



CITY OF RYE

RESOLUTION FOR NURSERY FIELD DRAINAGE AND TURF PROJECT AND OTHER RYE PLAYING FIELDS

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 Youth Athletic Foundation, a nonprofit a/k/a Let The Kids Play (the “Donor Group”) has generously offered to pay for the costs of installing a synthetic turf field and drainage system at Nursery Field, and reimburse the City for all preparatory soft costs;

WHEREAS, on December 6, 2023, the City Council passed a resolution to move forward with installing a synthetic turf field at Nursery Field that meets all of the criteria outlined in the December 6th Resolution, including (i) the Council’s negative declaration, (ii) City Planning Commission’s November 21, 2023 Advisory LWRP Coastal Consistency and Wetland Review, and (iii) that all components (grass blades, shock pad, and infill) are tested by an independent third-party lab retained by the City (for example Galbraith Laboratories, Inc. in TN or similar quality lab) to identify total fluorine content and such lab shall conduct appropriate targeted testing for PFAS/PFOA content and verify that such components require no warning labels under California Proposition 65 standards, (the “Nursery Field Project” or “Project”);

WHEREAS, on December 20, 2023, the City Council passed a resolution setting forth terms to accept a donation from the Donor Group to pay for the Nursery Field Project;

WHEREAS, On January 10, 2024, the City Council issued a pause on the Nursery Field Project and the acceptance of a donation to pay for it 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;

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 availability for organized youth sports playtime at Nursery Field;

WHEREAS, the Rye City Council determined that subject to receipt of the proposed donation from the Donor Group, as set forth below, it will move forward with the Nursery Field Project;

WHEREAS, the City Council acknowledges that failing receipt of such donation, the Council remains committed to rehabilitating Nursery Field through improved drainage system and natural grass;

WHEREAS, the Rye City Council has also determined it is the public interest to formally analyze how to increase turf quality and playability at its other grass playing fields, including Sterling Field;

NOW THEREFORE BE IT RESOLVED THAT:

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 its December 20, 2023 resolution to solicit bids for the Nursery Field Project are hereby null and void;
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 hereby null and void, and the agreement will not be executed;
3. The City of Rye will accept the Donor Group's proposed donation and advance the Nursery Field Project to completion, subject to the Donor Group fulfilling the following conditions:
 - a. On or before May 31, 2024, the Donor Group will donate to the City \$100,000 ("Bid Soft Costs") so staff will, as promptly as practicable, engage consultants to prepare construction bid documents and put the Project out for bid;
 - b. On or before July 1, 2024, the Donor Group shall show the City Manager that the Donor Group has funds in the amount of \$2,900,000 deposited into a third-party escrow account exclusively for the purpose of donating to the City for the Project;
 - c. Within 45 days after the receipt of an acceptable bid, and in any event, before the City's award of the Project contract to a bidder, the Donor Group shall donate to the City moneys for the full cost of the Project, including soft costs. If the cost of the Project exceeds the current estimate of \$3,000,000, including the \$290,000 of soft costs already incurred and \$100,000 for bid

documents, the Donor Group will raise and provide such additional moneys to the City within said 45 days and prior to any bid award. The Donor Group shall comply with all laws, rules, regulations, and policies concerning making donations and gifts to a government entity, including with respect to disclosure of funders and funding sources.

4. If for any reason the Project does not go forward, other than due to a failure by the Donor Group to meet the requirements of §3b or §3c above, the City will return all moneys provided to it by the Donor Group. If a reason the Project does not go forward is that the Donor Group fails to meet the requirements of §3b or §3c above, the City will return any moneys provided to it by the Donor Group net of the Bid Soft Costs.
5. In the event that the Donor Group fails to meet the requirements of paragraphs 3a or 3b or 3c above, then upon the earliest such failure this resolution will become immediately null and void with respect to the Nursery Field Project. The City Manager will then proceed, as promptly as practicable, with an alternative project for drainage installation and an improved grass field at Nursery Field with plans to be provided by the City Manager. At such time, the City Manager will engage such consultants as necessary and commence design, regulatory activities, and prepare construction documents to install a natural grass field at Nursery Field. The City Manager will present the City Council with a plan, estimated soft costs and sources for funding at such time.
6. The City of Rye, as is its customary and general practice, will defend in good faith against any litigation, in which it, the City Council, or its boards, commissions, or staff are named a party as it relates to the Nursery Field Project. If the Donor Group is subject to any lawsuit in connection with the Nursery Field Project, the Donor Group will cover its own legal costs with its own funds, which will be in addition to those raised to pay for the cost of the Project.
7. If the Nursery Field Project is completed, nothing herein obligates the City to replace the synthetic turf at Nursery Field at the end of the useful life (currently estimated at 8-10 years) with synthetic turf. 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 with natural grass. The City Manager will determine when the synthetic turf at Nursery Field has reached the end of its useful life and needs to be replaced. At such time the Turf shall be recycled to meets the recycling parameters of applicable New York State Environmental Conservation Law and other applicable laws.

8. The City Manager will work with citizens from the neighborhood surrounding Nursery Field to address concerns regarding neighborhood aesthetics, beyond those called for as part of the Project planning and LWRP process, e.g., the planting of additional trees and shrubbery, additional non-field design elements, and safety and noise mitigation, etc. To that end, the City will spend an amount to not exceed \$250,000 on such additional enhancements.

9. The City Manager shall, as promptly as practicable, solicit proposals to review existing grass playing fields other than Nursery Field with the goal towards putting a plan and resources in place to make Rye Rec's grass playing surfaces better and more resilient and shall present such proposals to the City Council for consideration and funding.

10. The City Manager shall, as promptly as practicable, solicit proposals from consultants to analyze Sterling Field to provide concepts, plans, design options, and initial estimates and timelines for rehabilitation and increased playability for Sterling Field. The City Manager shall present such proposals to the City Council for consideration and funding.

11. Consistent with adequate maintenance and oversight of its fields, Rye Rec will make best efforts to keep all fields, whether synthetic turf or grass, open for year-round free play for Rye citizens and their children and keep records of such field availability.

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