



CITY OF RENSSELAER

OFFICE OF
THE CITY CLERK
CITY HALL
62 WASHINGTON STREET
RENSSELAER, NEW YORK 12144

(518) 462-4266
Fax: (518) 462-0890

AGENDA COMMON COUNCIL MEETING AUGUST 5, 2020

1. RESOLUTION APPOINTING COMMISSIONER OF DEEDS
2. A RESOLUTION TO TENTATIVELY APPROVE STREET DEDICATION PURSUANT TO SECTION 91 OF THE CITY CHARTER AND SCHEDULING A PUBLIC HEARING THEREON – DEPARTMENT OF PUBLIC WORKS
3. RESOLUTION AUTHORIZING THE CITY ENGINEER TO SET JUST COMPENSATION AMOUNTS FOR CONDEMNATION OFFERS ON 100% STATE FUNDED CULVERT REPLACEMENT PROJECT - CITY ENGINEER
4. A RESOLUTION APPOINTING COMMON COUNCIL MEMBERS TO THE CITY OF RENSSELAER BOARD OF PUBLIC SAFETY – COMMON COUNCIL
5. A RESOLUTION APPOINTING COMMON COUNCIL MEMBERS TO THE CITY OF RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY – COMMON COUNCIL
6. A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 7 OF 2020 AS TO FORM AND SCHEDULING A PUBLIC HEARING THEREON

#1

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

RESOLUTION APPOINTING COMMISIONER OF DEEDS

WHEREAS, the Rensselaer Common Council has the power to reappoint Commissioners of Deeds for a term of two (2) years from the date of their appointment; and

WHEREAS, it is beneficial to the citizens of Rensselaer, NY to have certain persons appointed Commissioner of Deeds.

NOW, THEREFORE, BE IT RESOLVED, that the following person be and she is hereby reappointed Commissioner of Deeds, with a term commencing forthwith and ending August 31, 2022.

Teresa M. Merriman
84 Wilson Street
Rensselaer, NY 12144

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to file a Certificate of Appointment for the aforesaid person with the Rensselaer County Clerk and said Certificate shall specify the terms for which said Commissioner of Deeds shall have been appointed.

Approved as to form and sufficiency
this 5th day of August, 2020.

Corporation Counsel

Approved by:

Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahy	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

By Alderperson : VAN DYKE

Seconded by Alderperson : _____

**A RESOLUTION TO TENTATIVELY APPROVE STREET DEDICATION PURSUANT TO SECTION 91 OF
THE CITY CHARTER AND
SCHEDULING A PUBLIC HEARING THEREON – DEPARTMENT OF PUBLIC WORKS**

WHEREAS, The Common Council of the City of Rensselaer has been provided with the attached Deed proposing Dedication of Patroon Pointe Drive to the City of Rensselaer pursuant to Section 91 of the City Charter, and

WHEREAS, the Common Council having been advised that the original subdivision plans for the Patroon Pointe Subdivision, duly approved by the City, had called for the dedication of Patroon Point Drive to the City of Rensselaer, and it appearing that the Developer had provided all necessary documents to the City on or about 2002 to complete such Dedication, and it appearing that the City had previously attempted to accept Dedication pursuant to prior Resolutions, but that for unknown reasons such Dedication of Patroon Point Drive was never completed, and

WHEREAS, it appearing the City has been maintaining Patroon Point Drive for more than ten (10) years without claiming such street under the CHIPS Program, and the Street Dedication appearing to be an Unclassified Action under SEQRA, and all Street Dedications requiring a 2/3 vote of the Common Council, and

WHEREAS, such proposed Street Dedication of Patroon Pointe Drive appears to be in the best interests of the City of Rensselaer and it appearing appropriate for a Public Hearing to be scheduled so as to consider public comments on such proposed Street Dedication,

NOW, THEREFORE BE IT RESOLVED, that the attached proposed Street Dedication is hereby tentatively approved subject to Public Hearing, and

BE IT FURTHER RESOLVED, that a Public Hearing will be held at 6:30pm on August 5th, 2020, at the City Hall of the City of Rensselaer located at 62 Washington Street, Rensselaer, New York, so as to allow the Common Council to hear Public Comment on the possible approval of the proposed Street Dedication, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to issue appropriate Public Notice of the Public Hearing scheduled herein.

Approved as to form and sufficiency
this _____ day of July, 2020

Corporation Counsel

Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

WARRANTY DEED

THIS INDENTURE, made the ^{1st}15 day of July, Two Thousand Twenty,

Between, **CAPITOL DEVELOPMENT GROUP, LLC**, with a mailing address of 796 Burdeck Street, Schenectady, New York 12306, Party of the First Part, and

CITY OF RENSSELAER, a Municipal Corporation existing under the laws of the State of New York, with offices at City Hall, 62 Washington Street, Rensselaer, New York 12144, Party of the Second Part,

WITNESSETH that the Party of the First Part, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Party of the Second Part, does hereby grant and release unto the Party of the Second Part, its successors and assigns forever,

SEE ATTACHED SCHEDULE A

Subject to all enforceable easements, restrictions and covenants of record.

BEING a portion of the premises conveyed to the Party of the First Part by deed from Partridge Run Development Group dated January 11, 2002, and recorded January 16, 2002, in the Rensselaer County Clerk's Office on Book 306 at Page 830.

TOGETHER with the appurtenances and all the estate and rights of the Party of the First Part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Party of the Second Part, its successor and assigns forever.

AND said Party of the First Part covenants as follows:

FIRST, That the Party of the First Part has suffered no lien or encumbrance of said premises;

SECOND, That, in Compliance with Section 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements and will apply the same first to the payment of the cost of the improvements before using any part of the total of the same for any other purpose.

In witness whereof the Party of the First Part has executed this Deed on the day and date first above written.

CAPITOL DEVELOPMENT GROUP, LLC

By Paul Hodorowski
Paul Hodorowski,
Managing Principal

State of New York)
County of Schenectady) ss.:

On this 15th day of July, Two Thousand Twenty, before me personally came **Paul Hodorowski**, to me known, who, being by me duly sworn, did depose and say that he resides in

; that he is the Managing Principal of the Capitol Development Group, LLC, the Corporation described in and which executed the above Instrument; and that he signed his name thereto by authority of the Board of Directors of said Corporation.

Susan L. Davenport
Notary Public

Record and Return to:
Phillip J. Danaher, Esq.
1001 Glaz Street
East Greenbush, NY 12061

SUSAN L. DAVENPORT
Notary Public, State of New York
No. 01DA6057515
Qualified in Schenectady County
Commission Expires April 16, 2023

Schedule A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in the City of Rensselaer, County of Rensselaer and State of New York, being a portion of Lot No. 3 as shown on a map entitled "Proposed Resubdivision of a Portion of Partridge Run Subdivision", made by ABD Engineers and Surveyors, dated April, 2000, and filed May 2, 2001, in the Rensselaer County Clerk's Office in Drawer 2001 as Map No. 50, and being more particularly bounded and described as follows:

COMMENCING at a point located on the northerly road boundary of Partridge Boulevard at its intersection with the division line between Lot 2 on the southeast and Lot 3 on the northwest, as shown on the aforementioned map; thence continuing along said road boundary the following four (4) courses and distances:

- 1.) North $67^{\circ} 35' 46''$ West a distance of 14.30 feet to a point;
- 2.) Along a curve to the right, having a radius of 23.00 feet, an arc distance of 31.81 feet, said curve containing a chord of North $31^{\circ} 08' 54''$ West, 29.70 feet;
- 3.) Along a curve to the left, having a radius of 60.00 feet, an arc distance of 156.76 feet to a point, said curve containing a chord of North $69^{\circ} 32' 55''$ West, 115.83 feet; and
- 4.) Along a curve to the right, having a radius of 650.00 feet, an arc distance of 26.15 feet to the POINT OF BEGINNING, said curve containing a chord of North $54^{\circ} 39' 33''$ West, 26.15 feet;

thence, continuing along said northerly road boundary, following a curve to the right, having a radius of 650.00 feet, an arc distance of 104.97 feet to a point, said curve containing a chord of North $48^{\circ} 52' 49''$ West, 104.85 feet; thence through said Lot 3 the following ten (10) courses and distances:

- 1.) Along a curve to the left, having a radius of 25.00 feet, an arc distance of 44.48 feet to a point, said curve containing a chord of North $84^{\circ} 46' 31''$ East, 38.84 feet;
- 2.) North $33^{\circ} 48' 15''$ East a distance of 70.67 feet to a point;
- 3.) Along a curve to the right, having a radius of 800.00 feet, an arc distance of 268.88 feet to a point, said curve containing a chord of North $43^{\circ} 25' 58''$ East, 267.61 feet;
- 4.) Along a curve to the left, having a radius of 152.00 feet, an arc distance of 110.72 feet to a point, said curve containing a chord of North $32^{\circ} 38' 02''$ East, 108.28 feet;
- 5.) Along a curve to the left, having a radius of 31.00 feet, an arc distance of 52.37 feet to a point; said curve containing a chord of North $36^{\circ} 45' 11''$ West, 46.36 feet;
- 6.) Along a curve to the right, having a radius of 60.00 feet, an arc distance of 242.53 feet to a point, said curve containing a chord of North $30^{\circ} 32' 28''$ East, 108.04 feet;
- 7.) Along a curve to the right, having a radius of 202.00 feet, an arc distance of 292.31 feet to a point, said curve containing a chord of South $12^{\circ} 02' 40''$ West, 267.47 feet;

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#3

Council #3 A Whole

By Alderperson:

Seconded by Alderperson:

RESOLUTION AUTHORIZING THE CITY ENGINEER TO SET JUST COMPENSATION AMOUNTS FOR CONDEMNATION OFFERS ON 100% STATE FUNDED CULVERT REPLACEMENT PROJECT - CITY ENGINEER

WHEREAS, the City is in the process of replacing culverts near Partition Street over the Quackenderry Creek, and

WHEREAS, such Project will require condemnation of small pieces of approximately four (4) privately owned parcels, the cost of which will be 100% State Funded, and

WHEREAS, the anticipated cost of such condemnations are estimated to be under \$4,000.00 in total, it is

NOW, THEREFORE BE IT RESOLVED, that the City Engineer is hereby authorized to execute all necessary documents so as to set the condemnation offer amounts, not to exceed \$4,000.00 in total, and negotiate such condemnations in a total amount not to exceed \$4,000.00, and to thereafter sign such other documents as may be necessary to complete the condemnation of the subject small pieces of the parcels so that the Culvert Project can be completed.

Approved as to form and sufficiency
this day of , 2020

Corporation Counsel

Approved by:

Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahy	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

11

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

**A RESOLUTION APPOINTING COMMON COUNCIL MEMBERS TO THE CITY OF
RENSSELAER BOARD OF PUBLIC SAFETY – COMMON COUNCIL**

WHEREAS, The City of Rensselaer Board of Public Safety was created pursuant to Title XI, Section 228 of the City of Rensselaer Charter and as amended by Local Law No. 3 of 1990, and the general supervisory and administrative control of the City of Rensselaer Police Department and Fire Department are vested in the Board of Public Safety, and

WHEREAS, pursuant to Section 229 of the City of Rensselaer Charter, the Board of Public Safety consists of the Mayor, the City Treasurer, the City Clerk, a Majority Member of the Common Council and a Minority Member of the Common Council, and,

WHEREAS, the Common Council of the City of Rensselaer has, pursuant to prior Resolution, modified the aforementioned Section 229 of the Charter, so as to include on the Board of Public Safety the President of the Common Council and the appointment by the Common Council of an “At Large” Member from the Common Council when, and in such situations, where all Members of the Common Council are enrolled in the same political party, and

WHEREAS, currently all Members of the Common Council are enrolled in the same political party, and good cause appearing therefore,

NOW, THEREFORE BE IT RESOLVED, that the City of Rensselaer Board of Public Safety shall include at this time from the Common Council, the President of the Common Council and Alderperson Van Vorst as the “At Large” Member.

Approved as to form and sufficiency
 this ____ day of _____, 2020

 Corporation Counsel

 Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahy	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

By Alderperson : Council As A Whole

Seconded by Alderperson : _____

**A RESOLUTION APPOINTING COMMON COUNCIL MEMBERS TO THE CITY OF
RENSSELAER INDUSTRIAL DEVELOPMENT AGENCY – COMMON COUNCIL**

WHEREAS, The City of Rensselaer Industrial Agency was created by Act of the New York State Legislature as a not-for-profit Public Benefit Agency under Article 18-A, Title 2, Section 903-c of the New York State General Municipal Law with a Mission to promote economic development and enhancement of the quality of life in the City of Rensselaer, and

WHEREAS, the Common Council of the City of Rensselaer has, pursuant to Resolution No. 100 approved on July 21, 1982, appointed as Members of the City of Rensselaer Industrial Development Agency the offices of Mayor (Act as Chairman), President of the Planning Commission, Chairperson of the Zoning Board of Appeals, Majority Leader of the Common Council, and the Minority Leader of the Common Council, and,

WHEREAS, the Common Council of the City of Rensselaer has, pursuant to Resolution No. 8 approved on August 1, 2018, modified the aforementioned Resolution No. 100 of July 21, 1982, so as to include on the Industrial Development Agency the President of the Common Council and the appointment by the Common Council of an “At Large” Member from the Common Council when, and in such situations, where all Members of the Common Council are enrolled in the same political party, and

WHEREAS, currently all Members of the Common Council are enrolled in the same political party, and good cause appearing therefore,

NOW, THEREFORE BE IT RESOLVED, that the City of Rensselaer Industrial Development Agency shall include at this time from the Common Council, the President of the Common Council and Alderperson _____ as the "At Large" Member.

Approved as to form and sufficiency
 this ____ day of _____, 2020

 Corporation Counsel

 Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahy	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

By Alderperson : Council AS A Whole

Seconded by Alderperson : _____

A RESOLUTION TO APPROVE PROPOSED LOCAL LAW NO. 7 OF 2020 AS TO FORM AND SCHEDULING A PUBLIC HEARING THEREON

WHEREAS, The City of Rensselaer is desirous of establishing a Local Law to implement Section 485-a of the New York State Real Property Tax Law in the City of Rensselaer thereby creating a Residential-Commercial Urban Exemption upon the conversion of nonresidential real property to mixed-use property, and

WHEREAS, the Common Council has reviewed proposed Local Law No. 7 of the year 2020, and

WHEREAS, such Local Law appears appropriate as to form and it appearing appropriate for a Public Hearing to be scheduled so as to consider public comments on such proposed Local Law,

NOW, THEREFORE BE IT RESOLVED, that proposed Local Law No. 7 of the year 2020 is hereby approved as to form, and

BE IT FURTHER RESOLVED, that a Public Hearing will be held at 6:30 p.m. on August 19, 2020, at the City Hall of the City of Rensselaer located at 62 Washington Street, Rensselaer, New York, so as to allow the Common Council to hear Public Comment on proposed Local Law No. 7 of 2020, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to issue appropriate Public Notice of the Public Hearing scheduled herein.

Approved as to form and sufficiency
this _____ day of August, 2020

Corporation Counsel

Mayor

James Van Vorst	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Dave Gardner	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Bryan Leahey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
James Casey	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Eric Endres	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Margaret Van Dyke	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John DeFrancesco	<input type="checkbox"/> Aye	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Vote Totals	Aye	No	Abstain	Absent
Result				

CITY OF RENSSELAER
DEPARTMENT OF ECONOMIC DEVELOPMENT
2020 LEGISLATIVE IMPACT STATEMENT

From: John J. Bonesteel, Director- Economic Development

RE: Proposed Local Law #7 of 2020, To Establish Article X, Section 155 of the Code of the City of Rensselaer, New York, Adopting a Residential-Commercial Urban Exemption pursuant to Section 485-a of the New York State Real Property Tax Law

Summary/Purpose: The proposed law would provide an exemption from an increase in city real property taxes and special ad valorem levies for non-residential real property upon, and arising from, conversion of any such property to mixed-use property in accordance with Section 485-a of the Real Property Tax Law of the State of New York (RPTL).

The proposed law, if adopted, will exclude from exemption conversions commenced subsequent to the date the proposed law becomes effective. It shall also exclude conversions costing \$10,000 or less and will further exclude, from the term "conversion", ordinary maintenance and repairs. No exemption under the proposed law will be granted concurrent with or subsequent to any other exemption granted for the same property except where, during the period of such previous exemption, payments in lieu of taxes or other payments are being made to the City in amounts equal to or greater than the payments that would be made following the NYS RPTL 485-a schedule for the appropriate year after the first tax status date following the issuance of a Certificate of Occupancy for conversion of the subject property.

The desired effect of the proposed law is to induce owners of non-residential real estate to convert such properties to mixed-use residential-commercial purposes without imposing an increase in tax or special ad valorem levies arising from the conversions, thereby broadening the City tax base without a loss of revenues collected prior to such conversions.

Fiscal Impact: No fiscal impact will result from passage of the proposed law; all pre-conversion real property taxes and special ad valorem levies will continue to be collected at equalization rates and tax rates in effect pre-conversion and as they may change from time to time. The proposed exemption will apply only to the increase in assessment and the resulting taxes and special ad valorem levies arising from conversions.

As the exemption schedule progresses, tax revenue will escalate after an initial dormant period designed to attract real property investors.

Adoption of the law will put the City of Rensselaer on par with the cities of Albany, Menands and Cohoes which communities currently offer such exemption in their respective city codes. The results of future competition for mixed-use project attraction with those communities will then become more favorable for the City of Rensselaer than in the past.

Pursuant to the provisions of NYS RPTL Section 485-a, adoption of the law by the City of Rensselaer will set the stage for the passage of identical exemptions by the Rensselaer City School District and by the County of Rensselaer, thereby optimizing the benefit to the community as is the case in the nearby Albany County cities of Albany, Menands and Cohoes.

CITY OF RENSSELAER

LOCAL LAW NO. 7 OF THE YEAR 2020.

A Local Law To Establish Article X, Section 155, of the Code of the City of Rensselaer, New York, Adopting a Residential-Commercial Urban Exemption pursuant to § 485-a of the New York State Real Property Tax Law

Be it enacted by the Common Council of the City of Rensselaer as follows:

ARTICLE I. INTENT

This Local Law shall be known as Local Law No. 7 of 2020, and shall establish Article X, of Section 155, of the Code of the City of Rensselaer, New York, adopting a Residential-Commercial Urban Exemption pursuant to § 485-a of the New York State Real Property Tax Law. This Local Law supersedes all previously adopted Local Laws concerning such exemptions. The purpose of this Local Law is to provide an exemption from taxation and special ad valorem levies, non-residential real property, upon conversion to mixed-use property in accordance with § 485-a of the Real Property Tax Law of the State of New York (RPTL).

ARTICLE II. LEGISLATIVE ACTION

The Common Council of the City of Rensselaer, New York, hereby establishes Article X, Section 155, of the Code of the City of Rensselaer, New York, so as to read as follows:

Section 155-46 Legislative Intent.

It is the intent of this article is to afford and provide an exemption from taxation and special ad valorem levies, non-residential real property, upon conversion to mixed-use property in accordance with § 485-a of the Real Property Tax Law of the State of New York (RPTL).

Section 155-47 Definitions.

Except as defined in this article, all terms shall have the meanings set forth in § 485-a of the New York State Real Property Tax Law.

Section 155-48 Exemption Granted.

Nonresidential real property, upon conversion to mixed-use property, shall be exempt from taxation levied by the City of Rensselaer on the increase in assessed value attributable to such conversion to the extent provided hereinafter pursuant to and in accordance with § 485-a of the NYS Real Property Tax Law. The length of said exemption shall be for a period of twelve (12) years after

completion of construction/conversion to mixed-use property and upon approval of an application for said exemption. Such exemption shall be computed with respect to the exemption base. The exemption base shall be determined for each year in which there is an increase in assessed value so attributable from that of the previous year's assessed value. Such exemption shall be computed in accordance with the following table:

Year of Exemption	Percentage of Exemption
1-8	100% of exemption base
9	80% of exemption base
10	60% of exemption base
11	40% of exemption base
12	20% of exemption base

Section 155-49 Exclusions from Exemption

A. No exemption pursuant to this article shall be granted unless:

- (1) Such conversion was commenced subsequent to the effective date of this article.
- (2) The cost of such conversion exceeds the sum of \$10,000.
- (3) At least 25% of the building or structure's square footage shall be devoted to commercial purposes or use. For the purposes of this Article "Commercial Purpose and Use" shall be defined as real property used primarily for the buying, selling, or otherwise providing goods and services directly to the public, including hotel services, retail stores, office space, restaurants, bars, gyms, theaters and cafes.

B. **The term conversion shall not include ordinary maintenance or repairs.**

C. No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the City in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this article. In such case, an exemption shall be granted for a number of years equal to the twelve-year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.

Section 155-50 Time to file application.

Any exemption pursuant to this article shall be granted only upon application by the owner thereof on the form prescribed by the New York State Board of Real Property Tax Services. The application shall be filed with the Assessor of the City of Rensselaer on or before the taxable status date of March 1 and within one year from the date of completion of such construction, alteration, installation or improvement to be eligible for an exemption to be entered on the assessment roll prepared on the basis of said taxable status date.

Section 155-51 Application Review

A. The Assessor of the City of Rensselaer shall review applications to determine whether applicant is entitled to an exemption pursuant to this section. If approved, such real property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared after the taxable status date referred to herein. 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.

B. In the event that real property granted an exemption pursuant to this section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

ARTICLE III. EFFECTIVE DATE

This Law shall take effect upon its filing with the Office of the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 7 of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 7 of 2020 of the City of Rensselaer was duly passed by the Common Council on _____, 2020, and was (approved)(not approved) (repassed after disapproval) by the Elective Chief Executive Officer*, Mayor Michael Stammel, and was deemed duly adopted on _____, 2020.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2020 of the _____ was duly passed by the _____ on _____, 2020, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Executive Officer*, _____ on _____, 2020. Such Local Law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 2020, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2020 of the _____ was duly passed by the _____ on _____, 2020, and was (approved)(not approved)(repassed after disapproval) by the Elective Chief Officer*, _____, on _____, 2020. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2020, in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as Local Law No. _____ of 2020 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 2020, became operative.

* Elective Chief Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2020 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 2020, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County Legislative Body, City, Town or Village
Clerk or officer designated by local legislative body
CITY CLERK

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

State of New York
County of Rensselaer

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.

Corporation Counsel

Title

CITY OF: RENSSELAER

Date: _____

DRAFT