

TOWN OF RYE – BOARD OF SELECTMEN
Wednesday, March 4, 2020
5:30 p.m. – TD Bank Building

Present: Chair Phil Winslow, Vice Chair Keriann Roman, and Selectman Bill Epperson

Others Present: Town Administrator Becky Bergeron and Daniel Philbrick

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance

II. INTRODUCTION TO WARRANT ARTICLES 7, 8, & 9

Chair Winslow stated that each Selectmen would read a paragraph introduction.

Chair Winslow started:

“At the 2019, Deliberative Session we amended Article 31, which is an article (Chair Winslow read 2019, Article 31) we had amended this back in 2019, it was passed by the electorate.”

Selectman Epperson:

“To meet the needs of last year's warrant article 31, as previously read, the Selectmen along with the Town Administrator, drafted RFP, Request for Proposal, that was sent out to a number of Architectural Firms that had experience of working with historical buildings. The RFP, we asked them to give us a quote to review the layout of the Town Hall to make the building ADA compliant, to design a new office layout to provide adequate meeting room space, to determine what the cost of the renovation would be and to determine how many additional square feet of space we would need to house the offices that were lost in doing so. We received proposals in June 2019, from Barba and Wheelock. B&W was introduced to the Selectmen at our August 26, public meeting. Over the September, October, time period B&W reviewed all past work that had been done on the Town Hall and met with each town hall employee to determine what square footage they currently occupied, and what square footage they would need and they presented an interim report to us in November 2019.”

Vice-Chair Roman

“In 2019, the lease with the Parsonage expired and The Housing Partnership which was the ones that were maintaining the Parsonage were unwilling to continue into an additional lease unless we could enter into a long term commitment with them because they needed to put money into the building in order to make it continually habitable. We, based on the Parsonage report from the committee, having convened years earlier, we felt based on that recommendation that we were not going to renew the lease for a long-term lease. Initially it was a 99-year request. And then it went to 30 but it was never clear but, it was presented to us as 99 years. So, we extended the lease for one year because there were people that were living there that needed to be relocated and The Housing Partnership has worked with them and paid their moving costs and is finding suitable housing for all of those folks.

In September 2019, this is reflected in our minutes of, I believe, September 23, Mr. Philbrick came to us and offered consideration of an exchange of this TD Bank Building with the Parsonage. He made a

formal presentation, it's quite detailed...in order to move forward he wanted to have a conditional agreement with the Select Board, that we would be willing to put it forward to a Town vote to do so. Of course, we would have to put it to a Town vote to do that because it's town property. Given the space that's available at TD Bank and given that we were faced with owning a building that was going to need a considerable amount of money to repair, in order to make it viable for anything, not just residences, but any kind of viability we would have to put money into it. At our meeting minutes that reflect it in September, November and December, we felt that it wasn't our decision to make not to consider it; that if that was a proposal that was being presented to the town it was incumbent upon us to let the voters decide whether or not that's something they wanted to do and that's reflected in those minutes. So, the proposal provided an opportunity for additional office space.

We asked our architect at the time, Barba and Wheelock, to look into what additional space would look like here. We've also asked her to look at what additional space would look like at the Parsonage...we wanted to have all scenarios presented so that we could make a recommendation to the voters. We discussed this at multiple meetings. We entered into a contingent purchase and sale with Mr. Philbrick and that's stated at the meetings and the contingency is, it's fully dependent on Town voter approval. The contract also called for Mr. Philbrick to invest \$850,000 into the property and if less was spent, he was willing to donate any amount less than that to the Library. We did an appraisal of both buildings because we thought that was a reasonable thing to do so we know what we were dealing with. We hired an independent appraiser who had no relationship to Mr. Philbrick, no relationship to the town, but is a town resident because we thought that was important. He appraised the TD Bank and the Parsonage and that's available on our website. The TD was appraised at \$605,000 and the Parsonage was appraised at \$309,000, which we were a bit surprised at. The key part of that appraisal was that it was valued as vacant land because the highest and best use based on this appraiser's determination of the Parsonage was to tear it down; that's on a value basis, that's just because that's what his job was to do. We didn't put any conditions on his appraisal, we just wanted him to do his job without us telling him what to do, so that's how he valued it."

Chair Winslow stated they were currently working on the plan as outlined in Article 31, with Barba & Wheelock, when Mr. Philbrick came forward with his proposal. Article 8 is necessary for if the exchange happens, the Parsonage has to be surveyed.

Selectman Epperson stated in 2018, it was voted that the Selectmen could sell the old Trolley Barn (Article 27). Article 9 of this year was so that if it is accepted, the money from the sale of the Trolley Barn would be used to establish a Municipal Buildings Construction and Renovation Capital Reserve Fund for the purpose of constructing or renovating town owned properties. At multiple Board of Selectmen meetings, it was explained that a portion of the funds would be used to renovate the TD Bank and the Selectmen would work with the Budget Committee, in public meeting, for any expenditures over \$25,000. The exact cost of the renovation is not available at this time.

III. PLANS FOR USE OF TD BANK & BANK TOUR

Town Administrator Bergeron explained the Town would like to move the Town Clerk/Tax Collector office, the Assessing office, possibly the Finance office, Finance Director, Finance Administrator and the Treasurer to the TD Building. (Layout drawings presented to attendees of the meeting). The drive-up window could be utilized by the Town Clerk/Tax Collector; this would be beneficial for individuals with mobility issues and families with small children.

Vice Chair Roman reiterated that the Board of Selectmen will work with the Budget Committee for expenditures over \$25,000. Specific wording for that was initially in the warrant article but it was mandated that it be removed when the articles were reviewed by the Department of Revenue because it was not legal wording.

Chair Winslow stated that as part of the commitment to sell the Trolley Barn, the Board will work with Rye Senior SERVE to find a new place to house their van which is currently kept at the Trolley Barn.

Dan Philbrick stated that he first went into the Parsonage on February 5, and was surprised by the state of it. There will be an Open House there for Saturday, March 7 at 10:00 a.m. Mr. Philbrick stated that almost everything inside the building, historically, is gone. Mr. Philbrick showed before and after photos of properties that he's renovated. He offered to give tours to individuals wishing to see some properties he's renovated.

Chair Winslow stated one question they've received is "Why not sell the Parsonage and separately buy TD Bank or buy a place for offices?" He stated with Dan's background, his ability to maintain historic features, the fact that he's a Rye resident and his commitment to having apartments, the Board felt it was the best avenue rather than selling to someone with no commitment to the town. Big picture is the town has been working on spacial needs at the Town Hall since 2011. What is seen here is an opportunity to move employees to a safe and efficient work space. This would also hopefully allow the opening of the second floor of the Town Hall for meeting space.

IV. Q&A ON THE PARSONAGE/TD BANK EXCHANGE

- **Karen Allen, 81 Grove Rd and Library Trustee**, stated that the Library is not against moving the offices or against the project. But as abutters to the Parsonage, they haven't been consulted as to the layout. The plot line is directly against the sidewalk to the Library and even though the property is town owned, the Library has been maintaining it. 4-5 years ago, the Library removed the rotting fence that was on the property and at their expense planted roughly 18 bushes that they've maintained. They don't want to lose that property and would hate to see the bushes knocked down as it's a good privacy screen. She wanted to make note that the appraisal states the Library and the Parsonage share a septic. She stated the Library has its own septic, the septic at the Parsonage is shared with the Historical Society museum. The trustees are excited for the plans but are disappointed they weren't consulted.
- **Victor Azzi, Library Trustee**, asked where is the property line? Is it at the edge of the walkway or farther in towards the Parsonage building? He stated in 1995 when the town acquired the Parsonage and the acreage for expanding the library, there was a question of what the town would want to do with the Parsonage. It was decided the library would control the land that was defined by the fence that was there. The fence, at the time, was supposed to be maintained by the occupiers/managers of the Parsonage and the library. When the fence needed repairing/replacing, the town stated they didn't want to spend the money on the fence so the library planted the trees. He asked why the line is now being drawn at the walkway instead of at the trees that they planted and nourished. He's asked numerous people where the line will be drawn without receiving an answer.

Chair Winslow stated the Board of Selectmen had a meeting with the Board of Trustees in September or October and they wanted to know if the Trustees wanted to have the Parsonage or could use the Parsonage and they were told the Library did not have an interest in the Parsonage. As a result of that, the trade was proposed by Mr. Philbrick.

Town Administrator Bergeron didn't have an update from a survey. There is no contract for a survey, the survey won't be done unless Article 7 were to pass.

Vice Chair Roman advised that if the article is passed, there will be a lot involved, logistically, that will need to be worked out.

Mr. Philbrick stated part of what will need to be done is an easement for lighting and planting. He stated the vision needs to be a lot bigger than the shrubs, it needs to be how to make the property look like it belongs. If needed, Mr. Philbrick is open to an addendum to the agreement to discuss these issues. The vision has to be where the Historical Society museum, the Library, the town, and himself come together on what is wanted out of that space.

Mrs. Allen stated that the Library would just like to be included in that process. Mrs. Allen thanked Mr. Philbrick for his information and stated it seems as if his vision and the vision of the Library should align.

Vice Chair Roman asked if the article passes, if they could commit to meeting with the Library Board of Trustees and Mr. Philbrick. Chair Winslow agreed they could.

- **Karen Oliver, Library Trustee**, stated that the Trustees of the Library look at the property line as something they guard. They take great pride in what happens there; they were in a situation where they were obliged to take control of that area. She doesn't necessarily just mean the strip of bushes, but in general. She is thankful that it seems the Library will be involved in the survey process.

Mr. Philbrick said one of the agreements in the contract is to have the right to expand the Parsonage by 20%. He stated they'll be limited on expanding but his vision is to make the property something on the upper end.

Mr. Azzi reiterated his point of concern as to whether the property line will be at the walkway, or at the accepted line of where the current row of trees is.

Chair Winslow stated that as he understands it the Library wanted to protect the bushes because they're aesthetically nice and better than the old fence that was there. But, from the point of Mr. Philbrick, he wants to make this a campus that looks pleasant. These are all details that if the article passes, will be looked into. But parties involved are willing to work with the Library. The decision of the bushes is not something that can be made tonight. Chair Winslow stated they do want the Library to weigh in on the subject.

- **Hank Evans, 354 Central Rd**, asked Town Administrator Bergeron if she saw any challenges with the Town Offices being separated.

Town Administrator Bergeron stated no. She's been asked this question a number of times. There is currently communication with Public Works, Recreation, the Police and Fire Departments which are in different buildings throughout town. This would be nothing more than that. It would also fulfill the space issue as seen in the Building Department, the Town Clerk's Office, the Assessing Office. It's no more inefficient to run up and down stairs to speak to the departments downstairs than it would be to pick up the phone and make a phone call.

Second question from Mr. Evans, does the town know when there will be answers available on the Parsonage from Barba & Wheelock, will it be before the vote?

Chair Winslow stated it will not be before the vote, as the vote is on Tuesday. The Board was looking at a design for the Parsonage, if the Parsonage could be used and also for the TD Building. Concern with the Parsonage is that it would cost substantially more money to renovate. A report from 2015, stated that to renovate the Parsonage would be \$500,000. The assumption today is that the renovation number would be well over \$750,000. Comparatively, the TD Building would cost \$200,000 or less.

Third question from Mr. Evans, were there alternatives explored outside of the appraiser who gave his valuation based on a tear down of the building?

Vice Chair Roman advised that the town wanted a valuation on best use of the property. The town could have put conditions or constraints on the valuation and ask what value was held historically. She stated further that someone came in to look into putting the Parsonage onto the National Historic Registry and that it did not qualify as there is no historical value that would place it there. All of the historic value had been removed. For the town to ask the appraiser to value the property with historical significance would have been false, as there is no real historic significance. Also, getting the property valued from the point of a realtor wouldn't have been to the same level that the appraiser did.

Selectman Epperson added the appraisal is available on the town website as well as copies were made available at the meeting.

- **Alex Herlihy, Heritage Commission & Rye Historical Society**, posed the question as to where do the offices of Town Administrator Bergeron and Executive Assistant Drago fall in the plan for the TD Building? The upstairs of the Town Hall is much needed meeting space.

Town Administrator Bergeron advised those two offices will remain at Town Hall. Potentially, those offices would move downstairs depending on how much space could be freed up.

- **Susan Ross, 333 West Rd**, stated it would be nice to always know where the town meetings would be held. She appreciates the effort that is being made to take care of town employees. Susan posed the question of whether the TD Building is a solid space for town employees?

Selectman Epperson stated the appraiser looked over every part of the building and it's a very solid building. This point was reiterated by Mr. Philbrick. The building was built in 1964. The slab, though unchanged since 1964, is extremely solid.

Mr. Philbrick stated he only did this trade because it's for the town. If you look at this trade as is, no emotions or outside factors, he doesn't see a plan B of what is done with it. He only sees a Trolley Barn II. This trade just makes good common sense.

- **Unknown party** asked what are the plans for the land?

Chair Winslow advised the Board of Selectmen will ask the Town Center Committee to look at the remaining portion of the acreage and how it can best be utilized. Its their intention to challenge them to look into how it could best be used.

- **Amy Bivins, 354 Central Rd**, what are the restrictions on the current property? She's heard it can only be used for certain things such as a bank.

Vice Chair Roman advised after it was sold, it could not be used as another bank for five years.

Mr. Philbrick added as part of the deed, if it's to be used commercially, it has to be used as a bank, so long as all of the adjoining lots are zoned as residential. The land outback is no longer zoned as residential, it's now Conservation land. He got two different opinions and is quite confident it can be used.

Vice Chair Roman stated the town attorney was consulted and said that legally the TD Building could be used as municipal space and that would not violate the deed restrictions.

- **Jeanne Maher, 162 Washington Rd**, is the town convinced that if the building is acquired, it will serve all the town needs both present and future? Also, what is the difference in square footage between the Parsonage and the TD Building? In her opinion, to split the town buildings doesn't make sense.

Chair Winslow advised the Board is looking at the fact that the electorate has passed up at least 7 opportunities to make a change to the Town Hall. To make it available to safely house employees. Every article put forth has been turned down because of the cost. So, the Board looked at how to get both what the town wants and what the employees need.

Vice Chair Roman reiterated before Mr. Philbrick came forward, the town hired a firm to address the needs of Town Hall, the needs of meeting space etc. She's been in the Parsonage and she cannot see how it can be renovated for town offices. It's shocking what the inside would look like. Fiscally, that's an additional expense.

- **Jaci Grote, 124 Washington Rd, Budget Committee** looking at the individuals that would be at the TD Building, it appears as though the most common purposes as going to the Town Hall would be moved. Mrs. Grote confirmed with Town Administrator Bergeron who would be moving to the TD Building and stated it appears that this would be a good use of the space.

Town Administrator Bergeron added the intent is to plan and allow for future use and not have people stacked one on top of the other. In the existing location, the building office can now be spread out, the Zoning Administrator can be moved into a better space. Herself and Kate Drago can be moved to the bottom floor and leave the upstairs open to meeting space.

Mrs. Grote commented that she always tries to support articles concerning Town Hall. She states it's apparent there is significant resistance into putting money into town properties. This is going to force the issue and make people aware. She states she encourages people to go to the Parsonage on Saturday.

Selectmen Epperson reiterated the TD Building is a huge advantage to people with mobility issues and individuals with small children. They'll be able to drive up to the drive-up window and never have to get out of their vehicle.

- **Unidentified party**, advised she doesn't see how the Parsonage, Library and Museum could be considered a campus. It's on a major intersection and until that's addressed, she doesn't see how that can happen.
- **Jeff**, states this effort is a no-brainer. His concern is that he doesn't believe the town can say that this solution is all that is needed for the future. Splitting town functions and resources where practical right now doesn't seem efficient in the long term. The big picture should be a place where all town functions happen but this is a step in the right direction. He wants to encourage proper planning to take place. He wants this to be a town effort.

Selectmen Epperson stated that's the charge of the Town Center Committee. The Board is hoping that in the near future there will be a 3,4,5 or 10-year plan for the future.

Mr. Azzi added the Selectmen appointed a committee called the Rye Town Center Committee. The principal part of their charge was that they would develop a plan to include presently owned buildings within the Rye Town Center and all buildings that were available. This committee would then come back with recommendations of how each building would be part of that plan. All of the buildings that should have been included have now been taken out of consideration because the TD Building, Parsonage, Trolley Barn and the Town Hall have been committed to something.

Chair Winslow advised Article 31 last year stated the Board had to develop a plan, therefore, an architect was hired. Secondly, the Town Center Committee was charged with making a plan for the center of town. Now comes, Mr. Philbrick, who offered an opportunity for the voters. Nothing is being taken away from the Town Center Committee. It's now the choice of the voters. The Board did see if this could be put off until 2021, due to his business, Mr. Philbrick stated it could not.

Mr. Herlihy stated what's really important is the exterior look of the Parsonage. To make sure that it fits in historically with the town.

- **Phillip McDonough, 5 Random Rd**, he's concerned for the individuals that will be displaced by the exchange of the Parsonage and the fact that there will no longer be low income housing.

Selectman Epperson advised last year the Planning Board approved a 40-unit housing complex on Airfield Rd of which 20% will be workforce housing. There are more proposals in the works for workforce housing as well. Rye hasn't lost sight of the fact that there is a need for affordable housing. The town has asked The Housing Partnership to look at town owned properties where they thought they might be able to accommodate a building and there wasn't any. The Housing Partnership has tried to make this as least intrusive to those parties as possible. The Board believes that this is the right thing to do at this time with what is available.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 7:05 p.m. Seconded by Keriann Roman. All in Favor.

Respectfully Submitted,
Katelyn Drago