



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



STEVEN OTIS
Assemblyman 91st District
Westchester County

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June 1, 2017

Hon. Joe Sack, Mayor
Members of the City Council
City Hall
1051 Boston Post Road
Rye, NY 10580

Dear Mayor and Members of the City Council,

I am writing to follow-up on the City Manager's phone call indicating that the City Council was considering changing its position from last fall regarding the purchase of the Thruway Authority property.

As you remember, the Thruway Authority notified me in August 2015 of its intention to sell the parcel at auction to the highest bidder. At that time, I was able to make the case to the Thruway Authority and the Governor's office that the parcel should not be put up for auction, but instead should be sold to the City for recreational use. Important in making and sustaining that argument was the long history of the City and Rye Country Day School opposing uses unacceptable to the City, as well as the desire of both the school and the City to make recreational use of the site.

Unified City opposition to unacceptable uses goes back to the late 1980's and early 1990's with Mayors Mary Ann Ilse and Warren Ross protecting the interests of the City – given the parcel's location at one of the City's gateways – against uses incompatible with the community's goals.

Most notably, under Mayor Ross, the Thruway Authority planned to place a DPW style salt and maintenance facility on the site. There was broad community opposition to this proposal, especially from neighborhoods on that side of town, including Loudon Woods. Opposition was broad, with significant concerns expressed about frequent truck traffic on the already busy Route 1 and its proximity to residential neighborhoods and the school. With the City's strong opposition, which was supported by Rye's then state legislators, the proposal was withdrawn and the parcel was landscaped as you see it today.

Under Mayor Dunn, the city sought to purchase the parcel for recreation fields but could not reach agreement with the Thruway Authority as to price. Under his tenure, the City also rezoned the property to prevent commercial uses on it. The rezoning was eventually rescinded after the Thruway Authority raised legal issues regarding the zoning change. But Rye's position was clearly established and made evident to the state that the community was opposed to commercial, maintenance yard or other uses – such as parking complexes, transit hubs or bus depots – that would bring large numbers of vehicles to the area. Various efforts were made by the school and the City, together and individually, to win access to the site. The parcel was included in the City of Rye 2000 Recreation Master Plan for use as a playing field.

During my years as Mayor, we made regular inquiries with the state about purchasing the property. The Thruway was no longer willing to discuss a sale because of the possibility that New York might want to use the parcel for transportation related purposes. After over two years of discussion in 2009, the City and the Thruway Authority negotiated the ability to lease the parcel to the City for recreational purposes. The authority to lease the property was adopted by the Thruway Authority Board of Directors in May of that year. The school would have been a participant in the development of that field project. In the end, however, the City never exercised that option.

Beginning in the fall of 2015, the City expressed an interest in buying the property as part of a public/not-for-profit partnership with Rye Country Day School. The school's Headmaster, the Mayor and City Manager held a number of meetings to discuss the approach that would have the city act as purchaser of the property. The school's Chairman of the Board of Trustees and another trustee were also present at one of those meetings. Both the city and the school had expressed to the state their respective interests in buying the property directly. During this period, state officials stressed to me the importance of the City and school working together as a factor in the state's willingness to proceed.

As those discussions continued, the school expressed an interest in playing a major financial role in the acquisition and conversion of the property to a recreational facility. As you recall, the City Council was not sure what financial role the city could play, so exact terms were not settled upon.

In the fall of 2016, the Mayor, on behalf of the City and City Council, requested that the terms of the sale be changed; the City wanted the state to sell the property to the school with the intent that the same partnership and shared use would be accomplished under school ownership. Based upon that request, I have sought state support for this new approach and a method to make it a reality.

Through discussions with state officials it was determined that the best method to authorize sale of the parcel to the school would be special legislation that would require agreement between the City and the school on public use as a perpetual

requirement for the sale. A draft of that legislation was prepared and shared with you. Under the bill, the parcel could not be conveyed until the City and the school completed a shared use agreement satisfactory to both. The school acquisition plan requested by the City would allow the municipal uses contemplated under the original City acquisition model to be accomplished without the City paying the costs of the purchase or improvements to the site.

Since 2015, I have regularly reminded the City and the school that the state's willingness to work with the community on an agreed upon, non-auction, sale of the property could be withdrawn at any time. The state is under no obligation to work with us on a public or not-for-profit outcome and I have at every stage advised urgency at getting this acquisition accomplished.

The City has also made representations about its position that the school and state have relied upon. To reverse course now, after your 2016 request, gives rise to serious questions about the City's reliability as a business partner in this or future matters. The state has always had the option of selling the property at public auction, leaving the community vulnerable to a wide variety of uses unacceptable to the City. The community's desire to use this location for recreational purposes has been at the heart of the City's defense against unacceptable uses, as well as the state's willingness to work with us on this matter over many years.

I hope this history is helpful and that we do not put at risk a game plan to achieve the goals your City Council has supported to date. I am available to discuss any concerns or issues you may have, either individually or as a group, so please feel free to contact me.

I look forward to hearing from you.

Warm regards,

A handwritten signature in black ink that reads "Steve".

Steven Otis
State Assemblyman

----- Forwarded Message -----

From: Steven Otis <otiss@nyassembly.gov>

To: jsack@ryeny.gov, emilitana@ryeny.gov

Sent: Tue, 30 May 2017 11:40:33 -0400 (EDT)

Subject: Thruway parcel

FROM: Steve Otis

TO: Mayor Sack and members of the Rye City Council

May 26, 2017

Confidential

Attached for your review is a draft of legislation to authorize the transfer of the Thruway Authority property to Rye Country Day School. The draft requires the existence of a use agreement between the City of Rye and the school. That agreement can be modified by agreement of the parties in the future under this draft legislation. The public use is protected by the reversion clause in the draft.

This draft is being shared with the school and the Thruway Authority for their comments as well. The draft was based upon similar legislative authorizations previously enacted and the work of staff of the Assembly central staff.

I am seeking comments from the city, the school and the Thruway Authority as soon as possible. Modifications can be made based upon questions raised but will be guided by the requirements of technical staff in the legislature and the requirements of the Thruway Authority.

Our plan is to introduce the bill within the next week.

Please feel free to call me with your questions and comments.

Thanks

Steve

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THE Rye City REVIEW

Wednesday, June 21, 2017

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LEAD STORIES, POLITICS

Sack proud to run on record, seek second term

May 11, 2017 12:59 pm by Christian Falcone

Saying there is still work to be done, Joe Sack will look to win another four years as mayor in November's Rye City Council election.

The Review confirmed his decision to run again in an exclusive interview with the mayor this week.

"With the support especially of my wife and daughters, and with the utmost faith in the unlimited potential of our great city," said Sack, a Republican, "I am proud to announce that I will seek a second term as mayor of Rye."

If re-elected, Sack told the Review he would like to focus his next term on increasing field space and adding more parking options, including giving consideration to a parking deck behind the businesses near Smith Street and Purdy Avenue in the city's shopping district. "People have been talking about parking for decades and no one has ever done anything about it," he said. "I'd like to be the mayor that finally does something about it."

After missing out on an opportunity to purchase vacant land across from Rye Country Day School last year from the Thruway Authority that could have been transformed into new field space, Sack now plans to push harder to make it a reality. "I think we can work out a deal where the city doesn't have to front so much money, maybe in a partnership with Rye Country Day School," he said.

The mayor also hinted at the possibility of putting in a turf field at Sterling Field and reconfiguring Disbrow Park to create more field space. "I'd like to play a leadership role in that effort," he said. "We have to be creative there."

Sack, a practicing attorney, first took over the mayor's seat in 2014 and is proud of what—along with his colleagues—he has been able to achieve. He called the role "extremely challenging, but so rewarding."



Mayor Joe Sack plans to run for another term as mayor, telling the Review that he is ready to campaign on his accomplishments during his first term in office. Photo/Jen Parente

Tony Piscionere, the Republican Party chairman, labeled Sack as one of the best Republican mayors in the city's history. "Joe has done a great job as mayor and I look forward to him continuing another four years of that," he said.

Now though, Sack must spend the next few weeks helping to form the Republican slate and select new running mates, since none of the members of his 2013 ticket—Terry McCartney, Julie Killian and Kirstin Bucci—will run again.

"I fully anticipate we'll have a full and strong ticket come election season," he said.

According to Piscionere, although a date has not yet been set, the city Republican's nominating convention will take place in early June.

In this year's election cycle, there are four seats in play on the City Council.

Meg Cameron, the Rye Democratic Committee chairwoman, would not confirm the names of candidates who will be running on the Democratic ticket, but assured the Review that the party would run a full slate, including its own mayoral candidate, in hopes of taking over majority control of city government for the first time since 2009.

If Sack, in the midst of his 10th year on the City Council, does win re-election, he would have the opportunity to join former Mayor John Carey, a Democrat, as the longest-tenured elected official in city history with 14 years of public service. Sack previously served six years as a councilman.

But Cameron said the timing is ripe for new leadership.

"Rye residents want a mayor who has our back," she said. "It's time for a mayor who cares about and responds to residents' heartfelt concerns."

Cameron added that when residents have asked the City Council to address issues such as Crown Castle's plan to put wireless nodes on residents' lawns, the mayor's first response is to dismiss their concerns.

Crown Castle is likely become a wedge issue in the upcoming campaign. And although Sack believes the issue will play a role in the election, he ultimately thinks it will help Republicans at the polls.

“The way I’ve dealt with issues exemplifies how we must deal with all types of issues,” he said. “When you’re the mayor and a city council member, you don’t have the luxury of being a personal advocate. You have a responsibility to allow everyone’s voices to be heard.... I think some council members are still learning how to act as council members.”

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Author: Christian Falcone

Christian Falcone is the editor-in-chief of the Review. He took over the role in April 2013. Prior to that he spent more than six years as an associate editor of The Rye City Review. Known for his investigative brand of journalism, Falcone has collected numerous awards for his reporting. Most notably, he took home honors for his coverage of the 2007 floods as well as Tropical Storm Irene. In 2012, he uncovered the alleged corruption at Rye Golf Club that led to the prosecution, conviction and sentencing, of more than a year in state prison, of the club manager. Prior to joining the Review in February 2007, Falcone reported for the Long Island Press and Queens Courier. He is a graduate of Hofstra University. Falcone can be reached at 914-653-1000 x19 or at chris@hometwn.com. Follow him on Twitter @chris_review.

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