

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 18, 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 December 4, 2013.
5. Mayor's Management Report
 - Capital Projects Update
 - Legal Update
6. Petition of Lazz Development/Pawling Holdings to change the zoning designation of County-owned property located on Theodore Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing.
7. Presentation by the Finance Committee of the Citizen's Budget.
8. Continuation of the Public hearing on the proposed 2014 Budget.
9. Resolution to adopt the 2014 Budget and establish the 2014 tax levy and 2014 tax rate.
Roll Call.
10. Resolution to add Chapter 177, "Taxation", Article XII "Exemption for Historic Districts" to the Rye City Code to provide tax exemptions for improvements to historic properties.
11. Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens.
12. Resolution to amend changes to 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.
13. Presentation by the Playland Advisory Committee on the Sustainable Playland meeting held on December 11, 2013.
14. Residents may be heard on matters for Council consideration that do not appear on the agenda.
15. Resolution to establish the Whitby Castle Committee to oversee the response and negotiations to the Rye Golf Club's RFP for Whitby Castle.

16. Consideration to amend the Resolution to televise all City Council meetings to include Land Use and Enterprise Fund meetings of the City of Rye.
17. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.
Roll Call
18. Resolution to authorize participation in Westchester County contracts.
Roll Call
19. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2014.
Roll Call
20. Resolution authorizing contractual updates for the City Manager's 2010 employment agreement.
21. Resolution designating the days and time of regular meetings of the City Council for 2014 setting January 8, 2014 as the first regular meeting.
22. Four appointments to the Board of Architectural Review for a three-year term, by the Mayor with Council approval.
23. Appeal of denial of FOIL request by Timothy Chittenden.
24. Consideration of a request by the Rye Free Reading Room for use of the Village Green and City Hall Parking lot to host the Annual Vehicle Fair on Sunday, May 4, 2014 from 11:30 a.m. to 3:00 p.m.
25. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2014.
26. Resolution to declare the following RTV equipment as surplus: Knox Video router, Power Mac G4 computer, and Mackie Audio Board.
27. Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 26, 2014 from 9:45 a.m. to 10:15 a.m.
28. Miscellaneous communications and reports.
29. Old Business.
30. New Business.
31. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, January 8, 2014 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".



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: December 18, 2013

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held December 4, 2013, as attached.

FOR THE MEETING OF:

December 18, 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 December 4, 2013, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on December 4, 2013 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PETER JOVANOVICH
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: LAURA BRETT, Councilwoman

The Council convened at 7:05 p.m. Councilwoman Killian made a motion, seconded by Councilman Jovanovich and unanimously carried to immediately adjourn into executive session to discuss attorney/client matters related to contract negotiations. Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the executive session at 8:10 p.m. The regular meeting convened at 8:15 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

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

4. Draft unapproved minutes of the Budget Workshop held November 18, 2013, the Regular Meeting/Budget Workshop held November 20, 2013, and the Special Meeting of the City Council held November 25, 2013

Councilman Filippi made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the Budget Workshop held on November 18, 2013, as amended.

Councilman Jovanovich made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the Regular Meeting/Budget Workshop held on November 20, 2013, as amended.

Councilman Filippi made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the Special Meeting of the City Council held on November 25, 2013.

5. Mayor's Management Report

- Update on General Code Revision Project

City Manager Pickup said that the suggested revisions to the Code provided by General Code that deal with functionality within the Code, language updates and consistency have been circulated to the departments. Corporation Counsel Wilson reported that she and the City Clerk have been meeting with Department Heads regarding specific Chapters. The general questions are: (1) keep the provisions as they are; (2) consolidate Chapters; and, (3) deleting Chapters in their entirety if they are obsolete or no longer applicable. There will also be substantive changes that will make it easier for the City to enforce certain provisions. Mr. Pickup said the draft will then go back to General Code for them to incorporate our revisions into their current draft, which will come back to the Council for an initial discussion and further revision, and will ultimately come back to the Council for approval and adoption. Ms. Wilson said this revision does not include any substantive changes to the City Charter.

- Flood Mitigation Update

Mayor French said that a central theme of the Flood Mitigation Plan has been the Airport. There have been higher levels in the Brook due to airport runoff and the City would like the County to retain more water at the Airport. A meeting was held with County officials and there is funding in the 2014 budget to start design plans to increase the capacity of two catch basins and for a potential third basin. City Manager Pickup said the County has a Master Plan for the Airport which includes detaining the water on site. The problem is that off site water is increasing. The City's goal is to work with the County's engineering data and come up with a downstream alternative, which will fit within the perimeters of discussions with SUNY Purchase for additional detention on their campus. There was a brief discussion about construction at Brunswick Academy in Connection and its effect on the pattern of runoff at the Airport. Councilwoman Parker said that Bob Funniceo, the representative from the County who chaired the meeting, is not included in the County's Planning Budget for 2014 and she suggested that the City should sent a letter to the County Executive supporting keeping this position.

- Capital Projects Update

City Manager Pickup reported on the following projects:

Old Milton Road Drain – The City work on the project has been completed. An updated Easement Agreement for utilities in the City’s right-of-ways is being worked on and will come back to the Council.

Safe Routes to Schools Projects – The City received \$150,000 as part of the PILOT payment and will begin design work in order to have the designs available for the City and School Board to look at in April at the joint meeting. It is hoped the project can be approved and put out to bid in order to do the work over the summer.

Summer 2014 Projects - Paving projects will have to be fit in during the summer along with the next phase of the CBD improvements.

- Legal Update

Corporation Counsel Wilson reported on the following items:

Caspi – The motions for summary judgment is fully submitted and a decision is awaited. When a decision comes back the Council must consider the strategy for moving forward with the matter.

American Leisure – A lawsuit has been commenced against the City. The City’s insurance carrier denied coverage because it is a breach of contract claim. An Answer and Counterclaim were submitted this week.

SPI (Sustainable Playland) – A letter was sent to the County.

Rye Golf Club – Councilman Sack has requested information on the costs of a couple of potential options for moving forward with a civil lawsuit against entities and individuals and whether there would be insurance coverage for the City costs; whether it makes sense to commence a lawsuit; or if there is an option to get a Tolling Agreement. Without such an agreement it would be her recommendation to pursue a civil lawsuit.

Rye Town Park Tax Case – The City has filed a Notice of Appeal but has not perfected the appeal and has about two months left to do so. The Council needs to vote on whether it wants to perfect the appeal at some point. The appeal stays the repayment of taxes.

The Ives – The City is waiting for an appraisal on the property. The litigation is pending.

Kirby Lane Sewer Mediation – It is hoped that a first meeting with the mediator and both parties will be held in mid-January. This is an attempt to resolve the issues but the mediation is non-binding.

Beaver Swamp Mediation – A phone call was held with the proposed ALJ who would act as a mediator to resolve the discovery issues. Not all the parties have consented to mediation at this point.

6. Mayor and Council amendments to the proposed 2014 City of Rye Budget
Roll Call.

Deputy Comptroller Fazzino explained the impact on the Budget of the Payment in Lieu of Taxes (PILOT) arrangement recently entered into with Rye Manor, which will provide a new source of revenue. The \$30,000 PILOT will decrease the tax rate to 2.38% from the 2.52% originally budgeted for. It does not change the Tax Cap number because the PILOT offsets the Tax Levy increase. City Manager Pickup said that he and Deputy Controller Fazzino have made recommendations that will drive the current proposed tax rate down to 1.99%. Sales tax projections have been increased from \$1,975,000 to \$2 million and Building Permit fees have been increased by \$55,000 to \$1,350,000. With the proposed changes the budget will be under the tax cap limit by a little over \$117,000.

A proposal was discussed to reallocate the \$1,250,000 originally put into the Capital Projects Budget for the Police/Courthouse project and split it between the project at the Police/Courthouse (\$1 Million) and improvements to the City of Rye owned portion of the train station parking lot area (\$250,000). There was a discussion about the merits of both projects. It was the consensus of the Council to fund the allocation for the train station parking lot but not to fund the Police/Courthouse project in the 2014 budget.

Councilman Sack asked when the budget would be adjusted to account for the two 3% raises awarded to the Police Department for 2009 and 2010 in the recent Arbitration Award. Deputy Comptroller Fazzino explained that the City has been budgeting all along for a 2% increase in each year's budget since 2009 assuming there would be raises granted. If the City had not done this there would have been a major tax increase and use of Fund Balance to cover the increases. He also recommended moving money saved in health insurance costs due to the award into salaries to provide an additional cushion for potential increases for 2011, 2012 and 2013. Mr. Sack said he thought the accrued amounts should be listed separately in the budget.

There was a discussion on possible additions to the budget in the areas of clerical support, televising the meetings of additional boards, cleaning the downtown, the Smart 911 Program, seed money for CERT and IT Security.

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

RESOLVED that the City Council of the City of Rye hereby adopts the following changes to the 2014 Proposed Budget which will result in a tax rate of 1.99%:

Increase Revenues by \$30,000 due to the Rye Manor PILOT Agreement;
Increase Sales Tax revenues by \$25,000;
Increase Building Permit revenues by \$55,000;
Remove \$1 Million funding for the Police/Court renovations and return it to Fund Balance;
Authorize \$250,000 for paving work on the City-owned portion of the Rye Train Station.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

7. Public hearing on the proposed 2014 Budget

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to open the public hearing on the proposed 2014 Budget.

Members of the Public who spoke included *Bertrand de Frondville* who suggested that the budget should include three years of actual audited numbers and that the amount in the Fund Balance could be lowered and *David Schwartz-Leeper* who spoke about issues related to the School District.

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried to keep the public hearing open until the December 18th meeting.

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

City Planner Miller summarized what was discussed at the workshop held on November 19th in connection with the proposed local law. He outlined the four areas of discussion as: aesthetics; creation of non-conforming properties; economic issues; and alternative strategies. He said the revised law that is presently before the Council would apply to all properties and focuses on closing the "loophole" in the 2003 law regarding the way roof heights are measured in attics and makes it consistent with the New York State Building Code. All other aspects of the attic law remain the same.

Several people spoke at the public hearing. *Paul Benowitz* agreed that the loophole must be closed but didn't think the proposed law should include existing houses and that attics that meet "habitable space" under the NYS Building Code should be counted in the F.A.R. *Stanislav Kotyza* said that if the law is enacted people will go elsewhere to get the big houses they want. *John Mayo Smith* referred people to the website zoningplan.org. *David Toriano* said the revised law takes a step in the right direction to not promote third stories. *Nick Everett*, Chairman of the Planning Commission, said he was in favor of the proposed law.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearing.

9. Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV “Use Regulations” and Article VI “Appeals” to establish regulations regarding outdoor fire pits and outdoor kitchens

Corporation Counsel Wilson said that she would like to have a member of the Board of Architectural Review attend a meeting to comment on the proposed local law before the Council votes.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to hold the public hearing open until the December 18th City Council meeting.

State Senator George Latimer spoke about the following matters:

- (1) The Council should discuss any possible Home Rule matters soon so they can be worked on for submission in the State Legislative Session that begins in January.
- (2) The Deadline to re-register for the STAR Program is December 31st.
- (3) There will be Bills coming up in the Legislative Session that will deal with relief of mandates that affect municipal governments and the Council may want to support them.

This Agenda item was taken before Agenda Item 9.

10. Continuation of Public Hearing to add a new article to the Rye City Code to provide tax exemptions for improvements to historic properties

The only member of the public who spoke on the proposed local law was *Maurio Sax* of the Landmarks Committee who spoke about the economic and social importance of creating historic districts.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearing.

11. Authorization for the City Manager to enter into a Master Federal-Aid Local Project Agreement with the New York State Department of Transportation (NYSDOT) for the Rye City School District Pedestrian Improvements (SRTS) project under PIN 8761.10

City Manager Pickup explained that this is the next phase of the Safe Routes to Schools Projects.

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

Resolution authorizing the implementation, and the implementation, and funding in the first instance 100% of the federal-aid and State “Marchiselli” Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the **Rye City School District Pedestrian Improvements in the City of Rye, Westchester County, PIN 8761.10** (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds; and

WHEREAS, the City of Rye desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering.

NOW, THEREFORE, the City of Rye duly convened does hereby;

RESOLVE, that the Rye City Council hereby approves the above-subject project; and it is hereby further;

RESOLVED, that the Rye City Council hereby authorizes the City of Rye to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering work for the Project or portions thereof; and it is further;

RESOLVED, that the sum of \$40,000 was appropriated pursuant to City Council Resolution at their meeting on October 9, 2013 and made available to cover the cost of participation in the above phase of the Project; and it is further;

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Rye City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the City Manager, thereof, and it is further;

RESOLVED, that the Rye City Manager be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Rye with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further;

RESOLVED, that in addition to the City Manager, the following municipal titles: Mayor, City Engineer, and City Comptroller are also hereby authorized to execute any necessary

Agreements or certifications on behalf of the Municipality, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further;

RESOLVED, this Resolution shall take effect immediately.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

12. Acceptance of Grant Award from the Westchester County District Attorney's Office in the amount of \$3,130 to purchase equipment for the video recording of statements
Roll Call

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the acceptance of a Grant Award from the Westchester County District Attorney's Office in the amount of \$3,130 to purchase equipment for the video recording of statements.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

13. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2014

This agenda item was deferred.

14. One appointment to the Conservation Commission/Advisory Council for a three-year term, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the appointment of Birgit Townley to the Conservation Commission/Advisory Council for a three-year term expiring on January 1, 2016.

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

Mack Cunningham spoke asked about a letter Corporation Counsel Wilson sent to the County requesting that the City be engaged in the SPI process. Corporation Counsel Wilson said that the letter sets out the City's primary issues with the Playland Improvement Plan and makes it clear that the City believes it is an involved agency and any County action without further input from the City is premature. *Mr. Cunningham* also expressed his concerns about approving a structure to be built in a flood plane without New York adopting FEMA recommendations. Councilwoman Parker reported that she met with County Executive Astorino and he told her the County does not want to move forward without Rye being part of the process. Ms. Parker said she asked that representatives from the County come to Rye and believes that the County will abide by the City's environmental laws. *Mr. Cunningham* also asked about employee rights to health benefits and pension when an employee is accused of a crime. City Manager Pickup said that the party, a former employee, does not have health benefits from the City and the State would have to make a determination regarding pension benefits.

16. Miscellaneous communications and reports

There was nothing discussed under this agenda item

17. Old Business

- Update the City's Resolution to Televis

Mayor French said there was a suggestion to televise the Rye Golf Club Commission meetings and he believed that meetings of additional boards should also be televised. Councilwoman Parker suggested that land use boards should be televised. The members of the Council were asked to provide any suggested changes to the Mayor before the next meeting and the City Manager was asked to provide the Council with the original Resolution that was adopted regarding televising meetings and to provide information for what it would cost to televise meetings that are not held at City Hall.

18. New Business

- Discussion on process to fill two City Council vacancies

Corporation Counsel Wilson said that the appointments will be made by the Mayor and a majority of the Council that is seated at that time for confirmation. On January 1st there will

only be five Councilmembers so only three votes would be needed to fill a vacancy. Councilman (Mayor-Elect) Sack said that anyone interested in being appointed could contact him.

18A. Appeal of denial of FOIL requests by Timothy Chittenden

Corporation Counsel Wilson said that three appeals had been submitted:

Appeal #1 – “Copies of all requests for time off submitted by Officer Incalcaterra and Compagnone in their careers”. Officer Incalcaterra’s records were provided previously and there were no additional records found for her since the time of the original request and the subsequent request. Documentation was provided for Officer Compagnone. The subject of the appeal is that the requestor believes there are more records for Officer Incalcaterra and only “Time Owed” requests were provided for Officer Compagnone. Mr. Chittenden has this information based on other records that he has been previously provided.

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

RESOLVED, that the City Council of the City of Rye hereby denies the appeal of the response to the FOIL request submitted by Timothy Chittenden for “Copies of all requests for time off submitted by Officer Incalcaterra and Compagnone in their careers” because he has been provided all the documents requested..

ROLL CALL:

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

The Resolution was adopted by a vote of 5 in favor and 1 abstention.

Appeal #2 – “All records, including but not limited to, all cad dispatch reports, all incident reports, all accident reports, all arrest reports, all domestic violence reports, all vehicle and traffic summonses issued related to 255 Theodore Fremd Avenue, Steve Burke of that same address or John Burke of that same address since January 1, 2011”. Corporation Counsel Wilson said Mr. Chittenden has requested these records previously and was denied because the case was under active investigation and was denied at this time because the file has been sealed by Court Order. The appeal asks for a copy of the Court Order that the denial is subject to, which the City does not possess at this time. Ms. Wilson said she does not believe this is an Appealable issue since the Court Order had not been requested. It was the consensus of the Council that Mr. Chittenden be advised that this appeal would not be considered because the document requested in his appeal is not in the possession of the City and had not previously been the subject of a FOIL request

Appeal #3 – “all restraining orders, orders of protections and all other court orders filed against Lt. Robert Falk of the Rye Police Department including but not limited to one filed by his brother”. Corporation Counsel Wilson said that the City was not in possession of documents that would fall under this request. If an Order of Protection was issued it would have been filed in the Court that issued it.

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

RESOLVED, that the City Council of the City of Rye hereby denies the appeal of the response to the FOIL request submitted by Timothy Chittenden for “all restraining orders, orders of protections and all other court orders filed against Lt. Robert Falk of the Rye Police Department including but not limited to one filed by his brother” because, if the document exists, the City of Rye is not in possession of it.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

19. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Mayor French and unanimously carried, to adjourn the meeting at 11:30 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: December 18, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

December 18, 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.: Planning

DATE: December 13, 2013

CONTACT: Christian K. Miller, AICP, City Planner

AGENDA ITEM: Petition of Lazz Development/Pawling Holdings to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North street to the RA-5 District to provide for the construction of affordable senior housing.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER 197
SECTION 3

RECOMMENDATION: The City Council should declare it's intent to be Lead Agency under SEQRA, refer the draft local law and petition to the City Planning Commission for their advisory review and comment and refer the complete application to Westchester County Planning Board as required by Section 239-m of the GML and Section 451 of the West. Co. Admin. Code.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

The petitioner, Lazz Development/Pawling Holdings, seeks an amendment to the City Zoning Map to change the zoning district designation of an approximately 2.0-acre property located on Theodore Fremd Avenue and North Street. The request would change the zoning of the Westchester County-owned property from the B-6, *General Business*, District and the B-1, *Neighborhood Business*, District to the RA-5, *Senior Citizen's Apartment*, District. The petitioner is seeking to construct fifty-four (54) units of age-restricted housing located in two buildings. The proposal would be limited to those over age 55 and consist of 44 one-bedroom units and 10 two-bedroom units. The proposed units would also be affordable and would count towards Rye's contribution to the 750 units of fair and affordable housing Westchester County is obligated to provide as part of a stipulation of settlement with the U.S. Department of Housing and Urban Development (HUD). A representative from the County has been invited to the meeting to address any questions the Council may have. It is noted that the proposed zoning change is the same district as adopted by the City Council in the mid-1980s to accommodate the nearly 100 units of affordable senior housing at 300 Theall Road. Please see attached submission from the petitioner and draft local law amending the City Zoning Map to change the Zoning District designation of the property to the RA-5 District.

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chnarch@yahoo.com

Clark Neuringer Architect

CONNECTICUT
DELAWARE
FLORIDA
MARYLAND
NEW YORK

December 10, 2013

The Honorable Mayor Douglas French
Members of the City Council
Rye City Hall
1051 Boston Post Road
Rye, New York 10580

Re: Proposed Zoning Amendment;
The Courtyard at Theodore Fremd

Dear Mayor French and Members of the City Council,

On behalf of our client, Lazz Development / Pawling Holdings, we are pleased to submit this request for an amendment to the Zoning Code of the City of Rye with respect to a proposed fifty four (54) unit rental development located at the corner of Theodore Fremd Avenue and North Street, adjacent to the existing Con Edison operations and equipment facility. The proposed development will advance a long-term planning objective of the City to provide affordable housing on this Westchester County-owned property. The proposed development would consist of 44 one-bedroom units and 10 two-bedroom units all of which will be restricted to those over age 55.

The approximately 2.1-acre property is currently within both the B-6 General Business District and B-1 Neighborhood Business District. Our proposal is to re-zone the entire property to the RA-5 Senior Citizen's Apartment District, which is the same district adopted by the City Council in the 1980s to provide for the construction of the approximately 100 units of senior affordable housing at 300 Theall Road. Current uses permitted within the B-6 District are limited to light manufacturing; garages, parking lots, and filling stations; small boat facilities; and kennels and veterinary hospitals. The portion of the property located in the B-1 District allows for business, professional office, retail, single-family dwellings and two-family residences.

The Honorable Douglas French
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December 10, 2013

Multi-family is not currently permitted in either district. We respectfully request that the City Council amend the Zoning Map to change the zoning district classification of this property to the RA-5 Senior Citizens Apartment District.

Our proposed senior citizen residential development meets or exceeds the requirements of the RA-5 District and would be a beneficial addition to the City in general and to the particular neighborhood. Our proposal represents a lower intensity of use of the property compared to what could be developed under the current limited zoning. Even under the RA-5 District requirements, our proposed residential development has several distinct positive attributes as follows:

Area of the lot is more than double the size of minimum required.

Total amount of buildable floor area proposed to be constructed is
17% less than permitted.

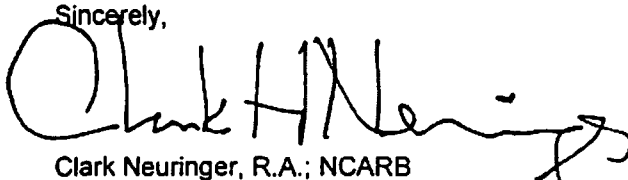
Total amount of parking proposed is almost seven times more than minimum required.

Total amount of open space proposed is more than double amount required.

As a result, the requested amendment would allow a residential development that would act as a transition between existing residential uses to the south and commercial uses otherwise surrounding the property. The design of our proposed site development results in a separation between the closest existing neighborhood residential building and one of our apartment buildings of a distance in excess of approximately 250 feet. As such, there would be no adverse impact on any of the existing residential areas to the south of the site. Compared to other uses that would be permitted on the site, we believe the proposed residential community would be a more attractive and beneficial use to the neighborhood.

We look forward to further reviews and discussions with you regarding the requested zoning amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark Neuringer". The signature is fluid and cursive, with a large initial "C" and "N".

Clark Neuringer, R.A.; NCARB

Cc: Louis Larizza, Lazz Development // Pawling Holdings

DRAFT

Formatted: Left: 72 pt, Right: 72 pt

**LOCAL LAW
CITY OF RYE NO. ____ -2014**

A Local Law to Amend the “Zoning Map of the City for Rye, New York” to Change the Zoning Designation of a Property Known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.

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

Section 1. **The Zoning Map of the City of Rye, New York is hereby amended to change the zoning district designation of a property known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business*, District and B-1, *Neighborhood Business*, District to RA-5, *Senior Citizens Apartment*, District.**

Section 2. **Severability**

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

Section 3. **Effective Date**

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

City of Rye, New York



Zoning Districts - Theodore Fremd Area

617.20
Appendix B
Short Environmental Assessment Form

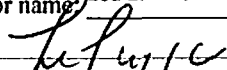
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
City of Rye Affordable Senior Housing							
Name of Action or Project: The Courtyard at Theodore Fremd							
Project Location (describe, and attach a location map): Theodore Fremd Avenue and North Street, Rye, NY							
Brief Description of Proposed Action: 1. Construct 54 units of senior affordable housing units with parking areas for 95 cars on 2.08 acres in the City of Rye, NY. 2. Approval of a City of Rye zoning text amendment to permit certain residential types in the B6 (Business) zone.							
Name of Applicant or Sponsor: Pawling Holdings, LLC		Telephone:					
		E-Mail:					
Address: 211 South Ridge Street, Suite 3R							
City/PO: Rye Brook		State: NY	Zip Code: 10573				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Rye Planning Commission, City of Rye Council, the Home Fund, HIF, AHC agencies, County of Westchester DPW			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		2.08 acres					
b. Total acreage to be physically disturbed?		2.08 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.08 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): Railroad, Interstate Highway 95 <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ Existing Culvert beneath Metro North Rail Lines	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: Three subsurface detention vaults to be constructed beneath the parking areas. Size is generally 1000 square feet per system. The purpose is to limit flows to current levels.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: NYS DEC database has no record of remediation 1978 to present.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Lou Larizza</u> Date: <u>11/6/2013</u> Signature: 		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

2. The project will increase the intensity of use since the development of 54 apartments for seniors will occur on vacant land. Mitigation is proposed by providing sufficient stormwater controls to prevent flooding, and water quality treatment to reduce impacts to water courses. Traffic mitigation is considered to be mitigated by limiting occupancy to an over-55 years age group. Excess on-site parking is provided to eliminate off-street parking impacts. The site is on the County Bus route which affords opportunity to mitigate traffic. New local street sidewalks to be constructed will also help to mitigate traffic. The proposed landscaping, consisting of landscaped buffers, new trees, shrubs and decorative fencing throughout, will mitigate visual impacts. An erosion control plan in conformance with the NYS Stormwater Design Manual will be used to offset temporary impacts of erosion.

7a. Water supply: The water demand for the project of 54 units with average of a two-person occupancy is about 10,800 gallons per day. United Water Westchester provides 7.6 million gallons per day and the increase is nominal due to this project and should not impact the facilities. Mitigation of water use is provided in limiting the occupancy to an over-55 age group.

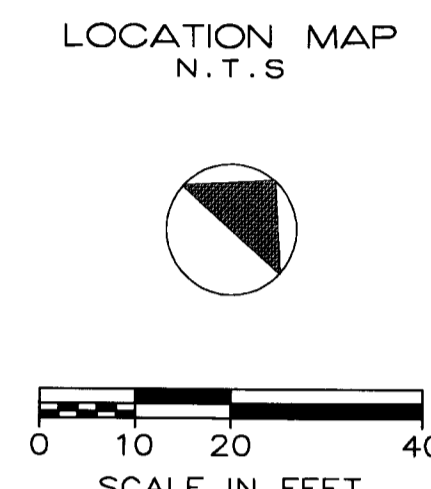
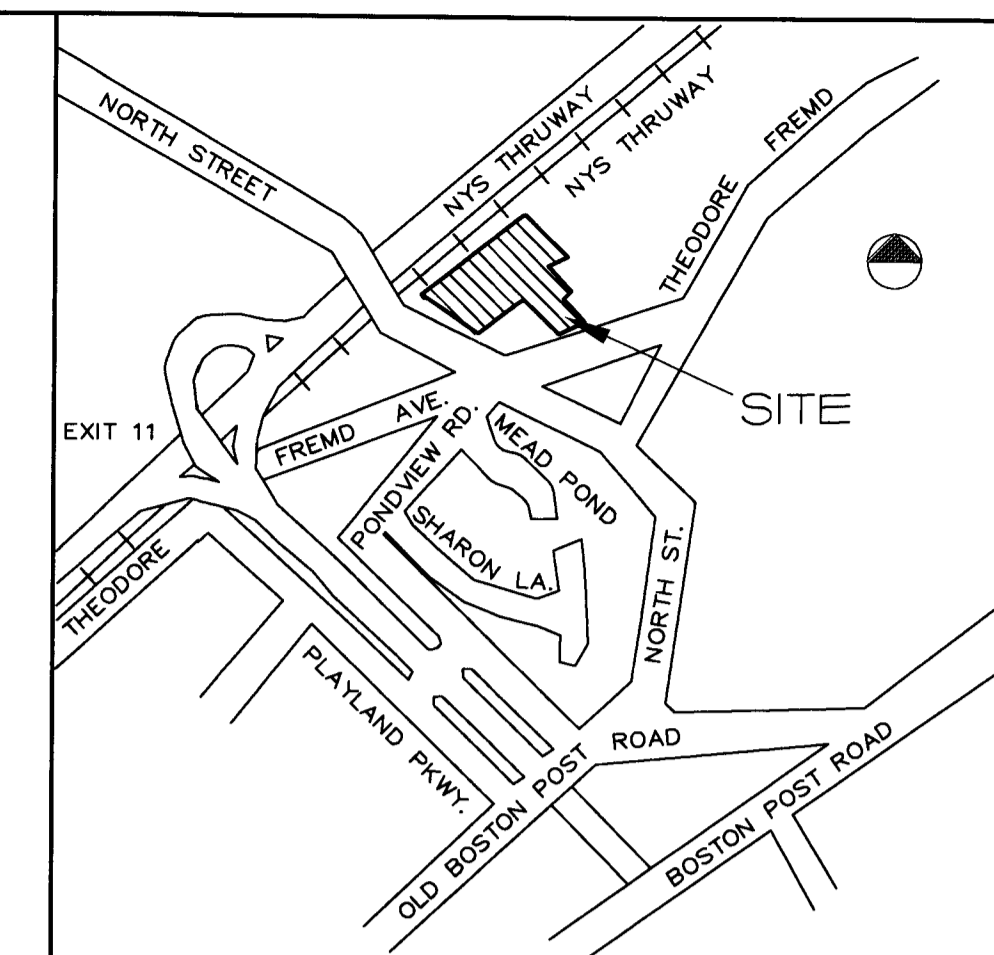
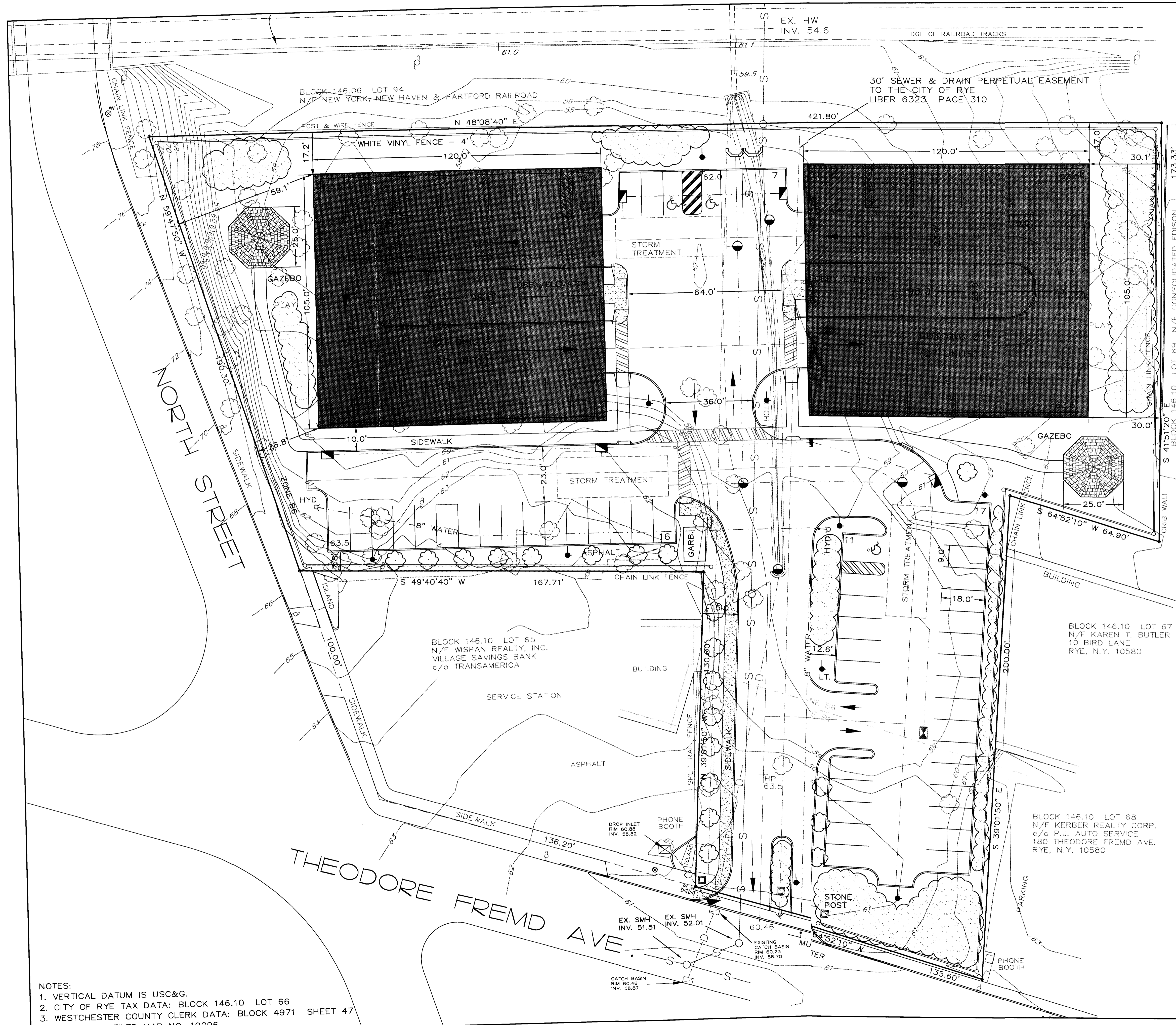
7b. Wastewater Treatment: The project is in the County's Blind Brook Sewer District and sewage flow will be treated at the Blind Brook Treatment Plant which has a capacity of 5 mgd and is currently operating at 3.3 mgd. City-owned sewers at the site are adequately sized to handle the increased flow from this project. Therefore, given the reduced water use and in turn sewage generation, the project should not adversely impact these facilities.

Long term impacts are the same as short term impacts described above.

Cumulative impacts of the development are limited due to the lack of other new projects of this type in the area.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT



- NOTES:
1. VERTICAL DATUM IS USC&G.
 2. CITY OF RYE TAX DATA: BLOCK 146.10 LOT 66
 3. WESTCHESTER COUNTY CLERK DATA: BLOCK 4971 SHEET 47
 4. REFERENCE FILED MAP NO. 19096.
 5. LOT AREA = 2.080 ACRES
 6. TOTAL PROPOSED HOUSING UNITS: 54
 7. TOTAL PARKING: 95 SPACES
 8. THIS PLAN IS FOR PLANNING PURPOSES ONLY.

Site Zoning District: B6 / B1
Proposed Zoning District Controls: RA5

Item	Required	Proposed	Zoning Compliance
Minimum Lot Area, SF	43,560	90,604	OK
F.A.R. = 1.0	90,604 SF	75,600 SF	OK
Minimum Lot Width, ft.	80	135	OK
Front Yard, ft.	25	31.6	OK
Side Yard, one, ft.	30	30	OK
Rear Yard, ft.	40	17	See 197-64 Exemption
Stories	4	4	OK
Height, ft.	50	<50	OK
Parking, 1 space / 4 D.U.	14	+/-90	OK
Open Space, 40SF/DU	2,160	>3,700	OK

NOTE:
No proposed structures in B1 Zone; Parking only, which is a permitted use.

RALPH G. MASTROMONACO, P.E., P.C.
Consulting Engineers
13 Dove Court, Croton-on-Hudson, New York 10520
(914) 271-4762 (914) 271-2820 Fax



SITE PLAN
The Courtyard at Theodore Fremd
for
CITY OF RYE
AFFORDABLE SENIOR HOUSING
Lazz Development/Pawling Holdings
Owner: Lou Larizza

THEODORE FREMD AVE.
CITY OF RYE
WESTCHESTER CO., N.Y.
DECEMBER 9, 2013
SHEET 1 OF 1 SHEETS

- NOTES:
1. VERTICAL DATUM IS USC&G.
 2. CITY OF RYE TAX DATA: BLOCK 146.10 LOT 66
 3. WESTCHESTER COUNTY CLERK DATA: BLOCK 4971 SHEET 47
 4. REFERENCE FILED MAP NO. 19096.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: December 18, 2013

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation by the Finance Committee of the Citizen's Budget.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

A presentation will be made by Warren Keegan, Chair of the Finance Committee, of the Citizen's Budget.

Message to Rye Voters and Taxpayers
From the Rye Finance Committee
Re: Proposed City 2014 Budget

The following is a Citizens' Budget Report prepared by City Staff at the request of the Finance Committee. The purpose of this report is to provide voters with a streamlined version of the 2014 Budget proposed first by the City Manager and the City Comptroller on November 6, 2013. The goal is to have an informed public that a) is familiar with the key issues and numbers in the budget without having to review the several hundred page budget document and b) can participate in public meetings on the budget.

The City Council held a series of Workshops during November, and then the Public Hearing to consider the staff's recommended "tentative budget." At their Public Hearing on December 4th, the Council had the opportunity to make changes in the staff's recommendation, arriving at the "proposed budget" which is expected to be considered for formal consideration at the December 18th Council meeting.

OVERVIEW OF 2014 TENTATIVE BUDGET PROPOSAL FROM CITY STAFF

The proposed 2014 tax rate is \$151.87 per \$1,000 assessed valuation, a 1.99% increase over the 2013 tax rate.

The median home with a market value of approximately \$1,425,000 and assessed at \$24,500 would see an annual tax increase of \$72.60.

Revenues budgeted in 2014 (including property taxes) are \$31.9 million, up \$1 Million or 3.2% from the 2013 adopted Budget of \$30.9 Million. 2014 Mortgage Tax Revenue is budgeted at \$1.6 Million or \$400,000 more than the 2013 budget. 2014 Building Permit revenues are budgeted at \$1.35 Million or \$250,000 more than 2013 budget.

Expenditures (including capital) are \$33.6 million, up \$1.9 Million or 5.9% from the 2012 adopted Budget of \$31.7 Million. Use of fund balance for Capital projects is \$1 Million in 2014, compared to \$195,000 in 2013. There are 2 new positions proposed for 2014. Also, all of the City's union contracts will be expired as of December 31st of this year. The City has budgeted for some type of increase for the settlement of these contracts. The City's employee health insurance expense in 2014 will be 14% higher than the 2013 budget.

One Positive note on the expense side, NYS employee and Police and Fire retirement contribution rates for 2014 have decreased, compared to the double-digit increases the City experienced from 2010 through 2013. The City will pay the full liability without using the pension smoothing payment option.

The projected year-end 2014 \$6.2 million of Unassigned Fund balance remaining in the General Fund equals 18.6 % of Expenditures vs. the 5% policy requirement.

**City of Rye Citizens' Budget
General Fund Only**

**2014
Proposed
Budget**

**2013
Adopted
Budget**

Tax Rate per 1,000	151.87	148.91
Average Household Market Value	1,425,000	1,440,000
Estimated Increase in annual property taxes on average home	\$72.60	\$86.16

Total General Fund Revenues	\$ 31,977,764	\$ 30,910,834
Total General Fund Expenses	(33,589,349)	(31,706,181)
(Deficiency) of Revenues over Expenditures	(1,611,585)	(795,347)

Amounts to be transferred to Capital Projects	1,000,000	195,000
Amounts to be used for Equipment	301,585	290,347
Amounts to be used for Workers' Comp	310,000	310,000
Total Use of Fund Balance	1,611,585	795,347

Unassigned Fund Balance	\$ 6,255,316	\$ 4,345,299
as a percentage of Expenditures	18.62%	13.70%

**City of Rye Citizens' Budget
General Fund Only**

**2014
Proposed**

**2013
Adopted**

Revenues by Source

Property Tax Levy	\$ 21,019,446	\$ 20,563,240
Property Tax Items Other Than		
Real Property Taxes	322,684	290,243
Non-Property Tax Items	2,550,000	2,525,000
Charges for Services	1,724,605	1,662,360
Charges to Other Governments	84,045	91,245
Use of Money and Property	50,700	335,610
Licenses and Permits	2,149,520	1,872,438
Fines and Forfeitures	551,200	589,700
Sale of Property and		
Compensation for Loss	81,000	51,000
Miscellaneous	167,350	161,242
InterFund	440,509	440,434
Intergovernmental	2,836,705	2,328,322
Total Revenues	\$ 31,977,764	\$ 30,910,834

**City of Rye Citizens' Budget
General Fund Only**

**2014
Proposed**

**2013
Adopted**

Expenditures by Object:

Salaries & Wages	\$ 12,770,144	\$ 12,188,646
Equipment	301,585	290,347
Materials & Supplies	2,237,483	2,123,234
Contractual Costs	7,760,814	7,803,787
Employee Benefits & Taxes	9,246,124	8,830,572
Other Financing Uses	1,273,199	469,595
	<u>\$ 33,589,349</u>	<u>\$ 31,706,181</u>

Expenditures by Program:

General Government	\$ 3,762,207	\$ 3,983,273
Public Safety	15,462,070	14,709,699
Transportation	3,562,682	3,373,984
Culture and Recreation	4,082,273	4,001,975
Home and Community Services	5,720,117	5,442,250
Other Financing Uses	1,000,000	195,000
	<u>\$ 33,589,349</u>	<u>\$ 31,706,181</u>



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: December 18, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Continuation of the Public hearing on the proposed 2014 City Budget.

FOR THE MEETING OF:

December 18, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council conduct the Public Hearing on the proposed 2014 Rye City Budget.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The City Manager presented the budget on November 6th. The Council held Workshops on November 13th, 18th and 20th.

The proposed 2014 Budget is available on the City website www.ryeny.gov under City News: 2014 Annual Budget.

The Budget adoption is scheduled for December 18, 2013.



CITY COUNCIL AGENDA

NO. 9

DEPT.: Finance

DATE: December 18, 2013

CONTACT: Joseph Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to adopt the 2014 Budget and establish the 2014 City tax levy and 2014 tax rate.

FOR THE MEETING OF:
December 18, 2013

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, on November 6, 2013 the 2014 Tentative Budget was presented to the City Council, and,

WHEREAS, since November 6, 2013 the City Council has discussed possible amendments to the 2014 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2014, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2014 City of Rye tax rate of \$151.87 per \$1,000 taxable assessed valuation and the 2014 City of Rye tax levy of \$21,019,446 and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: On November 6, 2013 the City Manager and City Comptroller presented the 2014 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2014 Budget.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Corporation Counsel

DATE: December 18, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

ACTION: Resolution to add Chapter 177, "Taxation", Article XII "Exemption for Historic Districts" to the Rye City Code to provide tax exemptions for improvements to historic properties.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the addition of Chapter 177, "Taxation", Article XI "Exemption for Historic Districts" 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 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 and is located within an historic district. 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 has been found to meet the criteria of being an historic building by the Landmarks Advisory Committee and is part of a historic district;
- (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.

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

Benefits of Residential Historic District Designation for Property Owners

Jonathan Mabry, Ph.D.
Historic Preservation Officer
Department of Urban Planning and Design
City of Tucson
(6-7-07)

Historic district designation has become an important tool for local governments in efforts to preserve the character of central-city neighborhoods. Designation of historic districts based on a national level of significance, called National Register Historic Districts, has occurred widely in the U.S. since the passage of the enabling legislation of the National Historic Preservation Act in 1966. In addition, some states have created state historic registers and many municipalities have established local historic registers and special zoning for local historic landmarks and districts. The number of local historic districts in the U.S. has grown from approximately 100 in 1966 to more than 2,000 in the late 1990s (Listokin et al. 1998).

National- and state-level designations convey more prestige to an individual property or historic district, and makes federal and state tax breaks available to owners of individually-listed properties and properties listed as contributing to the significance of a district. However, national- or state-level designation offers no real protections, as both listing and participation in tax abatement programs is voluntary, and owners can renovate or demolish a significant historic property to replace it with a “highest and best use” building that maximizes income or sale price.

In contrast, local-level historic designations typically require review of significant exterior alterations, demolitions, and new construction within historic districts in order to restrict incompatible development, and thereby maintain the historic character and integrity of designated structures and neighborhoods. Reviews are conducted by community commissions or neighborhood advisory groups, or both, composed of local residents, and are based on specific design standards and guidelines developed by the community.

The City of Tucson currently has 21 National Register Historic Districts. Six of the nationally- designated districts are also designated as local Historic Preservation Zones (districts), as enabled by a 1972 ordinance revising the Land Use Code. In the locally-designated districts, there are two levels of review of exterior renovations, demolitions, and new construction. The level of review is determined by whether the property is a contributing or noncontributing property in a National Register District, or whether the proposed changes are major or minor.

Higher Property Values and Rates of Appreciation

Higher property values and rates of appreciation are important economic benefits of historic district designations of residential neighborhoods. Recent studies in Arizona document this effect of historic district status on property values. A study of the Speedway-Drachman National Register Historic District in Tucson showed that between 1987 and 2007, the average assessed value of homes in this district appreciated 15 percent higher than the average in a nearby neighborhood with housing stock of similar age, construction, and design (L’Orange 2007:4). A study of 25,975 single family homes sold in Phoenix in 2005, including 212 located in National Register historic districts, showed that historic designation increased the average marketable sales price of a house by 31%, or more than \$100,000 (Poppen 2007:7). A study in Mesa comparing house market value changes between 1997-2004 in the Mesa Evergreen National Register Historic District compared to those in two comparable, undesignated neighborhoods identified a +26% difference in the historic district (Bellavia 2007:3-4).

There is some data that national-level historic designation has a slightly greater positive effect on property values than local-level historic designation alone (Leichenko et al. 2001:1982-1983). However, this

difference is not statistically significant, and the same comparative data shows that properties that carry only local designation also tend to have higher values compared to similar, undesignated properties (Leichenko et al. 2001), and relative to the entire real estate market (Rypkema 2002).

Local land-marking and design review can actually boost property values by introducing certainty into the marketplace and improving the overall economic climate, which benefits all property owners (Clarion Associates of Colorado 2002). Comparison of a number of independent studies of local historic districts in New Jersey, Texas, Indiana, Georgia, Colorado, Maryland, North and South Carolina, Kentucky, and Virginia showed that this economic effect of local designation is typical across the country.

The results of these studies are remarkably consistent: property values in local historic districts appreciate significantly faster than the market as a whole in the vast majority of cases and appreciates at rates equivalent to the market in the worst case. Simply put—local historic districts enhance property values (Rypkema 2002:6).

Other data indicates that the greatest impact on rates of property appreciation occur with the addition of local designation (which usually includes a design review process and more restrictions on property renovations, demolitions, and new construction) on top of national designation. In a recent study conducted in Memphis, Tennessee, combined local/national designation added 18.6% to assessed property values over a four-year period compared to 13% added by national designation alone (Coulson and Lahr 2005:494-495). In Evansville, Indiana, the rate of appreciation between 1980 and 1995 was significantly greater within a locally designated portion of a larger National Register District (Rypkema 1997:7). Over the same period in Indianapolis, average property values appreciated faster in a district with combined local/national designation compared to a neighborhood with only a national designation (Rypkema 1997:9). Between 1976 and 1996 in Georgia, assessed property values in districts with both local and national designations increased at a rate of 47% compared to 23% for properties in districts with only the national designation (both figures adjusted for inflation) (Athens-Clarke County Planning Department 1996:4).

Table 1 summarizes the findings of 15 recent studies of the effect of historic district designation on property values over time. These studies were conducted in several different regions of the United States, and include both nationally and locally designated districts. These studies vary in the specific aspects of value over time examined, such as assessed value, sales value, and rate of appreciation. However, all of the studies in Table 1 can be compared in terms of average property values in historic districts relative to similar, undesignated neighborhoods.

Table 1. Property Values* in Designated Historic Districts Compared to Similar Undesignated Neighborhoods in the Same Communities (Ave. Value Annual)

<u>Study Area</u>	<u>Data Interval</u>	<u>Diff. (%)</u>	<u>Rate (%)</u>	<u>Reference</u>
Athens, GA	1976-1996	+14	+.7	Leithe & Tigue 1999
Denver, CO	1993-2000	+3-6	+.4-1.2	Clarion Assoc. of CO 2002
Durango, CO	1993-2000	+.7	+.1	Clarion Assoc. of CO 2002
Galveston, TX	1975-1991	+85-360	+5.3-22.5	Govt. Fin. Res. Center 1991
Memphis, TN	1998-2002	+14-23	+3.5-5.7	Coulson and Lahr 2005
Mesa, AZ	1997-2004	+26	+3.7	Bellavia 2007
New Jersey		+5	—	New Jersey Hist. Trust 1997
New York, NY	1975-2002	+13	+.5	NYC Ind. Budget Office 2003
Phoenix, AZ	2005	+31	—	Poppen 2007
Rome, GA	1980-1996	+10	+.6	Leithe and Tigue 1999
San Diego, CA	2000-2005	+16	+3.2	Narwold 2006

Savannah, GA	1974-1997	+264-588	+11.5-25.6	Leithe and Tigue 1999
Texas (9 cities)	(variable)	+5-20	—	Leichenko et al. 2001
Tifton, GA	1983-1996	+2	+.2	Leithe and Tigue 1999
Tucson, AZ	1987-2007	+15	+.7	L'Orange 2007

* Phoenix and Mesa studies used sales values; all other studies used assessed values.

A few of the designated districts experienced extremely high rates of appreciation, or very modest rates, but most saw property values increase by 5-35% per decade over the values in similar, undesignated neighborhoods.

Within these data, another important pattern is that newer properties within historic districts benefit just as much as older properties. In Memphis, both older and newer (less than 10 years old) buildings in a local/national historic district appreciated to levels higher than similar properties in undesignated neighborhoods (Coulson and Lahr 2005:502-504).

Insulation from Extreme Market Fluctuations

Local historic district designation has proven to insulate property values from wild swings in the housing market, including both downturns tied to larger economic trends, and “bubbles” caused by cycles of real estate speculation. This stability is related to investor confidence that, because there are explicit design limits in the zoning code, home investments in historic districts will not be adversely affected by construction of an inappropriate, out-of-scale building next door. It is also due to the fact that neighborhoods with stable values do not offer opportunities for “flipping” (purchase followed by quick resale at a high profit margin). In these ways, local historic district designation reduces the uncertainty facing the buyer regarding the future value of the investment.

In short, it may be that historic districts are more likely to experience a certain indemnification from extremely modulating property values, perhaps because of a higher degree of investor confidence in these officially recognized and protected areas (Gale 1991:8).

Tax Breaks

Increasing property taxes associated with rising property values in nationally designated and state-designated historic districts can be offset by state and federal tax reduction programs. In Arizona, contributing properties in a National Register District are eligible for the State Historic Property Tax Reclassification program. This program reduces the taxes of listed properties by up to 50 percent over 15 years, and reduces assessments of improvements to commercial properties to 1 percent of their full value over 10 years. The Federal Investment Tax Credit program provides a 20 percent tax credit and accelerated depreciation for rehabilitated investment properties listed as contributors in National Register Districts. The reductions in property taxes available in National Register Districts provide needed economic relief for moderate-income neighborhoods experiencing rising property taxes during real estate boom cycles. The tax incentives also provide alternatives to demolition of historic homes, thereby providing stability to the built environments of neighborhoods.

Stabilization of Residence

Designation as a historic district raises the value of investments, promoting increased levels of home ownership and longer residence. This stabilizing effect on residence patterns has been documented by a study conducted in Indiana, which found that designated historic districts have higher rates of owner-

occupation, and longer durations of residence by both homeowners and renters, than do similar, undesignated neighborhoods (Rypkema 1997:2, 6, 10).

Increased Connections among Neighbors and Community Involvement

Neighborhoods with a significant proportion of owner-occupied homes tend to have higher rates of participation in neighborhood associations and improvement projects, which protects shared spaces from decline (Rypkema 2005:51-52). All proposed exterior modifications, new construction, and demolitions in locally designated historic districts require review by neighborhood advisory groups and historical commissions, thereby ensuring community involvement in neighborhood planning.

Summary

The findings of recent comparative studies of the effects of historic district designations over time, conducted in many different regions of the U.S., converge on a few key findings:

- Historic district designation typically increases residential property values by 5-35% per decade over the values in similar, undesignated neighborhoods.
- Both nationally- and locally- designated historic districts outperform similar, undesignated neighborhoods, but districts that carry both local and national designation experience the highest relative increases in property values.
- The values of newer properties within designated historic districts increase along with those of older properties.
- Local historic district designation decreases investor uncertainty and insulates property values from wild swings in the housing market.
- Increasing property taxes due to rising property values in historic districts designated at the national or state levels can be offset by state and federal tax reduction programs.
- The tax incentives also provide alternatives to demolition of historic homes, thereby providing stability to the built environments of neighborhoods.
- Historic district designation leads to increased levels of home ownership and longer residence by both homeowners and renters.
- Designated historic districts tend to have higher rates of participation in neighborhood associations and improvement projects, which protects shared spaces from decline.
- Proposed exterior renovations, demolitions, and new construction in locally-designated historic districts are reviewed by neighborhood advisory groups and historical commissions, thereby ensuring community involvement in neighborhood planning.

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CONNECTICUT LOCAL HISTORIC DISTRICTS AND PROPERTY VALUES



Prepared for: Connecticut Trust for Historic Preservation

Prepared by: *PlaceEconomics*, Washington, DC, October 2011



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Introduction

Connecticut is a state with a wealth of historic resources. Every corner of the state contains sites, structures, artifacts and landscapes that are today the physical manifestation of our rich heritage. It is the mission of the Connecticut Trust for Historic Preservation to nurture and protect those resources. One of the most effective means of assuring that our built history is available for generations to come is through the creation of local historic districts. Today in Connecticut there are 133 historic districts in 72 towns covering in excess of 8,000 buildings.

In addition, there are National Register of Historic Places districts which provide a wonderful means of identifying the importance of a neighborhood's architectural, cultural and historical importance. However National Register listing alone provides almost no protection for the properties within the district. Those protections come through the creation of a local historic district under CGS § 7-147. These local historic districts will include a board of volunteer citizens who review applications for architectural changes visible from a public right-of-way, new construction, and demolition. It is through this review and approval process that the underlying character of a neighborhood is maintained over time.

While the primary goal of a local historic district is to identify, protect and enhance historic resources, those actions surely must have economic consequences. Since one's house is usually the largest family asset, it is legitimate to ask, "What effect does being in a local historic district have on property values?" It was to help answer that question that the Connecticut Trust, with funding from the State Historic Preservation Office, commissioned this study – *Connecticut Local Historic Districts and Property Values*.

To get a broad understanding of the issue, we chose to look at four very different towns and cities in Connecticut: Canton, Milford, Norwich and Windsor. These communities vary widely in size, geography, demographics and economic condition. What they have in common, however, are inventories of wonderful historic buildings and local commissions to oversee the historic districts as they change and evolve.

We are very pleased by the results of this analysis. In no case was there evidence that being in a local historic district reduced property values. In fact, in three of the four communities, properties within historic districts have had an annual increase in value greater than that of properties in the community as a whole. This is perhaps not surprising in times of rapid real estate appreciation. But what about in the recent years where property values around the country have fallen? The study looked at patterns of foreclosures in each

of the four cities and found that in every case the rate of foreclosure was less in the historic district than in the local market – good news indeed for historic homeowners and their bankers.

Everything wasn't good news, however. We have learned that in the four communities there are more than 3,500 homes over a century old, but 92% of them have no protections through a local historic district. For us at the Connecticut Trust this means that stewarding historic resources for future generations requires an ongoing commitment.

The positive economic lessons from *Connecticut Local Historic Districts and Property Values* will be one more tool to assist us and the citizens of our state to meet that commitment.

Helen Higgins, Executive Director
Connecticut Trust for Historic Preservation

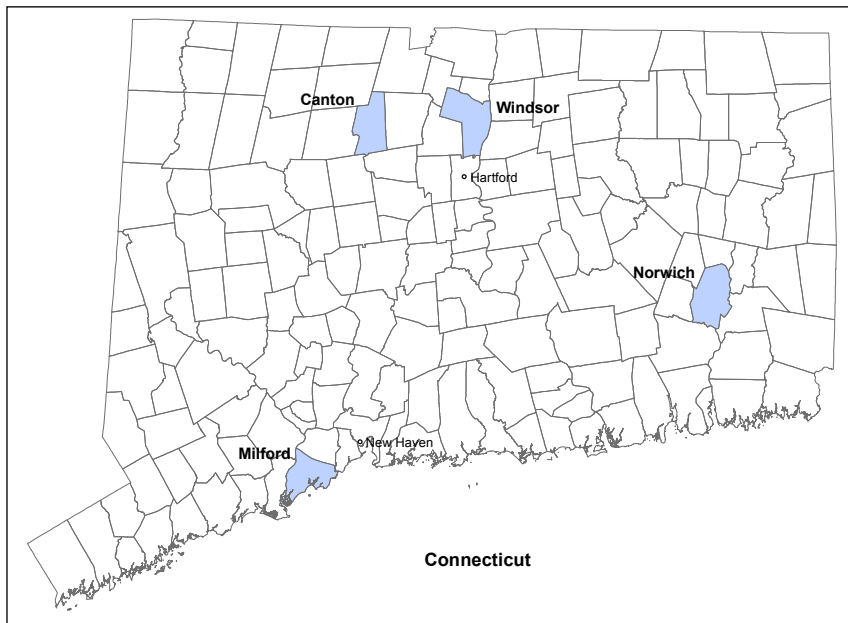
The State Historic Preservation Office is pleased to partner with the Connecticut Trust for Historic Preservation to produce this publication, which will become a valuable addition to every local historic district commission's preservation tool kit. There have been many good studies conducted across the country, in towns and cities large and small, analyzing the comparative values of properties within historic districts and without. While this analysis is a good reference point, people want specifics about Connecticut and their own town. Thanks to this excellent report, we can now provide more pertinent information and statistics for local historic district residents and commissioners here in Connecticut.

The conclusions that can be drawn from this report point to the importance of continued dedication to identifying and protecting the historic resources that tell the unique story of each of our cities and towns. By providing evidence that local historic district and property designation can offer assurances of economic stability and the promise of certain protections against unmanaged change, this report provides an effective response to the question so often asked: "what is the benefit of historic preservation?"

David Bahlman
State Historic Preservation Officer

Executive Summary

The relationship between property values and local historic districts was measured in four Connecticut communities – Canton, Milford, Norwich and Windsor. Included in the analysis were two local historic districts in Canton and Norwich and one district each in Milford and Windsor. The base comparison was the change in values of properties reflected in two revaluations for property tax purposes by the local assessor. In three of the cases those valuations were five years apart; in the fourth case, six years. In total data from more than 25,000 properties was examined.



The major findings, detailed on the pages that follow, were these:

- **Property values in every local historic district saw average increases in value ranging from 4% to over 19% per year.**
- **In three of the four communities the rate of value increase for properties within local historic districts was greater than for properties with no such protection.**
- **In “head to head” square-foot comparisons based on age and style, properties within local historic districts were worth more than similar properties not within the districts.**
- **Overall there appears to be a 2-4% value premium resulting from location within a local historic district.**
- **On a composite basis, the rate of foreclosure of properties within the historic districts was half the rate outside the districts.**
- **The comparative value increase is least where there are significant commercial and multifamily structures within the same neighborhood as single-family residences.**
- **In spite of these positive indicators, the vast majority of historic homes in these communities are not subject to the protection of local historic districts.**

CANTON



BACKGROUND

Founded in 1806, Canton is a small and prosperous country town 14 miles west of Hartford. It is part of the capital region but has a strong sense of being an independent community. Part of the town's identity is intertwined with the Collins Axe Company factory that prospered from 1826 to 1966. Many of the buildings in the mill area, called Collinsville, were built to house and support the factory's employees. The preservation and adaptive reuse of several downtown buildings resulted in *Budget Travel* ranking Collinsville among its 2007 "Ten Coolest Small Towns in Connecticut." The town was constructed along the Farmington River and today is the center of many outdoor sporting activities.

Canton has two local historic districts – Collinsville Historic District, established in 1988, and Canton Center Historic District, established in 1975. Collinsville Historic District is centered around the Collins Axe factory and includes remaining downtown buildings although not the factory itself. The district is a small historic manufacturing village with a mix of residential, commercial and industrial structures that are still in their original configuration, located just off State Route 169. Canton Center Historic District is north of Collinsville and generally runs linearly along Route 179, including properties 100 feet to either side of the road. The district is primarily residential and fairly rural, representing Canton's original town settlement as a rural agricultural community.

STATISTICS

County: Hartford County

Local Historic Districts: 2

National Register Districts: 2

Population: 10,292

Median Age: 43

Ethnic Makeup:

White: 96%

African American: 1%

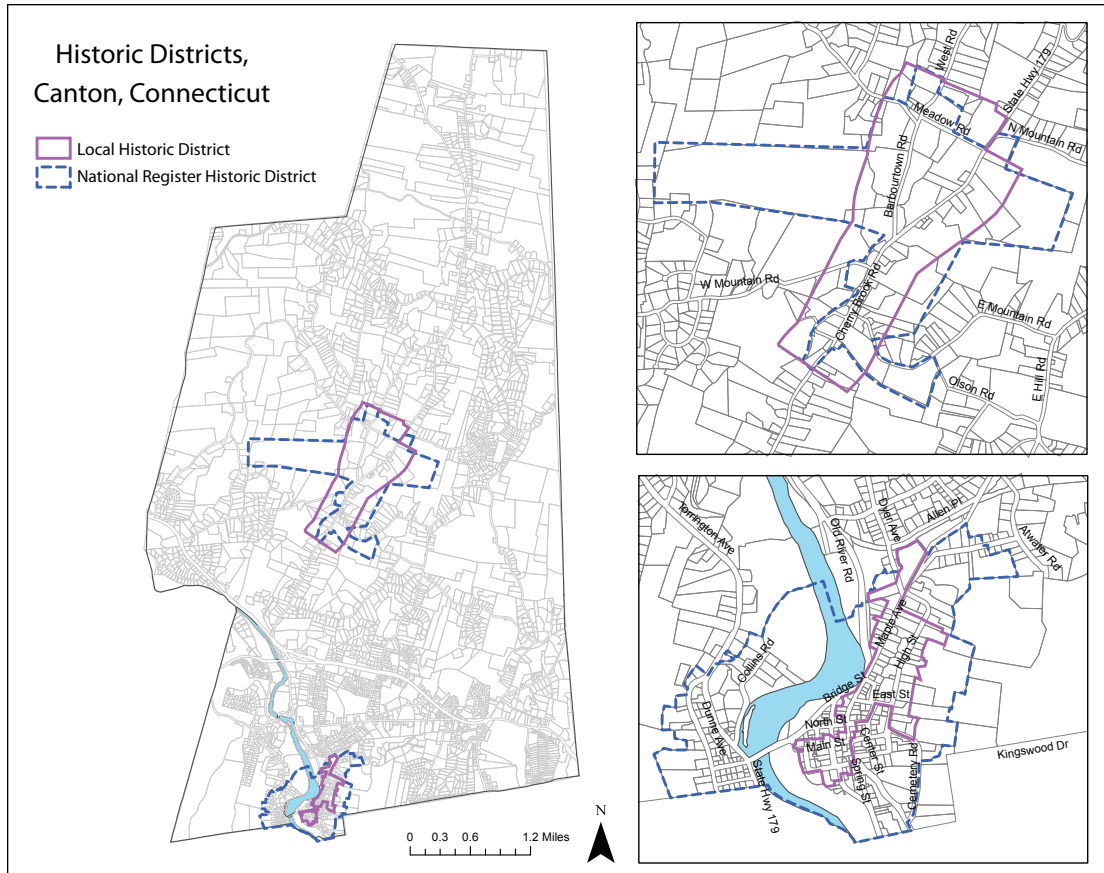
Latino: 2.6%

Asian: 2%

Median Household Income: \$86,912

Owner-occupied Housing Units: 3,394

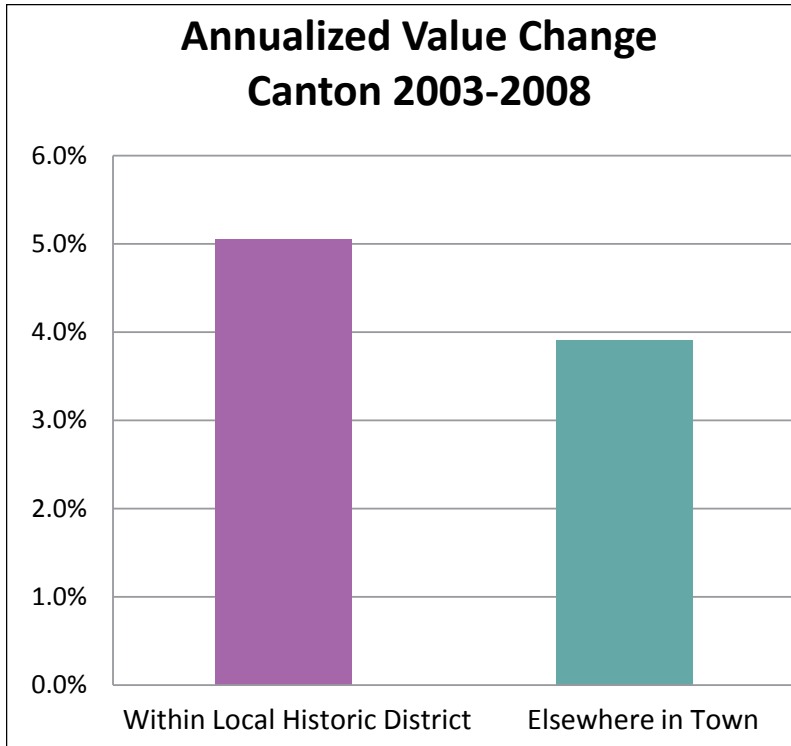
Renter-occupied Housing Units: 756



FINDINGS

The base comparison for each of the communities was the change in value on a square-foot-of-living-area basis between the two most recent revaluations by the local assessor. In the case of Canton those revaluations took place in 2003 and 2008. The annual rate of value change for single-family residences within the two local historic districts was compared with similar properties not within the districts. An average property within the local historic district increased in value 5.05% each year between the revaluations while properties not within the historic districts increased 3.91% per year.

Canton has a considerable number of houses built prior to the 20th century, some of which are included within one of the two local historic districts while others are not. When comparisons were made of these houses, it was found that the value of the historic district house was \$28,000 (8.8%) more, the value per square foot was



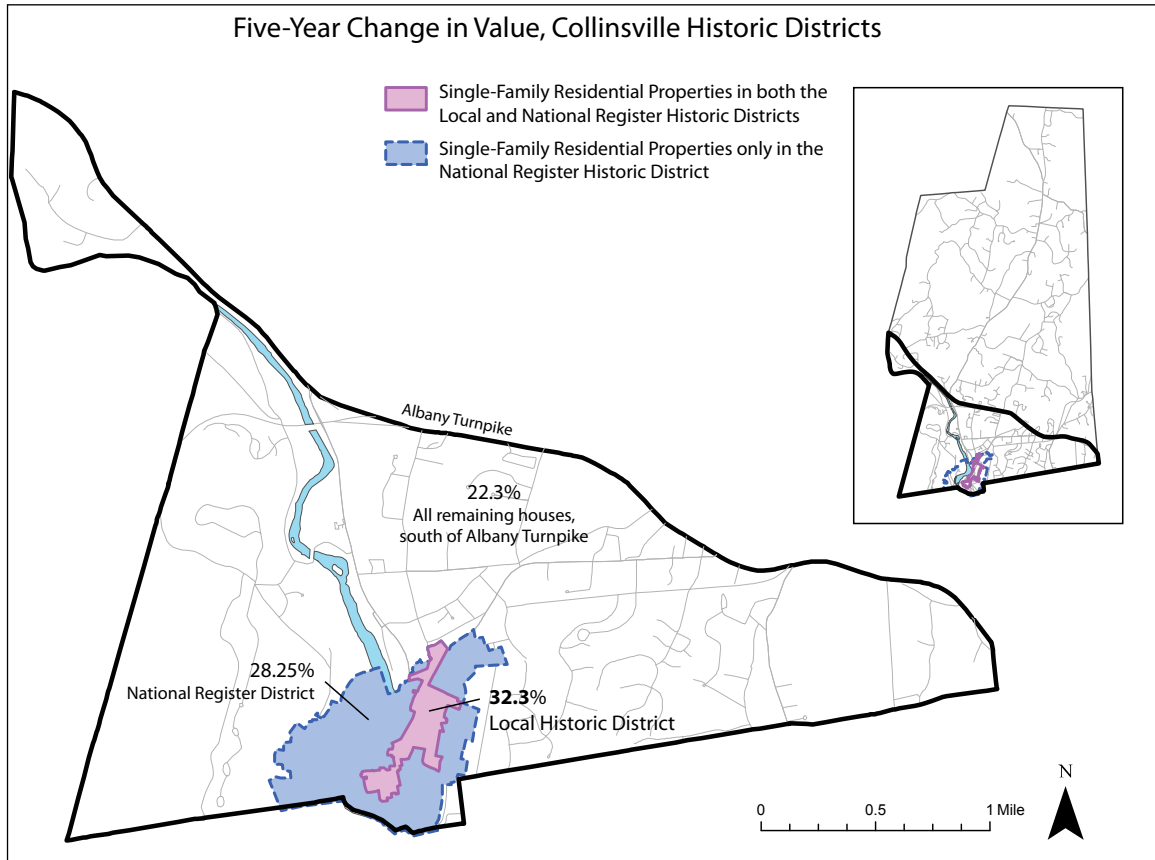
\$6.40 (4.2%) more, and the annual value change was approximately .6% higher.

These value comparisons were made with properties within the two local historic districts. However, Canton also has two National Register historic districts. Inclusion on the National Register does not place the same limitations on a property owner that local historic district/property designation does. Owners are free to make changes and alternations, although proposed demolitions of a property listed on the National Register can be challenged under CGS § 22a-15 to 22a-19a. It is only

in a local district that there is any review and approval process. As can be seen in the map on page 4, most properties that are in the local historic districts are also in National Register districts, but many National Register district buildings are not included in a local district and are, therefore, not subject to any design review and approval process.

This situation makes the Collinsville local historic district a particularly interesting example to evaluate. The entire local district is within the National Register district, but perhaps two-thirds of the National Register district is not included in the local district. And most of the area of Canton south of the Albany Turnpike is in

Pre-20 th -Century Homes in Canton			
	Value	Value/Square Foot	Annual Value Change ('03-'08)
Within Local Historic District	\$344,624	\$157.47	5.47%
Not Within Historic District	\$316,839	\$151.07	4.85%



neither district. So a comparison was made of the value changes in all three sectors: 1) within both the local and national district; 2) within the national district only; and 3) within neither historic district. The results can be seen in the map above: properties within the local district increased in value 32.3% over the five-year period between revaluations. Properties within the National Register district, but not within local oversight, increased by 28.25%. Finally properties in the neighborhood but in neither district increased 22.3%. What this appears to show, at least in this instance, is that around 70% of the value increase is attributable to overall market forces, 18% comes from the designation and recognition as a historic asset, and 12% is the share of value increase that local protections provide.

MILFORD



BACKGROUND

Founded in 1639, Milford is located along 17 miles of the Long Island Sound coastline between Bridgeport and New Haven and has strong connections to both cities. The town's main industries were shipbuilding, oystering and trade from the harbor. Milford was also home to numerous grist and saw mills. Milford's history is strongly tied to some of our nation's most significant historical figures and events, providing a resting place for George Washington and being part of the Underground Railroad. In the early 19th century, Milford became known as a popular beach resort for nearby New Haven and Bridgeport residents. During the early 1900s, the leather industry thrived with the making of boots, hats and shoes, while agricultural sectors, particularly apple harvesting, continued to influence the town's economy. However in the 1950s shopping centers began replacing Milford's farmlands. Today Milford is a growing town that has become a center of industry, home to the corporate headquarters of Subway, Schick and Bic (until 2008).

The majority of Milford retains its Colonial-era layout, though few Colonial homes remain in their original state. The Milford Historic District was established in 1976 and extends north of City Hall on either side of the Wepawaug River. It contains many stately homes, the earliest of which dates back to 1650. The South of the Green Historic District was created in 2007 as a collection of 18th- and 19th-century vernacular homes near the town's harbor. As of September 2011, a third local historic district in the Gulf Street area is under creation; the new district would protect approximately 400 historic homes.

STATISTICS

County: New Haven County

Local Historic Districts: 2

National Register Districts: 1

Population: 51,271

Median Age: 45

Ethnic Makeup:

White: 89%

African American: 2.6%

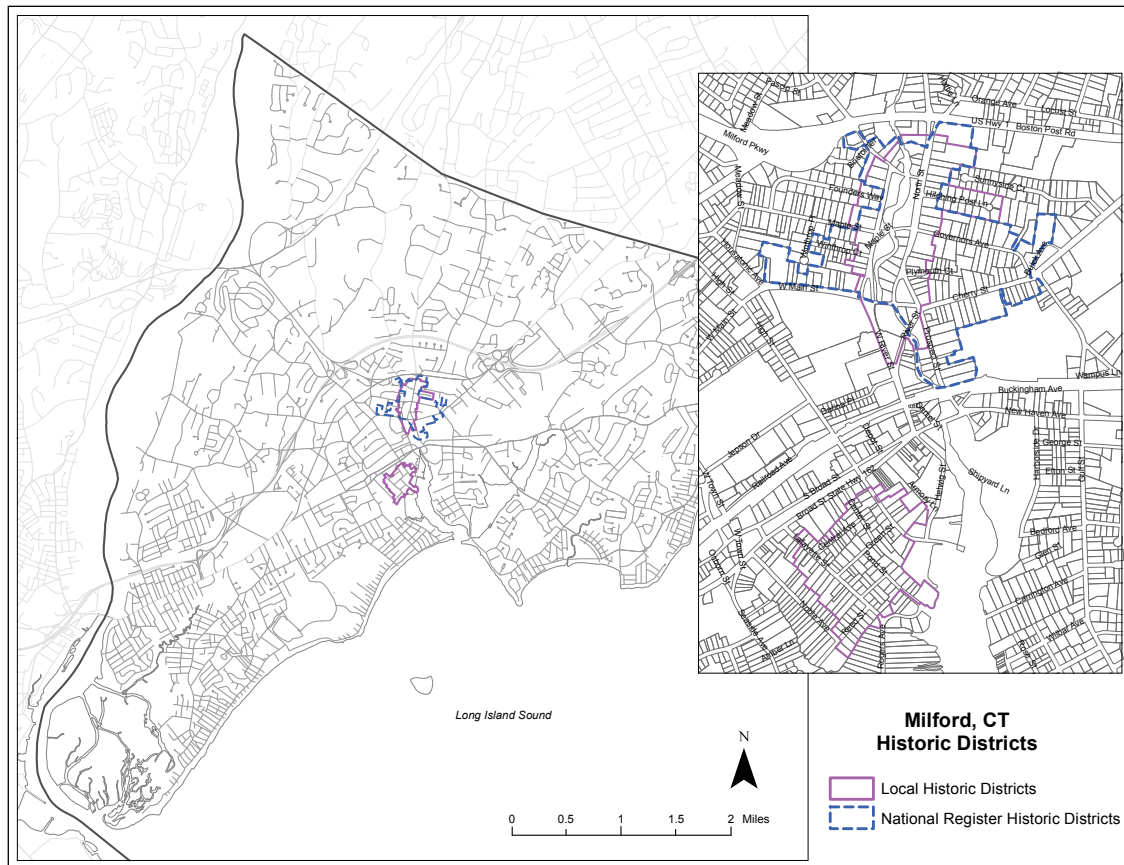
Latino: 5.3%

Asian: 5.5%

Median Household Income: \$75,995

Owner-occupied Housing Units: 16,054

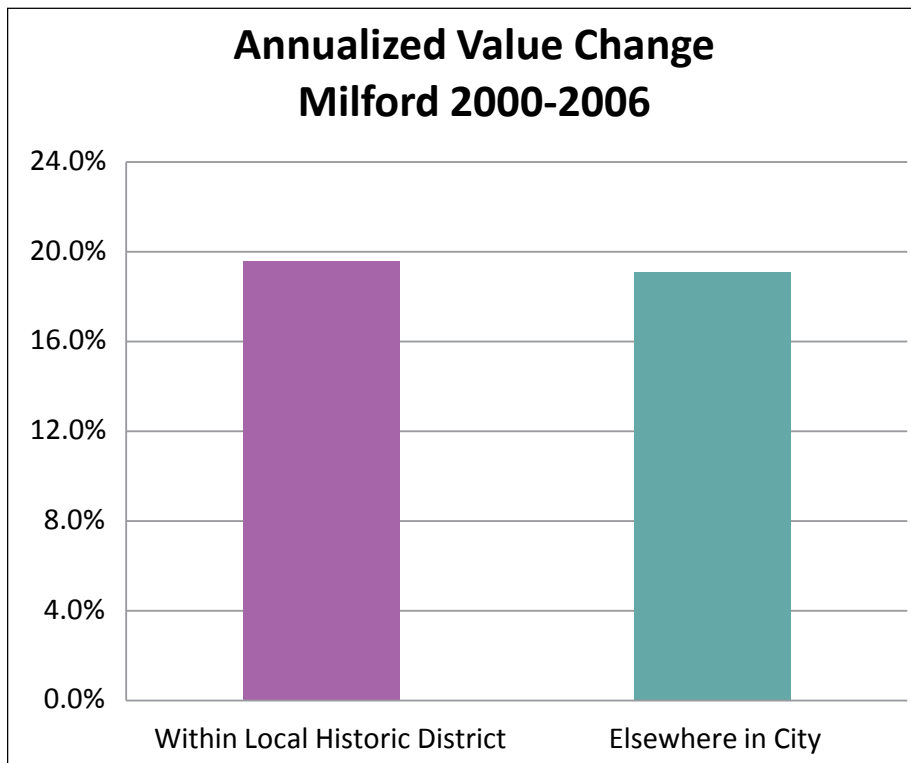
Renter-occupied Housing Units: 4,963



Although Milford has two local historic districts, only one – the Milford Historic District – was considered in this analysis. The reason is this: the second, the South of the Green District, was not established until 2007. The dates of the two revaluations (2000 and 2006) both predated the creation of the South of the Green District. Therefore it would be unreasonable to attribute any value changes in that neighborhood to the existence of a local historic district.

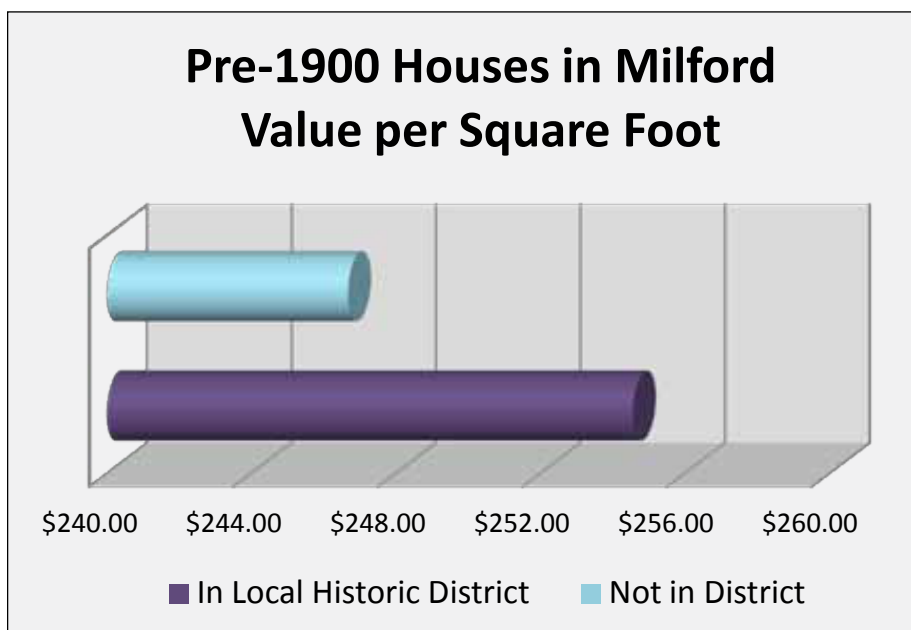
FINDINGS

The comparison between properties within the Milford Historic District and single-family residences elsewhere in the community showed a slightly greater increase in average value. The annualized increase was 19.57% per year as compared to 19.08% for houses not within the historic district. While that differ-



ence was slight, it was still positive and, because of relatively high property values in Milford, meant an additional increase in value of historic district properties in excess of \$3,000 per year on average.

Another factor accounting for this more-modest differential was first identified for the researchers by the local assessor, Daniel Thomas, and subsequently confirmed in evaluating the data. In the first half of the decade Milford experienced an exceptionally high demand for oceanfront properties, which appreciated at rates far exceeding the very aggressive property market overall. Since the Milford Historic District contains no oceanfront property, the value changes to the comparative properties were statistically affected by the very high rate of value increases of these high-demand houses. Over the



six-year period between revaluations the value increase for oceanfront properties averaged in excess of 25% per year. Much of this demand has proven to be extremely volatile and would likely be moderated if the timeframe were extended.

When the comparison is made on more directly comparable historic houses – those built prior to the 20th century – the impact of being in a local historic district becomes more apparent. When oceanfront properties are excluded, houses constructed before 1900 and within the local historic district averaged about 1% more each year in value increase and were worth around \$8 per square foot more than like houses not in the historic district. In the case of Milford, it is both the quality of the historic neighborhood and the confidence that there is less likelihood of significant adverse changes that create this historic district value premium of slightly more than 3%.

WINDSOR



BACKGROUND

Located approximately 8 miles north of Hartford, Windsor is a commuter community with close ties to the capital. Founded in 1633 by settlers from Plymouth, Massachusetts, the town has the distinction of being one of Connecticut's first settlement. The First Church of Windsor, located at the center of the palisade, was founded around the same time and is the oldest Congregational church in Connecticut and among the oldest in the US. Between the 17th and 19th centuries, the town's primary industries included tobacco farming, brick making and paper making. Windsor's location along the Farmington River also fostered the growth of commercial shipping in the late 18th century, with local businessmen importing and exporting agricultural goods to the Caribbean and importing sugar and molasses. Today Windsor is composed of its historic core and outlying corporate areas that are headquarters for various industrial companies.

The Palisado Historic District, created in 1963, is north of the town center and generally runs 250 feet from either side of Palisado Avenue, between the Farmington River and Bissell's Ferry Road. It is a well-marked, primarily residential district, with examples of vernacular 18th- and 19th-century homes that are connected to the town's first settlers. Many of these houses were built by sea captains and other successful businessmen.

FINDINGS

When the change of value for properties within Windsor's local historic district are compared with residential properties elsewhere, the result is consistent with what has been found in most other places. The

STATISTICS

County: Hartford County

Local Historic Districts: 1

National Register Districts: 2

Population: 29,044

Median Age: 41

Ethnic Makeup:

White: 54%

African American: 34%

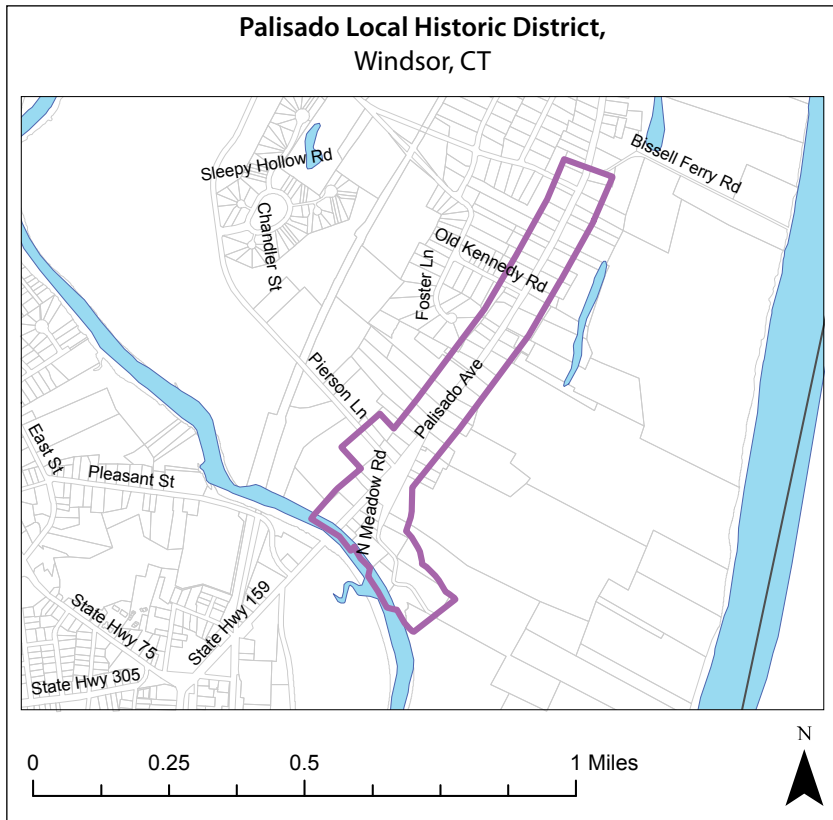
Latino: 5%

Asian: 3%

Median Household Income: \$79,294

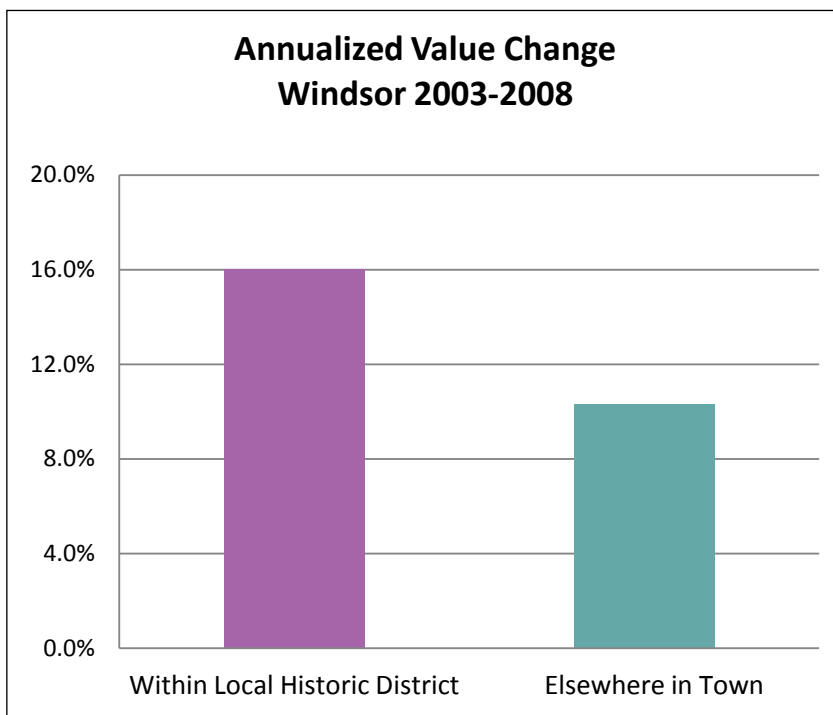
Owner-occupied Housing Units: 8,886

Renter-occupied Housing Units: 1,866

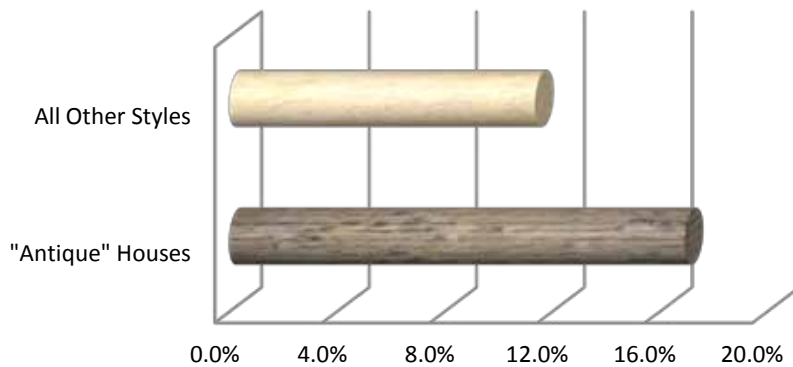


annual value change between 2003 and 2008 was 16.04% per year in the Palisado Historic District as compared to 10.33% in the rest of Windsor.

The historic charm of Windsor is obviously why many people choose to live there. And homes considered "antique" houses are in high demand. This is reflected in the annual increase in value of that type of dwelling. Over the five-year period the value growth of "antique" houses was 16.9% versus 11.4% for all other styles.



Annualized Value Change by Style Windsor



But in Windsor, not all antique houses are in a local historic district. Is there a premium attached to houses that are not only antique but also in a neighborhood protected by a local historic district? In Windsor the answer is decidedly yes. Antique houses in a local historic district are worth, on average, \$30,000 more than antique houses found elsewhere in the community. On a square-foot basis the premium paid for a house in a historic district is about 4.5%.

Average Value "Antique" Houses in Windsor



NORWICH



BACKGROUND

Norwich was founded in 1659 along the Norwich Harbor, which is formed by the convergence of the Yantic, Shetucket and Quinebaug Rivers. In the late 18th and early 19th centuries, Norwich grew into a thriving mill town and prosperous shipping center, with successful paper and textile companies. The arrival of the railroad solidified the town's connection to New York City and other major commercial cities on the east coast. In the 19th and 20th centuries, Norwich's manufacturing industries continued to prosper, expanding to include firearms, clock-making, furniture-making, foundries and Thermos bottles. It is also rumored that in 1860, Abraham Lincoln stayed at the Wauregan Hotel, now rehabilitated as mixed residential and commercial spaces. In the 1940s, several of the surrounding mill and factory villages were consolidated into modern-day Norwich. There are numerous remnants of Norwich's prosperous past scattered throughout the city's various neighborhoods and villages, ranging from grand homes to smaller farmhouses.

Norwichtown Historic District, created in 1967, is composed of the town's original Green and first settlement, represented by a collection of large 18th-century homes. The district boundaries are irregular. Little Plains Historic District, created in 1970, is on the border of downtown Norwich and includes a variety of late 18th- and 19th-century homes. Similar to the Norwichtown Historic District, the majority of buildings in Little Plains are remnants of Norwich's prosperous shipping and manufacturing past.

STATISTICS

County: New London County

Local Historic Districts: 2

National Register Districts: 12

Population: 40,493

Median Age: 38

Ethnic Makeup:

White: 70%

African American: 10%

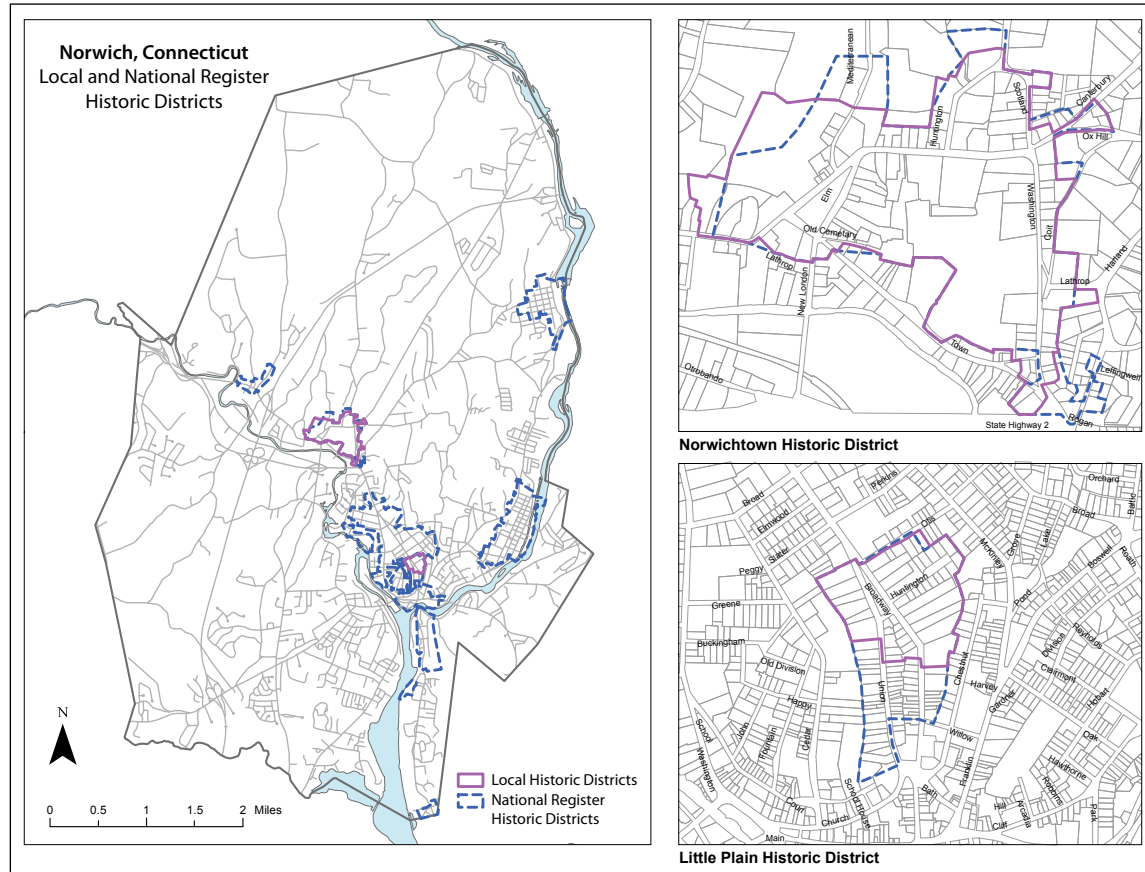
Latino: 13%

Asian: 8%

Median Household Income: \$50,381

Owner-occupied Housing Units: 8,614

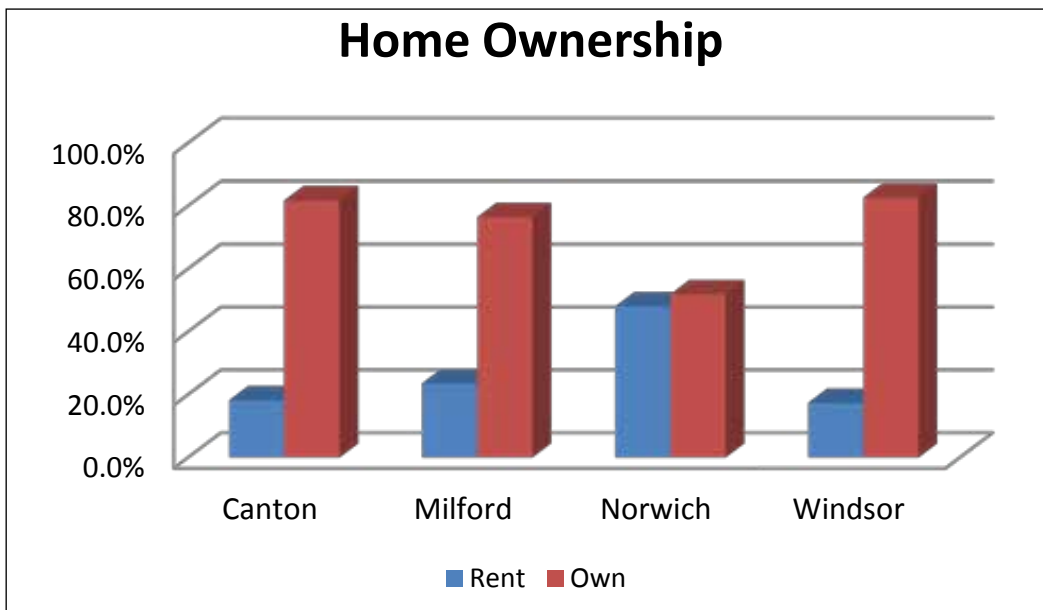
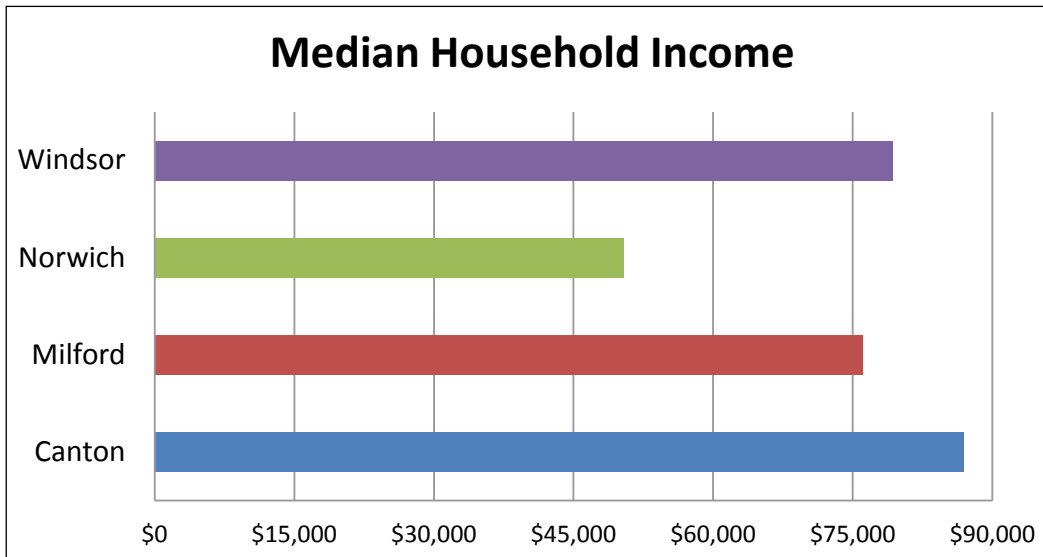
Renter-occupied Housing Units: 7,985



FINDINGS

Norwich was chosen as a case study to answer slightly different questions than the others, specifically:

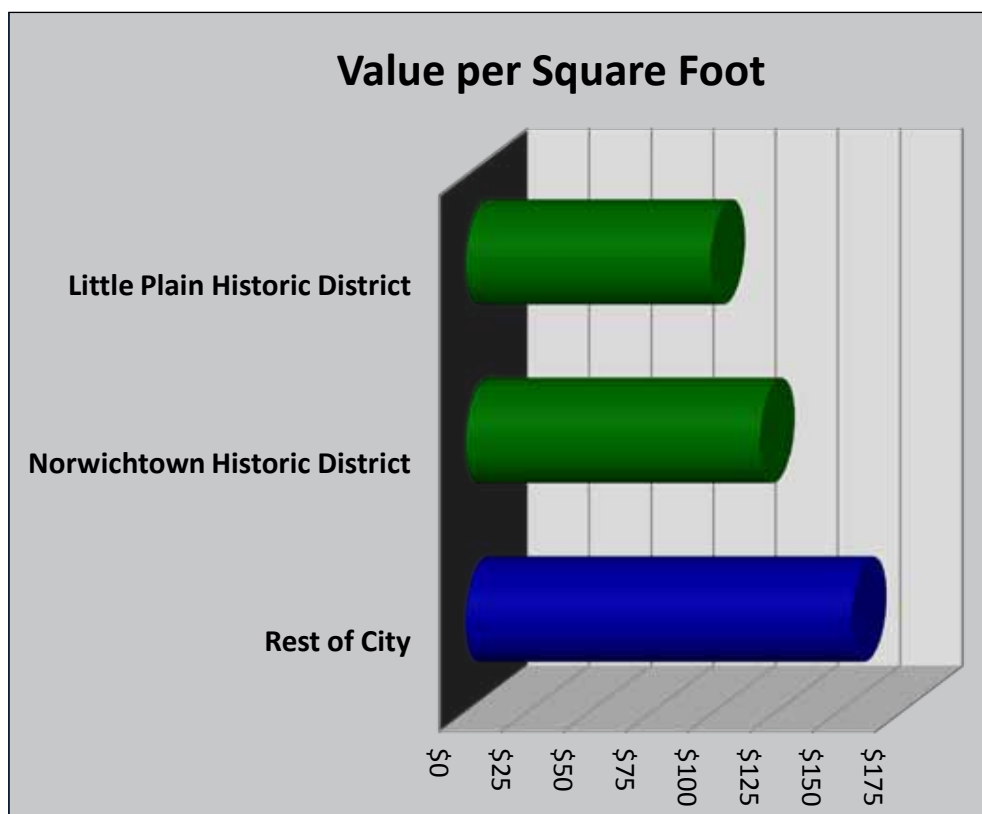
- Can historic neighborhoods provide affordable housing in less economically prosperous communities?
- In times of economic downturns, how do houses in local historic districts fare?
- What is the effect on single-family property values where they are within districts with sizable numbers of commercial and multi-family properties?



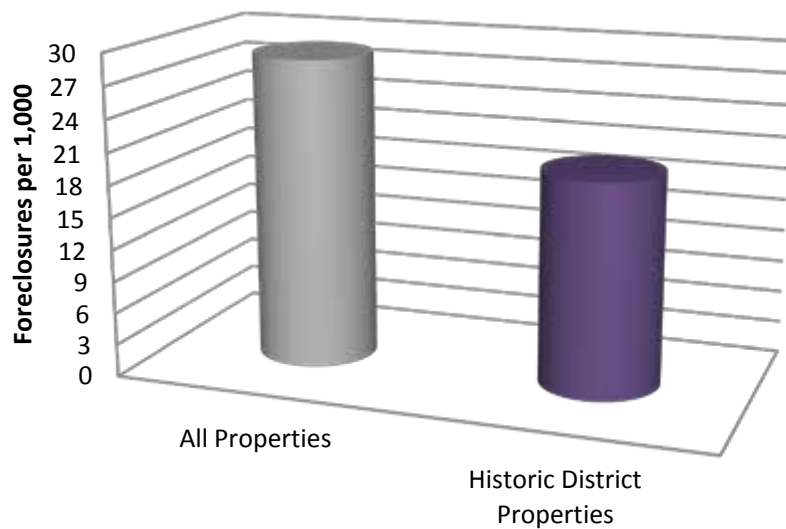
In Norwich simple economics certainly play a role. Two significant indicators – household income and rates of home ownership – are decidedly different in Norwich than in the other three communities studied. While the median household income in Canton, Milford and Windsor ranges between \$75,000 and \$85,000 per year, in Norwich it is \$50,000.

Rate of home ownership is another significant difference. Nationally around 65% of all households own their own homes. That rate is exceeded in Canton, Milford and Windsor where, combined, the rate of home ownership exceeds 80%. In Norwich, by contrast, the rate of home ownership is just over half.

It can certainly be argued that in a city with economic challenges, providing affordable housing ought to be a public policy priority. Local historic districts in Norwich are helping to meet that need. Historic houses in historic neighborhoods are providing not poor quality housing, but value-for-money housing. The square-foot value of the average house in the Little Plain Historic District is a third less than the average in the rest of Norwich. In the Norwichtown Historic District per-foot values are \$35 per square foot less than the citywide average.



Foreclosures per 1,000 Properties Norwich 2008-2011



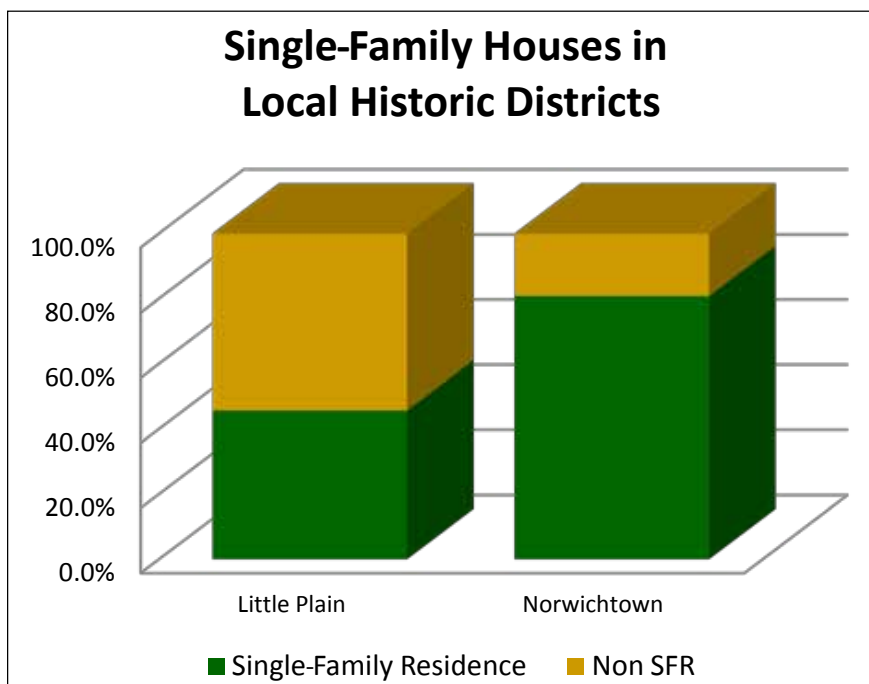
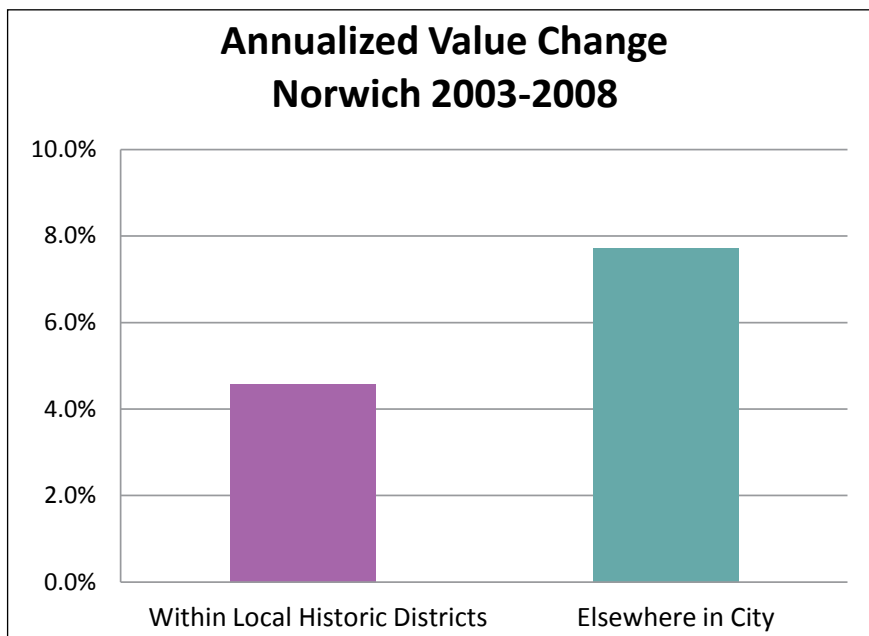
While historic neighborhoods are often criticized as being enclaves of affluence, in Norwich, historic districts have the distinction of providing a diverse economic population access to reasonably priced, quality real estate.

In economic downturns foreclosures are a major concern, particularly in communities of households with more modest incomes. Norwich has certainly seen foreclosures in recent years. But in spite of the economic challenges in Norwich, the foreclosure rate for houses within the local historic districts

(19.9 per 1,000 properties) is significantly less than for the city as a whole (28.9 per 1,000).

Norwich is the only one of the four communities studied where the rate of value change in the local historic districts was less than single-family houses elsewhere in the community. Over the five-year period between revaluations, single-family houses in the Norwichtown Historic District saw value increases of 4.09% per year and the Little Plain Historic District 6.64% per year while single-family houses elsewhere in Norwich experienced annual increases of 7.73% per year. The rate for the two local districts combined is 4.58% annually. The local historic district properties certainly increased in value, but at a rate less than elsewhere in the community.

Why is Norwich an exception to the pattern evidenced in all the other communities? The answer may lie in the character of the neighborhoods themselves. This study particularly focused on the impact of local historic districts on the property values of single-family residences. While a certain degree of mixed use can have a positive effect on residential property values, when high percentages of the nearby properties are multi-



family residential and/or commercial, this can have a dampening effect on values. This may be the case in Norwich.

While in Norwichtown around 80% of all properties are still single-family residential, in Little Plain well over half are either multifamily residential or commercial. The commercial and multifamily properties in Little Plain saw value increases greater than the citywide average.

So what are the lessons from Norwich? Local historic districts are providing affordable housing in a community with modest incomes. Homes in local historic districts are less likely to have faced foreclosure than elsewhere in the city. And property values have increased in spite of the challenge of the immediate proximity of commercial and multi-family buildings.

Conclusion

The findings from this analysis were both consistent and convincing. Not only do local historic districts not reduce property values, but in most cases provide a “historic premium” to the houses within the district. Why is that the case? It is sometimes suggested that an additional layer of regulation (which, in fact, historic district commissions enact) must have an adverse impact on values. But this study and others before it amply demonstrate that this is not the case.

In some cases sophisticated buyers may consciously pay more simply due to having the confidence that the character of the neighborhood they are buying into will not be subject to dramatic, adverse changes because there is a public body that reviews and then approves or denies proposals.

In March 2011 the National Association of Realtors released its *Community Preference Survey*, a comprehensive analysis of why people make the housing choice they make. One of the more interesting findings was that while 12% said the size of the house was most important, 88% said that the neighborhood within which the house is located is more important. What local historic districts do is maintain the character and quality of the neighborhood – the major reason people bought there to begin with. So individual buyers may not even know that a historic district commission exists, but the evidence of the commission’s work is all around them.

The individual lessons learned from each of the communities are found in their respective sections. But two important findings emerged from looking at the data in total – one good and one a cause for concern.

For the last four years the United States has been in a recession in residential real estate, whether economists call it that or not. As a result, from an analytical perspective, looking at property value issues is problematic. There are far fewer sales than in typical years and many of the sales that do take place are not a reflection of the “fair market value” standard that a researcher would look for.

So as a substitute for current sales, we looked at foreclosure patterns in each of the communities, and the results were revealing. The rate of foreclosures in local historic districts was half that of neighborhoods that were not historic districts. This is not a statistical fluke. It is not that there were no homeowners in historic districts who faced financial difficulties. Rather it appears that the downside volatility in historic districts was less than in the community at large, therefore homeowners in financial trouble could sell their property prior to reaching the foreclosure process.

Foreclosures per 1,000 Properties		
	Overall	In Local Historic Districts
Canton	10.0	6.4
Milford	14.7	0.0
Norwich	28.9	19.9
Windsor	17.7	16.1
Total	19.70	9.96

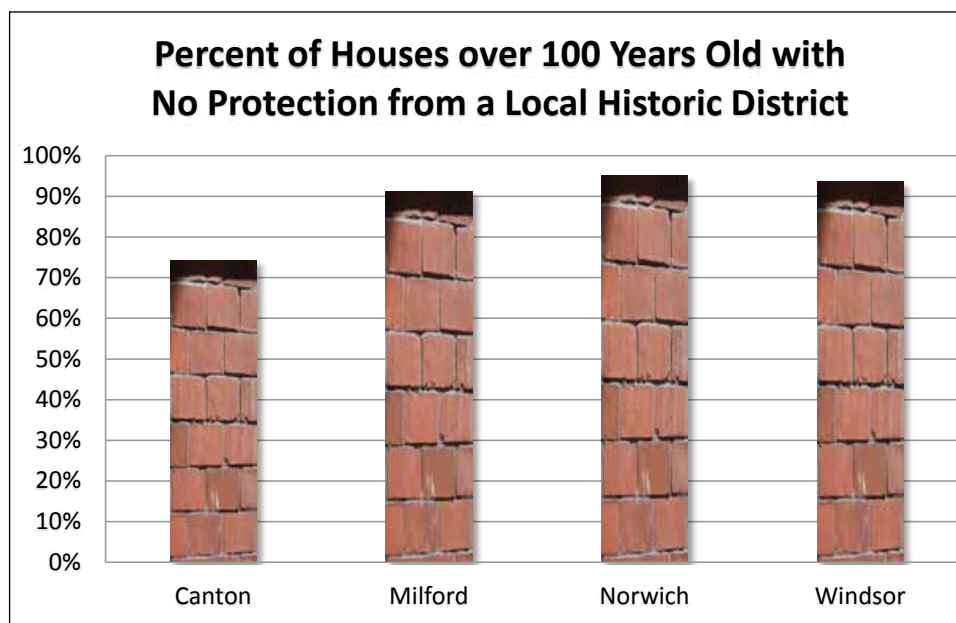
While the foreclosure story is a good one, there's another finding that, if not bad, is at least cause for concern. Because of its long history and generations of stewardship, Connecticut has an abundance of historic buildings. These structures have served the citizens of Connecticut for generations and can do so for years into the future. As is demonstrated throughout this report, establishing local historic districts is perhaps the most effective means of assuring the future of historic buildings.

But even in these four towns and cities rich in built heritage, the vast majority of historic buildings have no protection whatsoever. Even limiting the concern to houses more than a century old, in the four communities studied, between 75% and 95% of these properties are outside the boundaries of local historic districts.

It isn't that every one of these houses can, or even should, be preserved forever. But unless and until more communities take advantage of the state enabling statute to identify and designate local historic district

and properties, much of the architectural wealth of Connecticut remains at risk.

Local historic districts have proven their worth, socially, culturally and economically. But if the historic resources of Connecticut are to be available for tomorrow's citizens, the work of those historic district commissions has only just begun.



Methodology

This study was conducted using as the primary database the property tax records of the four communities – Canton, Milford, Norwich and Windsor. In three of the cases the property record database was provided in electronic form by the local assessors. In each case this included both the most recent revaluation and the revaluation five (and in one case six) years earlier. In one instance electronic data was not available so we entered the pertinent information from printed records. All of the data was consolidated into Excel spreadsheets which could then be sorted for any particular analysis.

At the beginning of this project it was decided by the client and the researchers that there would be a relatively straightforward analysis done consistently in all four locations. This process was as follows:

1. Calculate the total change in value from the first revaluation to the second for every single-family residential property in each of the communities.
2. Convert that dollar amount to a percentage.
3. Annualize the percentage.
4. Sort all of the properties as being either in or out of local historic districts.
5. Compare the average value change of properties within the local historic districts to properties not within the historic districts.

A major reason for this approach was that the client (Connecticut Trust for Historic Preservation) wanted a methodology that could be employed locally by communities that were not part of this study, using an approach that could be done periodically without the necessity of complex mathematical modeling and without needing to hire outside consultants.

From an analytical standpoint, however, this was also a useful approach for several reasons:

1. The data is a composite of all properties.
2. The high level of competence and expertise of Connecticut assessors meant that the data was reliable.
3. By their nature these appraised values are a reflection of the aggregated preferences of individual buyers and sellers.

4. While no doubt there are occasionally erroneous valuations included in the records, the sheer number of data points minimizes the skewing potential for those errors.
5. This approach greatly diminishes the “small sample error” problem that often occurs when property value analysis is done solely on sales transactions.
6. This approach mitigates the problems of using sales data alone, which are exacerbated because of an unprecedented volatility of real estate prices over the last decade.

After doing the base analysis for each community, the researchers looked at the data from each location that could tell an interesting “story” about the relationship between historic districts and property values. Again it was the assessment data upon which these secondary analyses were based.

Finally for the foreclosure analysis we purchased a database of foreclosures in the four cities from Realty-Trac (www.realtytrac.com), a private firm that maintains the most comprehensive foreclosure base in the country. The period of the foreclosures was from January 2008 through July 2011.

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Milford

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Milford Preservation Trust
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Connecticut Trust for Historic
Preservation

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Visit the **Connecticut Trust website for local historic districts** at www.historicdistrictsct.org or www.lhdct.org and the **CT Trust website for town greens** at www.towngreens.com

About the Authors

The report was prepared and written by Donovan D. Rypkema and Caroline Cheong. Rypkema is principal of PlaceEconomics, a Washington D.C.-based real estate and economic development consulting firm. He is the author of *The Economics of Historic Preservation: A Community Leader's Guide* and an adjunct professor in the Historic Preservation Program at the University of Pennsylvania. Cheong is Director of Research at PlaceEconomics. She holds a master's degree in historic preservation from the University of Pennsylvania, and an undergraduate degree in anthropology from the University of Chicago. She recently held a one-year research appointment at the Getty Conservation Institute in Los Angeles. Field research and data gathering was conducted by Kim Broadbent and Kevin McMahon. Both are recent graduates of the Historic Preservation Program at the University of Pennsylvania and are currently employed in the preservation field in Philadelphia.

The report was designed by Kim Broadbent.





CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: December 18, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Continuation of Public Hearing to adopt a local law to amend Chapter 197 Article IV "Use Regulations" and Article VI "Appeals" to establish regulations regarding outdoor fire pits and outdoor kitchens.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER 197
SECTION

RECOMMENDATION: That the Council hold a Public Hearing to amend Chapter 197 of the City Code.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: A proposal has been put forward to amend changes to the Board of Architectural review process to amend the local law to add regulations regarding outdoor fire pits/kitchens

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. ____ 2013

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

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

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

§ 197-9. Accessory uses.

A. Residence districts.

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

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

Section 2: Severability.

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

Section 3: Effective date.

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



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: December 18, 2013

CONTACT: Scott Pickup, City Manager

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

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER 197
SECTION 1, 43.2

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Concerns were expressed to the City Council that some new residential construction is considered potentially out of scale in size, height, and or bulk. The City Planner drafted changes to Rye Local Law to address some of the bulk and height concerns associated with residential attics and provide greater consistency between the requirements of the City Zoning Code and the New York State Building Code. A workshop was held on November 19, 2013 to review the proposed changes.

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

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CITY OF RYE
Department of Planning

Memorandum

To: Scott Pickup, City Manager

From: Christian K. Miller, AICP, City Planner

cc: Rye City Planning Commission
Kristen K. Wilson, Esq., Corporation Counsel

Date: November 27, 2013

Subject: **Revised Draft Local Law Address House Scale Concerns**

Attached hereto for the City Council's consideration is a revised draft local law amending the City Zoning Code modifying the definition of "Story, Half" and changing how attic space is included in the calculation of gross floor area of a residence. The attached local law was revised based on the comments raised at the November 19, 2013 public workshop requested by the City Council.

At the workshop there was considerable discussion regarding how and whether the revised law should apply to all properties or just new residential construction. The attached revised law strikes a balance between those differing points of view. As with the existing attic law, it applies to all properties but is less aggressive than the previous proposal in terms of how much floor area is counted in attics. The revised draft essentially preserves all elements of the existing attic law, but closes the collar tie "loophole" by requiring that the attic headroom dimension be measured from the attic floor to the bottom of the roof rafter. This was the intent of the original law and it would seem counter-productive to essentially exempt properties that took advantage of this loophole since the 2003 zoning changes from the proposed law.

In addition, the measured headroom height has been reduced from 7' 6" to 7' to be consistent with the minimum required headroom dimensions for habitable space under the New York State Building Code. As with the existing law all attic space meeting the specified dimensional criteria is counted at 50%, not 100% as with the previous proposal. The revised law (as with the existing law) does not require attic dormers to be included in the calculation of gross floor area for a residence.

D R A F T

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

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

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

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

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

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

B. Attics. Fifty (50) percent of the attic floor area shall be counted in the computation of gross floor area ~~only~~ where the headroom height measured from the finished or unfinished attic floor to the bottom of the roof rafters exceeds seven (7) feet, six inches and the distance between existing or theoretical five-foot-high knee walls exceeds seven (7) feet.

Section 3. Severability

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

Section 4. Effective Date

This Local Law shall take effect ~~immediately~~ eight (8) months upon its adoption and filing with the Secretary of State.

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



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: December 18, 2013

CONTACT: Councilwoman Catherine Parker

AGENDA ITEM: Presentation by the Playland Advisory Committee on the Sustainable Playland Inc. meeting held on December 11, 2013.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

A presentation will be made by the Playland Advisory Committee on the informational meeting held by Sustainable Playland Inc. at the Rye Free Reading Room on December 11, 2013.

The meeting was recorded by RTV and is available on the Public Channel (Cablevision 76 or Verizon 33) and on demand on the RTV website at www.ryetv.org.



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: December 18, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Resolution to establish the Whitby Castle Committee to oversee the response and negotiations for the Rye Golf Club's RFP for the operation of Whitby Castle.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood Other:

BACKGROUND: A recommendation has been put forward to establish a seven member temporary Committee which would spearhead the response and subsequent negotiations with potential Food & Beverage vendors who have responded to the Rye Golf Club's RFP for Whitby Castle.

The Whitby Castle Committee will be comprised of seven members:

Three (3) members of the Rye Golf Club Commission

Two (2) members of the Rye City Council

Two (2) members of the Rye Golf Club Strategic Committee

**RESOLUTION OF THE CITY OF RYE
ESTABLISHING THE WHITBY CASTLE COMMITTEE
TO OVERSEE THE RESPONSE AND NEGOTIATIONS TO THE
RYE GOLF CLUB'S RFP FOR THE OPERATION OF WHITBY CASTLE**

WHEREAS, the Rye City Council has decided to appoint an independent, seven-member temporary Committee to oversee the response and negotiations to the Request for Proposal (RFP) on operating the restaurant and catering facility at Whitby Castle; and

WHEREAS, the Committee will evaluate the responses received from the Food & Beverage vendors who have responded to the RFP; and

WHEREAS, it is expected that the Committee will report back to the City Manager, City Council, and Rye Golf Club Commission with their recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Whitby Castle Committee to oversee the response and negotiations to the RFP for the operation of Whitby Castle is hereby established; and be it further

RESOLVED, that the Committee shall be comprised of seven members: three (3) members of the Rye Golf Club Commission, two (2) members of the Rye City Council, and two (2) members of the Rye Golf Club Strategic Committee; and be it further

RESOLVED, that the Committee is temporary in nature and shall function and report to the Council independently; and be it further

RESOLVED, that the members of the Whitby Castle Committee shall be appointed by the Mayor with approval of the City Council.



CITY COUNCIL AGENDA

NO. 16

DEPT.: Mayor

DATE: December 18, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Consideration to amend the Resolution to televise all City Council meetings to include Land Use and Enterprise Fund meetings of the City of Rye.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council update the City protocol for filming public meetings.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: A resolution was passed by the City Council at their September 16, 2009 meeting to televise all Rye City Council meetings including regular meetings, workshops, and special meetings of the City Council, excluding executive sessions, subject to staff availability. Proposed changes to the resolution include:

- Meetings to be filmed will be held at City Hall in Council Chambers
- Meetings of all Land Use Boards and Committees would be filmed including:
 - Board of Appeals
 - Board of Architectural Review
 - Conservation Commission/Advisory Council
 - Planning Commission
- Meetings of all Enterprise Fund Committees would be filmed including:
 - Boat Basin Commission
 - Rye Golf Club Commission

See attached original and revised Resolutions.

APPROVED MINUTES of the
Regular Meeting of the City Council of the
City of Rye held in City Hall on September
16, 2009 at 8:00 P.M.

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

WHEREAS, All of the “regular” public meetings of the Rye City Council have always been televised on the Rye City government access cable television channel (“Rye TV”) since that practice was adopted, now, therefore,

BE IT RESOLVED it will be the policy of the City Council all regular meetings, workshops, and special meetings of the City Council, excluding executive sessions, will be televised live on RCTV and be recorded for subsequent rebroadcast on RCTV , and for streaming on the Rye City website and;

BE IT FURTHER RESOLVED, that, consistent with past practice, the staffing for broadcasting meetings will be determined by the City Manager subject to staff availability, and;

BE IT FURTHER RESOLVED, when staff is not available, the meetings will be audio taped and made available to the public through the same media as video recorded meetings.

ROLL CALL

AYES: Mayor Otis, Councilmembers Ball, Gamache, Parker, Pratt and Sack
NAYS: None
ABSENT Councilman Cunningham

RESOLUTION TO TELEWISE PUBLIC MEETINGS

WHEREAS, the City's Cable Committee in 1997 established and funded cameras to be installed in City Council Chambers, and;

WHEREAS, All of the "regular" public meetings of the Rye City Council have always been televised on the Rye City government access cable television channel ("Rye TV") since that practice was adopted, and;

WHEREAS, the practice has enabled residents to be better informed and to more actively participate in its government, and;

WHEREAS, the recording of meetings allows for both a digital historical record as well as convenient access for residents to view via the Internet at any time, and;

WHEREAS, surrounding local municipalities have since adopted such a practice of televising and even extended the policy to include all Boards and Commissions, now therefore;

BE IT RESOLVED it will be the policy of the City Council that all publicly noticed, meetings of the City of Rye City Council, Land Use and Enterprise Fund Boards and Commissions, will be held in City Council Chambers and will be televised live on RTV, excluding executive sessions that deal with personnel, real estate or litigation matters, and be recorded for subsequent rebroadcast on RTV, and for streaming on the Rye City website and;

BE IT FURTHER RESOLVED, that, consistent with past practice, the staffing for broadcasting meetings will be determined by the City Manager subject to staff availability, and;

BE IT FURTHER RESOLVED, when staff is not available, the meetings will be audio taped and made available to the public through the same media as video recorded meetings.

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CITY COUNCIL AGENDA

NO. 17

DEPT.: Finance

DATE: December 18, 2013

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

FOR THE MEETING OF:

December 18, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council adopt the following resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2013 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: While at the fund level total actual expenditures do not exceed the total budgeted amount, there may be several detailed budget lines that show various over and under expended amounts. Funds that are not encumbered or reserved for a specific expense will be moved to Fund Balance from individual financial lines. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.



CITY COUNCIL AGENDA

NO. 18

DEPT.: Finance

DATE: December 18, 2013

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution to authorize participation in Westchester County contracts.

FOR THE MEETING OF:
December 18, 2013

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City of Rye participates in contracts awarded by the County of Westchester. The County of Westchester requires a resolution of our governing board for our continued participation in County purchase contracts.



CITY COUNCIL AGENDA

NO. 19 DEPT.: City Manager's Office DATE: December 18, 2013
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2014.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council approve the following resolution:

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2014.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2013, the contribution was in the amount of \$1,110,000. The enclosed agreement for FY 2014 includes an appropriation of \$1,170,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

THIS AGREEMENT, made as of the ____ day of December, 2013, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.

2. The party of the second part does hereby agree that the Rye Free Reading Room will make all best efforts to offer service to the public a minimum of 43.5 hours in the winter and 43.5 hours in the summer. The Library will make all best efforts to ensure that within its hours of operation that Saturday is open. In addition, the Rye Free Reading Room will guarantee that they will be open for "special events" in accordance with the policies and procedures of the library as they occur throughout the year.

3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million One Hundred Seventy Thousand Dollars (\$1,170,000) to the party of the second part during the calendar year: Five Hundred Eighty Five Thousand Dollars (\$585,000) to be paid in January, and Five Hundred Eighty Five Thousand Dollars (\$585,000) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2014, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2014.

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

CITY OF RYE

By _____
Mayor

RYE FREE READING ROOM

By _____
President

Attest:

City Clerk



CITY COUNCIL AGENDA

NO. 20

DEPT.: City Council

DATE: December 18, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Resolution authorizing contractual updates for the City Manager's 2010 employment agreement.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council amend the City Manager's 2010 employment agreement.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Amendments to the 2010 employment agreement include:

- 3% non-pensionable bonus for 2012
- 3% non-pensionable bonus for 2013
- Vacation buy back of 5 vacation days effective 12/24/13 to maintain compliance with existing APG carryover maximum of 36 vacation days
- Formal performance evaluation completed in April 2014; if existing contractual relationship is not pursued after formal evaluation, but no later than 5/1/14, the currently required notice provisions for 90 days prior to separation from service will initiate
- In addition to accumulated vacation and personal time pay outs, the City will extend service credit for 100 unused, unpaid sick days
- The City will also extend payment for 35 unused sick days (current employee balance of 1022 hours of accumulated sick time as of 12/5/13)

See attached 2010 Agreement.

EMPLOYMENT AGREEMENT

THIS AGREEMENT made and entered into this 1st day of July, 2010, by and between the CITY OF RYE , a municipal corporation organized under and governed by the laws of the State of New York (hereinafter called the "City") and SCOTT D. PICKUP (hereinafter referred to as "Mr. Pickup), both of whom agree and understand as follows:

WITNESSETH:

WHEREAS, the City desires to employ the services of Mr. Pickup as City Manager of the City of Rye; and

WHEREAS, it is the desire of the City Council of the City of Rye (hereinafter referred to as the "City Council") and Mr. Pickup to establish in writing the terms and conditions of Mr. Pickup's employment as City Manager; and

WHEREAS, Mr. Pickup desires to accept employment as City Manager of the City of Rye in accordance with the terms and conditions set forth in this Agreement;

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1: Duties

The City hereby agrees to employ Mr. Pickup as City Manager of the City to perform the functions and duties specified in the Charter of the City of Rye (hereinafter referred to as the "City Charter") and the City Code of the City of Rye, and to perform other legally permissible duties and functions as the Council and/or Mayor shall assign to him.

Section 2: Employment

- A. This Agreement shall be effective July 1, 2010.
- B. Mr. Pickup agrees to remain in the exclusive employ of City, and he shall not accept employment nor to be employed by any employer other than the City or act as an independent contractor for any employer or entity while employed as the City Manager of the City.
- C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the City Council terminating the services of Mr. Pickup at any time, subject only to Section 3, paragraph A of this Agreement and Article 8 of the City Charter.
- D. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Mr. Pickup to resign at any time from his position with the City,

subject only to Section 3.B of this Agreement.

Section 3: Termination and Severance Pay

- A. In the event Mr. Pickup is terminated for any reason, other than conviction of a crime, the City agrees to pay Mr. Pickup three (3) months of his Annual Base Salary as Severance Pay. It is understood and agreed between Mr. Pickup and the City that if Mr. Pickup is terminated pursuant to Article 8 of the City Charter his Severance Pay under this Section shall be reduced and/or satisfied by salary received by him pursuant to Section C8-4 of the City Charter.
- B. In the event Mr. Pickup decides to voluntarily resign from his employment with the City he shall give the City written notice three (3) months in advance of his intended resignation date, unless the City Council and Mr. Pickup agree in writing to a shorter notice period.

Section 4: Annual Base Salary

The City agrees to pay Mr. Pickup for his services rendered pursuant to this Agreement an Annual Base Salary of One Hundred and Seventy Seven Thousand and Five Hundred Dollars (\$177,500) payable in equal installments at the same time as other management employees of the City are paid.

The City Council may increase said Annual Base Salary by such amounts as the City Council may determine in its sole discretion is desirable on the basis of its evaluation of the performance of Mr. Pickup.

Section 5: Semi-Annual Performance Evaluation

The Mayor and City Council will meet on a semi-annual basis with the Mr. Pickup to review and evaluate his performance.

Section 6: Hours of Work

Both the City and Mr. Pickup recognize that the duties of City Manager require a great deal of time outside of normal office hours. It is also recognized by the parties that Mr. Pickup is required to devote the amount of time and energy necessary to carry out his duties and responsibilities with the highest amount of professionalism possible. That being the case, the parties recognize that Mr. Pickup may choose to take personal time off during business hours when it is appropriate and when his duties allow. Although this personal time off is not considered vacation, neither is it to be considered as compensatory time for time spent by Mr. Pickup in carrying out his duties outside of normal office hours, Mr. Pickup agrees that he must devote the amount of time necessary to fulfill those duties.

Section 7: Automobile

Mr. Pickup's duties require that he shall have use of an automobile provided to him by the City for City business and local travel. The City shall be responsible for paying for liability, property damage, and comprehensive insurance, and for the purchase, operation, maintenance, repair, and necessary replacement of said automobile.

Section 8: Retirement

Mr. Pickup shall participate in the New York Public Employees Retirement System, subject to the Rules and Regulations of the Plan.

Section 9: Other Terms and Conditions of Employment

- A. Mr. Pickup will be afforded the Annual Leave, Sick Leave, Personal Leave, Holidays, Tuition Reimbursement, Bereavement Leave, Court Leave, Workers' Compensation Leave, Disability Insurance, Dental Plan, Vision Care Plan and Life Insurance provided to employees in the Administrative Pay Group Generalized Benefits Policy, as amended at the discretion of the City Council for all such employees. Mr. Pickup will be credited with his prior years of service as an employee of the City for the determination of his benefits under the Policy.
- B. Mr. Pickup shall provide in writing his annual use of Vacation Days, Sick Leave, Personal Leave, Worker's Compensation Leave and other paid leave to the Director of Human Resources. The written report will be provided by January 15th each year for the prior calendar year ending December 31st.
- C. Mr. Pickup will be covered under the Health Plan provided to employees within the Administrative Pay Group. While Mr. Pickup is an active employee the City shall pay 75% of the cost of such health insurance premiums for employee and dependent coverage. The City will provide Mr. Pickup with fully paid individual health insurance coverage in retirement under the Plan provided to other retired City employees once he has been an employee of the City for a minimum of 20 years and is at least 55 years of age. Mr. Pickup will pay the difference in premium between individual and family coverage to be covered by the family plan in retirement.
- D. The City shall reimburse or otherwise be responsible for monthly charges and expenses of a mobile device for Mr. Pickup.


Section 10: General Provisions

- A. This Agreement constitutes the entire agreement between Mr. Pickup and the City.
- B. This Agreement represents the entire Agreement between the City of Rye and Mr. Pickup and supersedes any prior written or oral statements, agreements, memoranda, correspondence, conversations, discussions and/or negotiations held or which have taken place between the parties and/or their agents or representatives with respect to the matters covered by this Agreement.
- C. If any provision, or any portion thereof, contained in this Agreement is held

unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

- D. This Agreement, including this Paragraph, may not be altered, amended or modified in any way except by a writing executed by Mr. Pickup and the Mayor authorized by the City Council to be bound by such alteration, amendment or modification which writing shall expressly reference the fact that the writing is intended to alter, amend or modify this Agreement. This Agreement, including this Paragraph, may not be modified orally.

CITY OF RYE

 7/1/10

Douglas H. French (Date)
Mayor

SCOTT D. PICKUP

 7/1/10

(Date)



CITY COUNCIL AGENDA

NO. 21

DEPT.: City Manager's Office

DATE: December 18, 2013

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Resolution designating the days and time of regular meetings of the City Council for 2014 setting January 8, 2014 as the first regular meeting.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and City Council schedule the 2014 meeting dates.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye City Charter stipulates that the City Council meet within the first two weeks of January in each year and shall hold stated meetings at least twice a month, except for the months of June through September when only one stated meeting per month need be held.

See attached schedule for regular meetings of the City Council for 2014.

CITY OF RYE
CITY COUNCIL
MEETING SCHEDULE 2014

MEETINGS BEGIN 8:00 P.M. AT CITY HALL

January 8
January 29

February 5
February 26

March 12
March 26

April 9
April 23

May 7
May 21

June 11

July 9

August 4 - including Presentation of the CIP

September 10

October 8
October 22

November 5 - including Presentation of the Budget
November 19

December 3
December 17

2014 Calendar

January

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



Council Meeting Dates

Mayor & Council Inauguration

Police Commissioner Search/Council Orientation

Council Strategic Workshop

Joint City Council/School Board Meeting

February 17-21

April 14-21

November 4

School Mid-Winter Recess

School Spring Break

Election Day



CITY COUNCIL AGENDA

NO. 22

DEPT.: City Council

DATE: December 18, 2013

CONTACT: Mayor French

AGENDA ITEM: Four appointments to the Board of Architectural Review for a three-year term expiring on January 1, 2017, by the Mayor with Council approval.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council approve the re-appointment of John Clark, William Fegan, Robin Jovanovich and Louis Rollando.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Current Committee Members

Expiration Date

Carmen Aguilar, Chair	1-1-15
John Clark	1-1-14
Roberta Downing	1-1-16
William Fegan	1-1-14
R. Jovanovich	1-1-14
Holly Kennedy	1-1-16
Louis Rollano	1-1-14



CITY COUNCIL AGENDA

NO. 23

DEPT.: City Manager

DATE: December 18, 2013

CONTACT: Scott Pickup, City Manager

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

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council make a decision on the FOIL appeal.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

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

FOIL Appeal: Tracking Number 6865511458

Requested "all assessment records for 3 Magnolia Place including property assessment cards and all records used to determine the \$2,000 increase in the property assessment"

Received: Assessor cards for 3 Magnolia Place

Appealed the absence of some requested records, specifically:

- "any records that were used by the City of Rye Assessor to determine the \$2,000 increase in the property assessment"
- "all records of all inspections of 3 Magnolia Place"

See attached documentation.

FOIL APPEAL

From: Timothy Chittenden
Sent: Thursday, December 12, 2013 1:29 PM
To: Council&Manager; Council&Manager; Nodarse, Dawn
Subject: Addendum to FOIL Appeal Re: 3 Magnolia Assessment records

Dear Rye City Council:

I was also not provided with all the records of any inspections of this property by the City of Rye Assessor except that she notes in 2004 that this very large house was mostly open. I have a hard time reconciling how a \$205,000 project on such a large house would leave this house mostly open and no one thought this was a problem.

Kindly also provide all records of all inspections of 3 Magnolia Place by the City of Rye Assessor with regard to reassessing 3 Magnolia Place or written verification that no records of any inspections exist.

Thank you.
Timothy Chittenden
Rye taxpayer

From: Timothy Chittenden
Sent: Thursday, December 12, 2013 11:05 AM
To: Nodarse, Dawn; Council&Manager; Council&Manager
Subject: FOIL Appeal Re: 3 Magnolia Assessment records

Dear Rye City Council:

I respectfully appeal Nodarse's response to my e-mail FOIL Request including property record cards and all records used to determine the \$2,000 increase in the property assessment.

I was not provided with any records that were used by the City of Rye Assessor to determine the \$2,000 increase in the property assessment.

1. Does the City of Rye Assessor just guess at what the new assessment should be?
2. Does the City of Rye Assessor utilize a formula of some sort or an industry standard?
3. There must be some records the City of Rye Assessor relies on in making their determinations on reassessments.

If somehow amazingly there are no records that the City of Rye Assessor used to determine the reassessment of 3 Magnolia Place, kindly verify this to me in writing. Otherwise, please provide me with the records.

Thank you.
Timothy Chittenden

Work Order Form

FOIL

Tracking Number: 6865511458
Date Time Received: 11/19/2013 2:58PM
Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy
Last Name: Chittenden
Business Name:
Email: [REDACTED]
Daytime Phone: [REDACTED]
Fax:
Address: [REDACTED]
City: Rye
State: NY
Zip: 10580
Country:

Issue Location

Street:
Unit:
City: Rye
State: NY
Zip: 10580
Comments:

Request Details

Is this a request for commercial purposes?
No

Describe records being sought - One request per submission.

Kindly consider this an email FOIL Request for all assessment records for 3 Magnolia Place including property assessment cards and all records used to determine the \$2,000 increase in the property assessment

Please indicate your preference:
Electronic Copies

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

Request Activity

12/12/2013 9:26 AM -- Rye Foil - RESOLVED

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

Work Order Form

FOIL

Tracking Number: 6865511458
Date Time Received: 11/19/2013 2:58PM
Created By: Timothy Chittenden (Citizen)

link: <https://ryeny.sharefile.com/d/sd21565d9491415cb>

The records will be available for one month and you will be allowed to download them three times.

-----Internal Note: This FOIL is complete.

12/11/2013 9:37 PM -- IT Foil - INPROGRESS

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

<https://ryeny.sharefile.com/d/sd21565d9491415cb>
 This item has been re-assigned to Rye Foil.

12/04/2013 9:54 AM -- Rye Foil - INPROGRESS

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

12/04/2013 9:50 AM -- Assessor Foil - INPROGRESS

-----Internal Note: The property card for 3 Magnolia PI is available on the server.
 This item has been re-assigned to Rye Foil.

11/19/2013 4:15 PM -- Rye Foil - INPROGRESS

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

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

11/19/2013 2:58PM -- Timothy Chittenden (Citizen) - SUBMITTED



CITY COUNCIL AGENDA

NO. 24

DEPT.: City Manager

DATE: December 18, 2013

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Consideration of a request by the Rye Free Reading Room for use of the Village Green and City Hall Parking lot to host the Annual Vehicle Fair on Sunday, May 4, 2014 from 11:30 a.m. to 3:00 p.m.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council approve the request for the Rye Free Reading Room to host the Annual Vehicle Fair.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye Free Reading Room has requested use of the Village Green and the City Hall parking lot to host the annual Vehicle Fair on Sunday, May 4, 2014 from 11:30 a.m. to 3:00 p.m. The Vehicle Fair features carnival style activities, family crafts, storytimes, and an up-close experience with the large vehicles. To allow for setup and cleanup activities, the RFRR requests permission to use the Village Green and parking lot from 8:00 a.m. to 5:00 p.m.

See attached.



RYE FREE READING ROOM

November 25, 2013

Honorable Doug French, Mayor
Rye City Council
City Hall
Rye, New York, 10580

Dear Mayor French:

The Rye Free Reading Room respectfully requests the use of the Village Green and City Hall parking lot on Sunday, May 4th from 11:30 am to 3 pm to host the annual Vehicle Fair. In order to allow time for setup and cleanup, we would like to request permission to use the Green and parking lot from 8 am to 5 pm.

An interactive community event, the Vehicle Fair features carnival style activities, family crafts, storytimes, and an up close experience with the large machines that fascinate young children. The Rye Free Reading Room and the Auxiliary Board host this event as a fundraiser for the library.

The Rye Free Reading Room is committed to providing a wide range of programming that enhances the lives of Rye residents, and has collaborated with the City for approval of similar requests. We are excited to continue to support community focused programs, and appreciate your consideration of this request.

Sincerely,

Chris Shoemaker
Library Director



CITY COUNCIL AGENDA

NO. 25

DEPT.: City Manager

DATE: December 18, 2013

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2014.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Since 1949, May has been designated as mental Health Awareness Month. The National Alliance on Mental Illness (NAMI) will be holding a NAMI WESTCHESTER walk on Saturday, May 17, 2014. To further raise awareness they will launch a Mental Health Awareness ribbon initiative during the month of May 2014.

NAMI is requesting that the City of Rye again participate in the awareness ribbon campaign by tying ribbons on the trees in the Central Business District during the month of May 2014. The City of Rye was the first location to approve the Ribbon Campaign; many Rye residents who had not heard of NAMI contacted their office for information and services after seeing the ribbons. This past October, the Rye Youth Council and NAMI Westchester held a joint musical event for teens at Rye Recreation. The Ribbon Campaign helps to reinforce the NAMI anti stigma message. NAMI will be responsible for the installation and removal of the ribbons.

See attached request and sample ribbon.



NAMI of Westchester County

100 Clearbrook Road,
Elmsford, NY 10523

Main: (914) 592-5458

Fax: (914) 592-2652

www.namiwestchester.org

Dear Mayor and Board of Trustees,

NAMI Westchester is once again organizing our county- wide anti stigma **Mental Health Awareness Ribbon Campaign** for the month of May 2014.

The ribbon campaign will coincide with our second NAMI Westchester 5k Walk to be held at Rye Town Park on Saturday May 17, 2014.

We were privileged to have included your town/village/city in last year's successful anti stigma initiative and would be honored for you to join us again this year. In total, NAMI ribbons were displayed in 27 municipalities in Westchester County and in 3 neighboring towns in Connecticut. It is our hope to double the involvement this year.

NAMI's 2014 ribbon campaign will duplicate last year's. We will use identical ribbons (4 inch white ribbon with the NAMI logo and website in royal blue and gold) and tie them on to the trees and/or street lamps where we were permitted to do so last year. Please inform us if there are any changes to the streets designated last year.

NAMI volunteers will again be responsible for tying the ribbons and for removing them promptly at the end of the month.

We are asking that this letter be presented at the next Board of Trustees Meeting and trust that it will once again meet with the approval of the board. We respectfully ask for your prompt attention to this. Once approval is granted, NAMI Westchester will follow up with a letter of confirmation.

As always, please feel free to contact me personally with any questions or to contact the NAMI Westchester office directly. Many thanks and we look forward to another successful campaign.

Warmly,
Sheryl Brauman

National Alliance on Mental Illness (NAMI) Ribbon Campaign





CITY COUNCIL AGENDA

NO. 26

DEPT.: RCTV

DATE: December 18, 2013

CONTACT: Nicole Levitsky, Access Coordinator

AGENDA ITEM: Resolution to declare the following RTV equipment as surplus: Knox Video router, Power Mac G4 computer, and Mackie Audio Board.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

Whereas, the staff of RTV has recommended that the following equipment be declared surplus: RTV Knox Video Router, Serial Number CO-018913-1-003

Apple Power Mac G4, Serial number X82090EKM8H

Mackie CR1604-VLZ, Serial number, A163016, now, therefore, be it

Resolved that said equipment is declared surplus, and, be it further

Resolved, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other

BACKGROUND: The following RTV equipment should be declared as surplus:

The video/audio router failed during a live Council meeting and stopped routing the audio.

The G4 computer can no longer load the required software and is not usable for editing.

The Mackie Audio Board sustained water damage and began sending additional noise into the sound system in Council Chambers.



CITY COUNCIL AGENDA

NO. 27

DEPT.: City Manager

DATE: December 18, 2013

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 26, 2014 from 9:45 a.m. to 10:15 a.m.

FOR THE MEETING OF:

December 18, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The American Legion Post 128 and the Ladies Auxiliary of Post 128 is requesting the Council approve a parade to commemorate Memorial Day to be held on Monday, May 26, 2014 from 9:45 a.m. to 10:15 a.m.

See attached request from Robin Phelps Latimer, Parade Coordinator.



Rye Post #128
P.O. Box 128
Rye, NY 10580

November 22, 2013

Honorable Mayor and City Council
City of Rye
1051 Boston Post Road
Rye, New York 10580

Dear Honorable Mayor and Council Members,

I am writing on behalf of American Legion Post 128 and the Ladies Auxiliary of Post 128, Rye, to request approval to hold a parade on Monday morning, May 26, 2014 in honor of Memorial Day.

The tentative plan would be to use the Metro North parking lot along Station Plaza between First and Second Streets as a staging area for participants (as is done for the annual Little League Parade each April) and have the marchers process down Purchase Street to the Village Green for the annual Memorial Day Services, planned for 10:30 a.m. The parade staging area would be blocked for participants to arrive beginning at 8:30 a.m., with the parade itself starting at 9:45 a.m. and being completed by 10:15 a.m. As a first time event, this is a fairly short parade route as we hope to re-establish this tradition with a modest start, and if successful, plan on its expansion in future years.

Please advise what our organization needs to do to complete our proposal for your consideration; we stand ready to meet with the City Manager and City staff, as well as the Council itself, to answer questions, advance the idea, and obtain your formal approval and authorization to proceed.

Very truly yours,

Robin Phelps Latimer
Parade Coordinator for
American Legion Post 128, Rye