

APPROVED MINUTES of the Special Meeting of the City Council of the City of Rye held in City Hall on July 30, at 6:30 P.M.

PRESENT:

STEVEN OTIS, Mayor
CAROLYN CUNNINGHAM
ROBERT H. HUTCHINGS
ROSAMOND LARR
DOUGLAS MCKEAN
ARTHUR STAMPLEMAN
Councilmen

ABSENT:

ROBERTA DOWNING

1. Pledge of Allegiance

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

2. Roll Call

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

3. Discussion of the status of the Rye Nursery acquisition

Mayor Otis reported on recent developments concerning the County assistance package for the acquisition of the Rye Nursery property. He said the vote on the package by the Westchester County Board of Legislators was scheduled for July 23rd, but an impasse occurred which blocked voting on that evening because the Republican caucus has concerns about several items, one of which is the lack of an affordable housing component (for the City of Rye in general) in the Intermunicipal Agreement (IMA). He said Rye has supported the creation of affordable housing at a Theodore Fremd site since 1995 and he is hopeful this would satisfy those unwilling to sign the IMA as it now stands. He said discussions were on-going on the County level and feels a solution is very close, but there is no guarantee. Although a special meeting could be convened, the next regular meeting of the County Board is August 20th, so the closing on the Nursery property has been postponed. He said that even though the money from the County would be part of a bond issue, the actual funds would be available to the City immediately once the plan is approved. He reiterated that the IMA, as negotiated, had no strings, so this demand is a new,

unanticipated "string" and he asked for everyone's help and input in a non-partisan way in trying to resolve the issues.

Councilman Hutchings said he felt this new string, which is more like a chain, joined the other strings, such as the inclusion of the roads and the "co-tenant" provision; that it was not unanticipated; and he expects more further down the road because history has proven that accepting money from outside government sources always comes with strings. He said he would welcome grant money from anyone not government related, but suggested that Rye consider withdrawing the IMA and pay for the property on its own. He reiterated that his position is a personal one which he sees as best for Rye.

Councilwoman Larr asked if the delay in the closing would increase the City's cost and was informed by the Mayor that details are being worked on, but additional costs will likely be incurred. She asked what the Mayor will recommend if the City is turned down again in August; when would the City just say we would go ahead on our own, because, she reiterated, everyone on the Council wants to see this purchase go through. The Mayor said he preferred not to set any deadlines now or do anything to lessen our chances. Councilwoman Cunningham said it was sometimes better not to be specific when negotiating and that the City would be fiscally irresponsible not to accept outside funding if it was available. Councilman Stampleman said any adjustments to the closing costs would be minor compared to jeopardizing our chances for \$1.7 million and he reiterated that the Council had always considered outside support and it should not change its mind now.

Councilman Hutchings said he thought this plan began with a search for ball fields, but now sees that it has become a wetlands project. The Mayor said wetlands restoration had always been part of the equation and the original grant application was based upon wetlands restoration while secondarily mentioning that the City's ability to include an athletic field depended upon the wetland analysis which had not been started at that time. He said is a great bonus that the analysis has shown there may be a ball field too. Councilmen Cunningham and McKean both agreed that wetlands and flood mitigation had always been part of the consideration.

Councilman Hutchings asked the Mayor what he would do if the County insisted on adding the affordable housing to the IMA. The Mayor said he was opposed to having it included, but he would have to consider what getting this money would mean for Rye in terms of recreation, taxes, school needs, and environmental improvements.

The Mayor recognized the following residents in the audience who wished to be heard:

Tom Fendler said he was bothered by the "strings," specifically the roads, and asked the cost to the City of acquiring Midland and Wappanocca Avenues. He was informed that it would result in a 4% increase in road surface and, therefore, a 4% increase in the \$300,000 maintenance budget, and that Midland Avenue was in good condition but it will cost about \$140,000 to fix up Wappanocca Avenue. The Mayor restated that by including the acceptance of the roads in the County package, the City was receiving more funds than it would have if the roads were transferred separately.

Mr. Fendler said he was also concerned about the affordable housing "string" and asked what it meant and if we had to accept it. He said he thought any decision about affordable housing should be placed before the public first. The Mayor said it was definitely not to be a part of the Rye Nursery package, but the Theodore Fremd location has long been considered a site for housing which can be affordable to Rye's teachers, volunteers, employees, etc. Councilwoman Cunningham said that discussions began when Warren Ross was Mayor; that an environmental impact study had been done and it was all set to go until it was discovered that the site was in need of petroleum remediation. The Mayor reported that unfortunately it still is because as oil is pumped out, more seeps in, but the State continues to work on cleaning up the site. Councilman McKean suggested the City write a letter to the County stating this history and that the present Council is in favor of proceeding with the housing as soon as the site is ready. Councilman Hutchings recalled that on Beck Avenue the Federal Government suggested low rent housing and, after much controversy, the land was purchased privately, protecting Rye from this kind of development. He suggested the City continue to be very careful.

Peter Larr agreed that affordable housing is a good thing, but asked the Council not to tie it to the Nursery purchase. He pointed out that the \$475,000 included for the roads really can't be spent on the road because it is part of the Nursery purchase price, but Councilman Stampleman said this extra amount will not have to be spent by the City on buying the property so is free to be used for the roads. Thirdly, Mr. Larr said he thought the Republican caucus was really trying to make sure all requests to the County met the same criteria.

Robert Byrne, Wappanocca Avenue, asked how the roads got linked to the Nursery agreement. The Mayor said the City had talked about taking over some of the County roads in Rye; that he suggested the link; and that as a result, the package rose from \$775,000 to \$1.3 million for the property, so Rye got more for the property and more for the roads. He said Wappanocca Avenue was one of the roads chosen because the City has some things it would like to do in the area.

Otto Spaeth asked if the County money is related to a County overall plan and if the space will always be parkland. The Mayor said the County does have a desire for permanent open space so this fits in well, and that once it is designated as parkland, it has to remain that way unless un-designated by the State.

Betsy Carlucci, Lea Place, said she was concerned about the traffic at the intersection of Milton Road and Playland Parkway and was told a traffic study would be part of the environmental impact study, but that parking on the site would be limited so large traffic jams would be unlikely. She was concerned about who would use the park, but was informed that scheduling would be controlled and developed by the Rye Recreation Department. She was also informed that the field would be available to the schools.

Peter Larr agreed traffic was not a big issue and mentioned a memo from William Rodriguez, Recreation Superintendent, that indicated preference is given to groups involving 50% or more Rye residents. Mack Cunningham, Recreation Commission member and on the Field Committee, said that the department was limiting use because of lack of space; that they will continue to coordinate and

control scheduling; and that there are times, such as during the Pepsi Tournament, when there are no Rye residents playing on the fields. Mr. Larr also said that there is a lot of misinformation about this issue being distributed and that he personally does not endorse this tactic.

Mayor Otis thanked everyone for their input and said he would keep everyone apprised of further developments.

4. Discussion of amendment to the license agreement between *Seaside Johnnies* and the Rye Town Park Commission

Mayor Otis said he has shared the requests made by the Council at the last meeting with Mr. Morabito, Rye Town Supervisor, and reported Mr. Morabito was still in favor of a \$1,000 monthly rate; that he does not wish to charge for months when the restaurant is not open during the winter; but he will negotiate again, but only after three years, rather than one. The Council agreed that this compromise was acceptable. Councilwoman Larr said customers should be made more aware that there is a \$3.50 parking refund for diners who get their ticket stamped. The Mayor said he would investigate.

Councilman Hutchings made a motion, seconded by Councilman McKean, to adopt the following resolution:

RESOLVED, City of Rye approves the compromise license agreement by and between The Rye Town Park Commission, as Licensor, and the City of Rye and Town of Rye, and Starfish Grill, Inc., owner of *Seaside Johnnies*, as Licensee.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Hutchings, Larr,
McKean and Stampleman

NAYS: None

ABSENT: Councilwoman Downing

The resolution passed. Councilman Stampleman explained that his "Aye" vote was because the City has authority to review the license if boisterous behavior resulted from late drinking.

There being no further business to discuss, Councilwoman Cunningham made a motion, seconded by Councilman Stampleman, to adjourn to executive session at 8:00 P.M. to discuss a contractual matter.

The Council reconvened at 8:54 P.M.

5. Adjournment

There being no further business to discuss, Councilman McKean made a motion, seconded by Councilwoman Larr, and unanimously carried, to adjourn the meeting at 8:55 P.M.

Respectfully submitted,

Susan A. Morison
City Clerk