if not taxable as court costs (including, without limitation, all such fees, costs and expenses incident to appeals), incurred in that action or proceeding, in addition to any other relief to which such party may be entitled.

ARTICLE 15 - SEVERABILITY

If any term or provision of this Contract, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Contract, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Contract shall be deemed valid and enforceable to the extent permitted by law.

ARTICLE 16 - ENTIRETY OF CONTRACTUAL AGREEMENT

The CITY and the CONTRACTOR agree that this Contract together with the Exhibits hereto, sets forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Contract may be added to, modified, superseded or otherwise altered, except by written instrument executed by the Parties hereto in accordance with Article 17 - Modification and Changes. In the event of any conflict or inconsistency between this Contract and the provisions in the incorporated Exhibits, the terms of this contract will supersede and prevail over the terms in the incorporated Exhibits.

ARTICLE 17 – MODIFICATIONS AND CHANGES

Only the **CITY's Contracting Officer** or his/her representative has authority to issue modifications to this Contract that materially change or modify any of the specifications, terms, or conditions of this Contract.

Only the **CITY's Contracting Officer** may, by written order, make changes within the scope of work of this contract including but not limited to any one or more of the following: (a) description of services to be performed; and (b) period of performance.

No change order shall be binding unless so issued by the **CITY's Contracting Officer** in writing and, until approved by the **CONTRACTOR'S** Contracting Administrator or their designated representative unless they are of an administrative matter.

ARTICLE 18 - NOTICE

All notices given under this Contract shall be sent by certified mail, return receipt requested, and if sent to the (name of client) shall be mailed to:

and if sent to the CONTRACTOR shall be mailed to:

Director
Grants & Contract Administration
International City/County Management Association (ICMA)
777 North Capitol Street, Suite 500
Washington, DC 20002

IN WITNESS WHEREOF, the Parties hereto agreed to all that is written herein and included within Exhibits "A" and "B"

NAME OF LOCAL GOVERNMENT, STATE

BY: _____
SIGNATURE

Print Name: _____

Date: _____

ATTEST:

SIGNATURE

Print Name: _____

Date: _____

INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA)

BY: _____

SIGNATURE

Print Name: _____

Title: _____

Date: _____