



STEVEN OTIS
Assemblyman 91st District
Westchester County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

June 21, 2017

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Mayor Joseph Sack
City Hall
Rye, New York 10580

Dear Mayor Sack,

I was very surprised to receive your factually inaccurate letter opposing state action that you and the City Council previously requested. Putting forth demonstrably inaccurate information to the public or other levels of government does not serve the interests of the people of the City of Rye or the credibility of the city government.

The facts and timelines are clear. The City of Rye has been concerned about activities and uses on the Thruway Authority parcel going back to the 1980s. For decades the City has consistently opposed use of the parcel by the state as a DOT/Thruway maintenance yard, the building of a state DPW style work yard, truck facility and salt storage shed and any commercial or transportation use on the parcel.

To permanently protect the City's gateway from these kinds of activities, the City, surrounding neighborhoods and Rye Country Day School have all sought to acquire or lease the property for recreation purposes over the past 25 years. When I served as Mayor the state was not willing to sell the property because they wanted to leave open the option to utilize the property for any possible transportation use. All City Councils since the 1980s were concerned about those kinds of high volume uses, as well. The site is included in the City of Rye Recreation Master plan for field space.

As you are aware, in August of 2015 I was notified by the Thruway Authority of its intention to sell the parcel at auction to the highest bidder. I strongly opposed that method of selling the property and successfully made the case to state officials that the parcel should be sold to the City for recreation purposes. I noted that the City, and the neighboring school, had long sought acquisition of the parcel for this purpose, individually and as partners. Through my intervention, the property was not put on the market for auction.

The Thruway Authority agreed to work with us and stressed the importance of the City and the school working together on a shared plan given that both entities had a long history of seeking access or purchase of the site. Eventually the Thruway Authority determined a market value price for an agreed upon sale for the described recreation uses.

All of this was communicated to you in 2015, and we met on a number of occasions in 2015 and 2016 with Scott Nelson, Headmaster of Rye Country Day, to discuss plans for

City ownership, shared use and significant financial contribution from the school towards acquisition and development of the site. You indicated that the City would pay for an environmental analysis of the site.

As 2016 progressed the City Council did not pursue the environmental analysis and you expressed concerns about the City's interest in funding the project at all. Finally, in the fall of 2016, after a City Council executive session, you called and notified me that the City was passing on purchasing the property. You requested that I win support and find a method for the state to sell the property to the school instead, with the provision that the City would still have shared public use similar to what was discussed under the city ownership partnership with the school.

As you remember, I was not pleased that the City was passing on the opportunity to purchase the property and communicated my disappointment in that phone call.

Your request was also a request that the school marshal the financial resources to purchase the property and build athletic facilities for shared use by the City, but with no promise of City financial contribution.

While these are not easy tasks to accomplish, I committed myself to gaining support of state officials and the Legislature to agree on the new approach you and the City Council requested. The school also took on the challenge by hiring consultants to draw up plans and work to commit funds for the acquisition and construction that is expected to range between \$15 – 20 million.

As recently as May 11, 2017 you indicated in a newspaper article that you were hopeful that this partnership with the school could work. At the June City Council meeting you assured the Chair of the school's Board of Trustees that the City had not made up its mind and would work with the school on the recreation plan. The next day you instructed the City Manager, without a vote of the City Council, to notify the Thruway Authority that the City wanted to buy the property instead for possible use as a site for Rye DPW.

On May 31 the City Council was provided with draft legislation to accomplish the plan for school ownership that the City Council requested. Comments were simultaneously requested from the City and the school before the bill was introduced. Contrary to the assertion in your letter, at no time was a home rule resolution requested of the city because this legislation does not require a home rule resolution. In fact, another member of the City Council reports that in June she told the City Council that no city action was required.

The legislation actually provides the City veto power over conveyance of the parcel by the state to the school because it requires the execution of a shared use agreement between the City and the school before the parcel could be sold. This language was included at my insistence to permanently protect public access and public use of the parcel. The legislation also includes language for reversion of the parcel if it ceases to be used for the shared purposes described in the bill that your City Council requested.

This raises the question of why would the City request veto of the legislation that provides the authority to sell to the school, protects public use of the parcel forever, but does not allow sale to the school without an agreement on shared use with the City? A few weeks ago the City was still in favor of the school acquisition plan you requested in 2016 when the City passed on the opportunity to purchase the property directly. A few weeks or months from now the City Council may change its mind again. Why would you then deprive the city of the option for school acquisition? How does this square with representations of the City's "good faith" to the school at your June City Council meeting or more recently?

The legislation was sponsored by the Chairman of the Senate Committee on Corporations, Authorities and Commissions because that is the committee the bill was referred to. I sit on the same committee in the Assembly. This is not uncommon and done to speed passage as the legislative session is coming to a close. I discussed this route with Senator Latimer in advance. Time is of the essence because NYS wanted to sell this property two years ago. Making the option that you requested available during this session remains important.

I have attached my memo sharing the draft legislation from May, my letter to the City Council of June 1 (now released to the public) and the May 11 newspaper article where you stated support for working with the school.

Increasing the number of athletic fields in Rye was a major priority of mine as Mayor. In twelve years I led the effort to acquire Nursery Field and added two fields at Disbrow. The City went from six to nine city-owned playing fields during my tenure. I am in support of increasing athletic facilities throughout the Assembly district I represent and am certainly eager to help Rye in the same way I have helped other communities.

I believe you owe the community and the school an apology for these and other misrepresentations. In dealing with our residents, local not-for-profits and other levels of government, consistency, transparency and accuracy are very important. This legislation was requested by the City, but does not bind the City. Upon understanding that, through this letter, I hope you will amend your letter, correct the record and support the measure you requested.

Sincerely,

A handwritten signature in black ink that reads "Steve". The signature is written in a cursive, slightly slanted style.

Steven Otis
State Assemblyman