

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: January 8, 2010

Enclosed with this memorandum are the following items:

- 1-7 Letter from Frank J. Culross, City Manager, dated January 12, 2010 regarding 1037 Boston Post Road.
- 1-8 Letter from Ruth L. Pierpont, Director NYS Office of Parks, Recreation and Historic Preservation, dated January 8, 2010 regarding nomination of the Bird
- 1-9 Litigation Update from the Corporation Counsel dated January 15, 2010.
- 1-10 Memorandum from Police Commissioner William R. Connors, dated January 12, 2010 detailing summons activity for 2009.
- 1-11 Meeting notice for the week of January 19, 2010.

FJC/emm  
Encs.

**City of Rye  
Memorandum**

TO: Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: 1037 Boston Post Road

DATE: January 12, 2010

On March 29, 2006 the City Council authorized the purchase of 1037 Boston Post Road after a short but intensive review.

The purchase agreement provides for 48 monthly payments of \$25,000 with \$5.0 million due on May 1, 2010. The agreement was amended on November 18, 2009 granting the City the option to defer the May 1, 2010 agreement for up to 24 additional months. It requires an interest payment of 5.75% on the unpaid balance plus a potential "hold harmless" adjustment should capital gains tax rates change.

The purpose of the acquisition was to address the parking deficit on the City Hall/Rye Free Reading Room campus and to study its potential use as a Police and/or Court Facility.

On October 23, 2006 the City entered into a five-year lease agreement with the Cloz Companies, Inc., as tenant. As of July 1, 2008, the lease was assigned with the City's consent to Lester's of Rye, LLC. It expires in February, 2012.

On a cash flow basis, we anticipate rent and sewer tax reimbursements of \$275,201 from the tenant in 2010. Payments to Aero Hardware & Parts Co, Inc., taxes, and miscellaneous expenses are estimated to be \$374,467 for a net cost to the City of \$99,266. This assumes that no part of the \$5.0 million principal payment is made during 2010.

During the fall of 2008, the City contracted with JCJ Architecture for the purpose of studying alternative solutions for accommodating the needs of the City's Police Department and Court Facilities. A draft report was submitted in January, 2009. Representatives of JCJ Architecture will be present at the City Council meeting on January 20<sup>th</sup> to review their findings with respect to 1037 Boston Post Road.

This memorandum and the JCJ Architecture presentation provide a status report on 1037 Boston Post Road. The next step will be identification of options for the City Council to consider at the February 24<sup>th</sup> meeting.

A handwritten signature in black ink, appearing to read 'Frank J. Culross', with a long horizontal stroke extending to the right.

Frank J. Culross  
City Manager



**New York State Office of Parks,  
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

**Received**

JAN 11 2010

**City Manager's Office  
Rye, New York**

**David A. Paterson**  
Governor

**Carol Ash**  
Commissioner

January 8, 2010

Honorable Steven Otis  
Mayor, City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Re: Bird Homestead  
600 Milton Road, Rye, NY 10580  
Westchester County

Dear Honorable Otis:

Following a detailed review, the State Review Board has recommended to the Commissioner of Parks, Recreation and Historic Preservation, who is the New York State Historic Preservation Officer (SHPO), that the property identified above be listed on the New York State Register of Historic Places and nominated to the National Register of Historic Places.

After reviewing the nomination, the SHPO has agreed with the recommendation of the State Review Board and has listed the property on the State Register of Historic Places. We shall now forward the nomination to the Keeper of the National Register in Washington, D. C.

If the Keeper of the National Register approves the nomination, the property will be listed on the National Register. You will be notified when this decision is made.

Information about the results of State and National Register listing were included in our earlier notification letter. If you have any further questions, please contact your field representative Peter Shaver, at the New York State Historic Preservation Field Services Bureau or call (518) 237-8643 ext. 3264.

Sincerely,

Ruth L. Pierpont  
Director  
Division for Historic Preservation

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Interim Corporation Counsel  
SUBJECT: Litigation Update  
DATE: January 15, 2010

**LITIGATION**

**SCHUBERT v. CITY OF RYE, et al**

On Tuesday January 12, 2010, a conference was held in front of Hon. Kenneth Karas in the United States District Court, Southern District of New York. Judge Karas questioned Plaintiff's counsel about the integrity of a few of his federal claims and whether they would withstand a motion to dismiss. After questioning both sides about their arguments, Judge Karas gave Plaintiff's counsel two weeks to file an amended complaint.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

*Kristen K. Wilson*

Kristen K. Wilson  
Interim Corporation Counsel

KKW/dfn



William R. Connors  
*Police Commissioner*

## POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



January 12, 2010

Memorandum for: Frank J. Culross, City Manager

Subject: **SUMMONS ACTIVITY – CALENDAR YEAR 2009**

The following summons activity has been reported for Calendar Year 2009:

TSLED (personal service/moving violations):	2,394
Parking:	11,752
City Code violations:	178

Submitted for your information.

WRC/wrc

A handwritten signature in cursive script that reads "William R. Connors".

William R. Connors  
Police Commissioner

CITY OF RYE  
MEMORANDUM

TO: Department Heads  
FROM: City Clerk's Office  
SUBJECT: Weekly Meeting Notice  
DATE: January 11, 2010

Meetings scheduled to be held during the week of January 18, 2010.

WEDNESDAY, JANUARY 20, 2010

*City Manager – Orientation*  
9:00 A. M.  
Rye Golf Club

*City Council Meeting*  
8:00 P. M.  
Council Chambers  
Mayor's Conference Room

THURSDAY, JANUARY 21, 2010

*Boat Basin Commission*  
7:30 P.M.  
Employee Lounge

cc: News Media  
Kerry Donahue