

APPROVED MINUTES of the Special Meeting/Workshop of the City Council of the City of Rye held in City Hall on August 4, 2009 at 8:00 P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL (arrived at 8:04 P.M.)
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER (arrived at 8:04 P.M.)
GEORGE S. PRATT
JOSEPH A. SACK
Councilmembers

ABSENT: None

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. Consideration of request for permission to close a section of Elm Place for the ten year anniversary celebration of Longford's Ice Cream

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

RESOLVED, that permission is hereby granted to close a section of Elm Place from Purchase Street to the intersection of Car Parks #1 and #2 on August 15, 2009 from 12:00 p.m. to 5:00 p.m. for the 10th Anniversary Celebration of Longford's Ice Cream.

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4. Workshop on the acquisition of the Bird Property

Mayor Otis opened the workshop portion of the meeting by saying the discussion would be in two parts. The first part would be a discussion of the financials of the transaction and the second part would be a discussion between the Council and the members of the Committee to Save the Bird Homestead (the Committee) about a draft Memorandum of Understanding (MOU), which will be “tweaked” during the coming week before being voted on at the August 12th City Council meeting.

The Mayor then gave an overview of the background of the City’s interest in the property dating back to 1999 and the efforts of the Committee to negotiate with the family to purchase the property for the amount of \$1,250,000. In 2005 the Committee asked the City for help in obtaining grants. In 2009 the City indicated to the Committee that it would not contribute to the acquisition of the property. Sources of grants include: New York State Office of Parks Recreation and Historic Preservation (\$350,000); The New York State Strategic Investment Program through Assemblyman George Latimer (\$250,000); Westchester County Legacy Program (\$200,000) and the Federal Government through the Long Island Sound Stewardship Program (\$200,000) for a total of \$1 million. The Committee will make up the additional \$250,000 plus closing costs and any lost interest to the City for any City funds expended prior to grant funds being received. So far the Committee has raised \$194,000 and expended \$10,000 to maintain the property since November 2008. Deputy Corporation Counsel Kristen Wilson has provided the Council with a memorandum on the processing of the grants and the Committee has provided a preliminary management plan for the property. A tentative closing date has been set for August 14, 2009.

Anne Stillman, Doug Carey and Margot Burgheimer, Members of the Board of Trustees of the Committee, were present to represent the Committee. They thanked the Council for their support and said the property, which is one of the last intact small farmsteads in Westchester County, has many layers of importance such as environmental, recreational, scientific and historic, which provides the Committee with a wider range for fund raising. They said that members of the Committee had experience in grant writing, professional fund-raising and historical restoration.

Council comments and questions included:

- What are the plans of the Committee for long-term fund raising? (The Westchester Land Trust has committed to assist with fundraising for the next year and the Committee will hold fundraising events in the next year.)
- Would applying for a National Historic Designation allow for more grants? (Yes and the State has already determined that the property qualifies for the designation.)
- Will the recreation aspect of the County grant interfere with the historic designation? (Probably not because it deals with non-motorized boating, which is a low impact activity, and at one time there was a dock on the property.)
- The workshop should have been televised because it is an important topic and only the interested parties are in the room.

- The purpose of the workshop is to go over the details which will come up for discussion at the next City Council meeting.
- The approval of the grant application was “done on the fly” at a Special Council Meeting and this is also a Special Meeting with the closing to take place in a little over a week.
- Not all discussions have been at special meetings.
- Is the City liable for the purchase price of the property before the grant money comes in? What happens if the grants do not come in? (The City will be reimbursed from the grants as the money is received. It is just a matter of processing.)
- Are there any strings attached to the money? (The County will require a conservation easement on the property and both the County and NYS Strategic Investment grants will require a copy of the MOU regarding the ownership and continued maintenance of the property.)
- The property will come off the tax rolls. (The tax on the property is currently under \$6,100.)
- Private building on the property could contribute to flooding in the area. (The property has not flooded from over the banks of the brook because the entire property is currently permeable.)
- Who will be in charge of the property and supervise the restoration? (The Committee has members who have both the expertise and the time to do so and the Friends of the Marshlands have volunteers who will manage the grounds.)
- Can the fundraising phases be extended? (After the building is stabilized the restoration can be extended if necessary.)
- It is the intention of the MOU that the Committee will hold the City harmless if the grants do not come through.
- The MOU should build in safeguards for such events as the dissolution of the Committee.
- This is a good structure to preserve as long as it does not burden the taxpayers.
- The City is providing a bridge loan.
- In the worst case scenario the property is still valuable. (Once a grant is accepted it becomes parkland and cannot be sold.)

Former Mayor John Carey, who said he was speaking as the legal advisor of Committee Member Douglas Carey, said that over the years he has studied the “snarled” title to the property and believed the City can only receive clear title to the property by Eminent Domain. He asked who has the power to convey title by warranty deed and asked for the status of title insurance. Deputy Corporation Counsel Kristen Wilson said that she has been in contact with James Sullivan, Esq., the attorney handling the closing, and he said there is title insurance, and the Court Order giving authority to the Executors (Thomas Erickson and Julie White) to convey title is being examined by the title company. She added that a title company would not let someone execute a deed that did not have the authority to do so. Councilman Ball suggested that if Mayor Carey has more thoughts on the issue he should prepare something that can be reviewed by the Council prior to the next Council meeting.

Mayor Otis made a motion, seconded by Councilwoman Parker and unanimously carried to adjourn into Executive Session at 9:10 p.m. to discuss contract provisions.

Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to close the Executive Session at 10:35 p.m.

5. Adjournment.

Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn the meeting at 10:36 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk