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July 18, 2017

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

Dear Mayor Sack and Members of the City Council,

I am writing to take exception to the comments made at the July 12 City Council meeting at which false statements were once again made on issues related to the Thruway Authority property. Repeating inaccurate information does not make those statements true. My obligation is to correct inaccurate remarks when they are made. My letters of June 1 and June 21 provided great detail on the matters mentioned at your July 12 meeting, but I must share with you specific mention of a few of those issues:

1. Your repeated statements that the City Council was unaware of the impending introduction of the state legislation on the Thruway property fly in the face of the written record. On May 30 you received a draft of the legislation prior to introduction with a memo from me requesting comments, as cited below:

“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.”

There was no vote by the City Council opposing the legislation at the May or June meetings and no communication from the City to me that the legislation was being opposed by the City Council. The City Manager’s phone call to me, stated as a call on behalf of the Mayor, was that “the City Council was considering changing its position on the Thruway property.”

The City Council neither voted on nor even discussed a consensus position to oppose the state legislation at the May meeting. Therefore during our phone call at the end of May, the City Manager could not – and did not – represent to me that the City had changed its position on the legislation. He only indicated that the City Council was considering changing its position from the one last fall when it requested efforts to get the State to sell the parcel to the school. He related that the plan to relocate DPW to the Thruway site was at the core of the new approach being considered.

The first paragraph of my June 1 letter accurately framed the context of the City Manager's phone call:

"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."

At your June meeting, the Mayor made representations to Rye Country Day School that the City Council would continue to try to work with the school. At no time in the public or executive session portions of the June meeting did the City Council vote or even discuss a consensus position to oppose the state legislation.

Given this timeline, your claim that I ignored your opposition to the state legislation is not true. Claims made to that effect at the July 12 City Council meeting are also false.

2. There were also inaccurate statements made regarding home rule messages. Pursuant to the New York constitution, home rule messages are required on certain pieces of state legislation, often involving property owned by a municipality, such as parkland. No home rule message was required for this legislation, and the City was never asked for such a message. Had a home rule message been required, you would have received a specific letter from me requesting such a message, similar to the one you received on May 26, 2017 regarding Rye Town Park.

My May 30 memo sharing the draft legislation was not a home rule request. The purpose of that memo was to solicit input regarding the provisions of the legislation to allow, not require, sale of the Thruway parcel to the school. The ability to have the State sell to the school was an action that the City Council requested in the fall of 2016 after it decided to pass on the opportunity to purchase the parcel directly. This was discussed at an executive session that fall and communicated to me by the Mayor at that time.

3. Misleading comments have also been made regarding the sponsorship of the legislation in the State Senate. As I clearly stated in my June 21 letter:

"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."

All these matters were dealt with in greater detail in my June 1 and June 21 letters and materials. I am disappointed that, having received this information, some members of the City Council continue to repeat statements that have been refuted with detailed evidence and timelines. I will continue to communicate accurate information and take exception to assertions that are not supported by the evidence.

Most importantly, both of my letters indicate that the state legislation gives the City veto power over conveyance of the parcel to the school and requires a shared use plan agreeable to the City and school before a conveyance can occur. An important issue raised a few times at the July 12 meeting, as well as in my prior correspondence and throughout our discussions since 2015, is that failure to purchase the property by either the school or the City will result in an auction of the parcel to the highest bidder, as the State had intended two years ago.

If the state legislation were vetoed, the option of a sale to the school for shared use with the City would be eliminated. Is the City Council prepared to be responsible for opening the site up for the commercial, industrial and transportation uses that Rye has consistently opposed at that site for almost 30 years? Why would the City recommend veto of this state legislation, and thereby remove one option for community acquisition, when the legislation gives the City veto power over conveyance to the school?

When these questions were raised at the July 12 Council meeting, there was no response from members of the Council who supported a veto of the legislation. The City Council decided in the fall of 2016 not to purchase the property because of cost. Some of you are reconsidering that position, but if you decide the City still cannot afford the property or does not choose to buy the parcel, how will you justify blocking school acquisition, which would have to include shared use by the City, when the alternative leaves open outside ownership and unknown uses?

Having been provided the opportunity to purchase the parcel since the fall of 2015, the burden is on the City Council to demonstrate the desire and ability to finance purchase of the parcel or work with the school on the joint partnership that was initiated last fall. To do neither and allow auction of the property would represent a failure to protect our community.

I was disappointed when the City turned down the opportunity to buy the property in 2016. I have dutifully pursued your request to find a feasible plan to allow school acquisition and shared use with the city. The legislation provides such an arrangement with permanent protections for the City, which were included in the legislation at my insistence.

It is important to remember that we live in a small town and have a common interest in doing what is best for the community and its residents. I think it is time to move on to addressing the choices and working with everyone towards good solutions. As always, I am here to help.

Sincerely,



Steven Otis
State Assemblyman