

DRAFT

RYE CITY COUNCIL RESOLUTION DATED APRIL 17, 2024
CONCERNING
NURSERY FIELD ETC.

WHEREAS, The City of Rye is committed to improving its recreational playing fields so as to increase availability for organized youth sports;

WHEREAS, the Rye Athletic Fund, Inc., a nonprofit a/k/a Let The Kids Play (the “Donor Group”) has stepped up and generously agreed to pay for the costs of installing a synthetic turf field at Nursery Field, and reimbursing the City for all preparatory soft costs already spent;

WHEREAS, on December 6, 2023 and December 20, 2023, the City Council passed resolutions setting forth terms to accept a donation for a synthetic turf field at Nursery Field and advance such a project (the “Nursery Field Project”);

WHEREAS, On January 10, 2024, the City Council issued a pause on the Nursery Field Project so as to allow the current City Council to gather new information and listen to and consider the concerns from the Nursery Field neighborhood, the donor group, and other members of the community concerning the Nursery Field Project and the state of Rye City’s recreational fields and greenspaces; and

WHEREAS, the Rye City Council has determined it is the public interest to move forward with rehabilitating Nursery Field so as to address the drainage issues that negatively impact the playtime for organized youth sports at Nursery Field;

WHEREAS, the Rye City Council has determined it would like to move forward with the Nursery Field Project, i.e., installing a synthetic turf field at Nursery Field that meets all the criteria outlined in the December 6, 2023 resolution and that is verified by independent third party to be free of any PFAS/PFOA related chemicals;

WHEREAS, the City Council acknowledges that it is able to move forward with the Nursery Field Project via the generous support of the Donor Group, and that failing that, remains committed to rehabilitating Nursery Field by other means and methods;

WHEREAS, the Rye City Council has also determined it is the public interest to formally analyze how to address issues at Sterling field that are negatively impacting playtime at Sterling Field;

NOW THEREFORE BE IT RESOLVED:

1. The City Council’s resolution of December 6, 2023, allocating \$100,000 from the City’s Capex fund to pay the costs of design documents and to go to bid on the Nursery Field Project is reversed;
2. The City Council’s resolution of December 20, 2023, to accept the Donor Group’s funding letter agreement concerning the Nursery Field Project is reversed, and the agreement will not be executed;

3. The City of Rye will accept the Donor Group's generous donation and advance the Nursery Field Project to completion, subject to the Donor Group fulfilling the conditions specified below:
4. The Donor Group will raise a minimum of \$3,000,000, the anticipated cost of the project, within 30 days of the date of this resolution and deposit the money into a City special account, to be set up by the City Manager. Such moneys will be returned in full to the Donor Group, net of soft costs already incurred by the City (\$290,000), if for any reason the project does not go forward.
5. Once the steps outlined in # 4 above is satisfied, the Donor Group will provide the City with \$100,000 so staff can engage consultants to commence the work on construction documents and provide an estimated bid date. If the Donor Group chooses to donate \$100,000 up front before raising \$3,000,000 to expedite the bid process, the City will accept the money.
6. If the total costs of the Nursery Field Project, including \$290,000 of soft costs already incurred and the cost of bidding (estimated at up to \$100,000), exceed \$3,000,000, the Donor Group will raise and provide additional moneys to the City to cover such costs.
7. Upon completion of the bid documents, solicitation of bids, and an acceptable bid being received, the Donor Group will donate the full amount of the costs of the Nursery Field Project to the City, including the reimbursement of all soft costs already spent by the City on this project. If the total costs of the project exceed \$3 million, the Donor Group will provide additional moneys for the full cost of the project to the City within 45 days after the receipt of the bids and before the City's award of the contract.
8. The City Manager will consult with citizens from the neighborhood surrounding Nursery Field to address concerns regarding project aesthetics, the planting of trees and shrubbery, etc. ("Beautification Projects"), and at the City Manager's discretion, will incorporate such plans into the Nursery Field Project plans. To that end, the City commits to spend an amount no less than \$150,000 and not to exceed \$250,000 on such Beautification Projects and may use any amounts received from the Donor Group that are not used for the installation of the field or the bidding costs or other soft costs. Any source of any additional monies shall be from the General Capital Project account.
9. If adequate funds to complete the Nursery Field project are provided by the Donor Group, the City will move forward with the project and will make all reasonable efforts to complete the project. If, for any reason the project does not go forward, the City will return all moneys not already spent on the project to the Donor Group. Any return of moneys will be net of soft costs already expended and any other costs expended at the time it is determined that the project will not be completed.
10. The City Manager shall work with Rye Recreation to establish a regimen of user fees for Nursery Field with a goal to collect a significant amount of funds to fund the replacement cost of the synthetic turf at the end of its useful life. The fees will be collected from Nursery Field user groups and held in a separate City account. Prior to replacement, the City Council will determine whether the synthetic turf should be replaced with a new synthetic turf surface, including evaluating the components of such new synthetic turf surface, or natural grass. Any moneys collected in excess of the cost of the replacement surface shall be preserved for future improvements to the field.

11. The City will take advantage of increased resources by hiring a consultant to review existing grass playing fields other than Nursery with the goal towards putting a plan and resources in place to make Rye Rec's grass playing surfaces better and more resilient. The City Manager is requested to come back to the City Council with a plan and costs. The necessary funds to hire a consultant shall come from the General Capital Project account and shall not exceed an initial amount of \$50,000.
12. At time for replacement of Nursery Field synthetic turf (8 - 10 years) the City will make a determination as to whether it wants to re-turf with synthetic turf or go back to grass.
13. Rye Rec will continue to keep records of field use and availability for organized team play (for Nursery Field and all improved grass fields) up to the time synthetic turf is to be replaced at Nursery. This will inform the City Council as to its decision whether Nursery should be re-turfed with grass or synthetic turf at the time such turf needs to be replaced.
14. Consistent with adequate maintenance of fields, Rye Rec will make best efforts to keep all fields, turf and grass open year-round for free play and to keep records of such field availability.
15. In the event that the Donor Group is unable to raise the funds or otherwise fails to meet the requirements of paragraph 4, this resolution will be null and void with respect to the Nursery Field Project. The City will then proceed with an alternative project for drainage installation and an improved grass field at Nursery Field with plans to be provided by the City Manager and the City Manager is hereby directed to immediately engage such consultants as necessary and commence design, regulatory activities, and bid documents to install a natural grass field at Nursery Field and may use funds not to exceed \$100,000 for such soft costs.
16. The City Manager is hereby directed to immediately, engage such consultants as necessary and to analyze Sterling field and provide initial design options and initial estimates and timelines for the rehabilitation of Sterling Field. The City manager is authorized to spend up to \$50,000 for this analysis and such funds shall come from the General Capital Project account.