

***APPROVED MINUTES*** of the Special Meeting of the City Council of the City of Rye held in City Hall on September 5, 2012 at 8:00 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:08 p.m. Mayor French made a motion, seconded by Councilman Sack and unanimously carried to immediately adjourn into executive session for a meeting of the Council Litigation Committee and to discuss real estate matters related to the sale of 1037 Boston Post Road. Council member Brett arrived at 7:10 p.m., Councilman Jovanovich at 7:15 p.m. and Councilmembers Parker and Filippi at 7:30 p.m. Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried to adjourn the executive session at 8:28 p.m. The regular session began at 8:40 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. Authorization for the City Manager to enter into a broker agreement between the City of Rye and CBRE to market the property located at 1037 Boston Post Road  
Roll Call.

City Manager Pickup summarized that the Council has determined that the property located at 1037 Boston Post Road will not be used for municipal purposes and began looking at sale options, including a right-of-first-refusal option for sale to the present tenant. The Council is now at a point where they would like to determine if market conditions have changed. Mayor French provided background on the property from the purchase by the City in 2006 until it was paid off in 2010. He said the Council is now considering hiring a professional broker to sell the

property. There was a brief discussion among the Council, where interest was expressed in retaining a broker in order to test the market to the fullest and maximize the value of the property.

*Perry Schoor*, the owner of Lester's, the current tenant at 1037 Boston Post Road, said it is no secret that the building is for sale and that it was not necessary to go out and pay a broker. He added that the right-of-first-refusal clause in the potential Purchase and Sale Agreement between the City and Lester's of Rye, LLC offers the City 90 days to go out and market the property.

*Ted Carroll*, Forest Avenue, expressed his disagreement with selling the building at a substantial loss to the City, saying it was not fiscally responsible.

Since there may be additional changes made to the proposed agreement, the matter was adjourned to the next meeting in order for the Council to have time to review the changes.

4. Authorization for the City Manager to enter into a Purchase and Sale Agreement between the City of Rye and Lester's of Rye, LLC for the right of first refusal for the purchase of the property located at 1037 Boston Post Road  
Roll Call.

This agenda item was tabled.

5. Authorization for the City Manager to enter into an Amendment to extend the Lease Agreement with Lester's of Rye, LLC  
Roll Call.

This agenda item was tabled.

6. Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum

City Manager Pickup summarized changes that had been made to some of the project proposals.

Boston Post Road Retaining Wall – A meeting was held with the Loudon Woods Association regarding the project. There is now a three phase proposal: Phase I would include sidewalk replacement and wall stability work in the area from Thistle Lane to Purdy Avenue; Phase II would include Purdy Avenue to Holly Lane, which requires additional study and potential private property issues; and Phase III would involve the continuation of the sidewalk from Holly Lane to the Boston Post Road intersection.

Pedestrian Improvements around schools – The City has been working on a Safe Routes to School grant with the YMCA. If the grant is not funded, an option is to undertake the projects with capital or bond funds.

Corporation Counsel Wilson reported on a conference call with the Office of Court Administration (OCA) in connection with the proposed Police/Court Upgrade project. Ms. Wilson spoke with Ed Rodman, the architect for OCA, and Rex Gedney, the City's architect. OCA has reviewed the scope of the proposed improvements and agreed to them. Further details must be worked out as the project moves along. They are aware of the public process the City must go through. City Manager Pickup said he did not believe this would be the last conversation the City would have with OCA. The City Manager and Corporation Counsel were asked to pursue a commitment from OCA that they will accept the proposed improvements and not seek additional improvements for a substantial amount of time.

Several members of the public commented on the proposed projects.

*Jim Amico*, 350 Midland Avenue, inquired if the ownership of the Boston Post Road Retaining Wall had been determined. He said the City should not pay for a project on property it does not own and that the owners of the property should be forced to pay for it. Mayor French said he believed it was a shared ownership and the neighbors would be asked to share in the expense. City Manager Pickup said the way the project is phased, the initial phase does not impact private property but the second two phases would involve private property and there would be negotiations with neighbors regarding payment in the future. There was a discussion among the Council about the private/public phases of the project and whether the City should go forward with those phases.

*Bob Zahm*, 7 Ridgewood Drive, said he thought including the Purchase/Theodore Fremd/Purdy Signal Replacement project was a mistake. He said the City should go forward with the phase of the retaining wall project that would further extend the sidewalks. He suggested that there should be discussions with the School District regarding shared responsibility for the pedestrian safety project near Milton School. He thought the suggested pedestrian improvements to the intersection of Grace Church Street and Midland Avenue made sense.

*Sis D'Angelo*, Wappanocca Avenue, said that the bond should be postponed and said she would work against it.

*Ted Carroll*, Forest Avenue, said the Council should choose a few necessary projects that could be done without exceeding the tax cap.

Former Mayor *Ted Dunn* said the City should have a five-year plan in place. He said before the City borrows money it should have a plan in place on how it will be paid back or risk losing the bond issue.

Mayor French said the Council would like more information on the impact of bond costs on the tax cap. City Manager Pickup said that since the recession the City has cut expenses and managed the budget to increase Fund Balance and the public has been impacted. He added that there are other issues besides a bond such as contract costs, retirement costs and maintenance costs that will impact the budget and the tax cap. A bond referendum is a step in finding ways to invest in the City's capital needs. There was a discussion on the need for a three to five-year

financial plan in order to market a bond referendum with residents. Mayor French said that at the next meeting the Council must decide what projects would be included in a bond referendum or if they want to go forward with the projects in ways other than a referendum.

7. Continuation of Public Hearing to adopt bond resolutions for the November, 2012 Referendum for capital projects

This agenda item was adjourned to the next meeting.

Prior to the adjournment of the meeting, Councilman Sack noted that it has been a year since the passing of Building Inspector Vinny Tamburro.

8. 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 10:25 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk