

**TOWN OF RYE – BOARD OF SELECTMEN
LISTENING SESSION MEETING**

**Saturday, March 7, 2020
10:00 a.m. – Rye Public Library**

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

Others Present: Town Administrator Becky Bergeron

I. CALL TO ORDER

Chair Winslow called the listening session to order at 10:04 a.m. and led the Pledge of Allegiance.

II. INTRODUCTION TO WARRANT ARTICLES 7, 8 & 9

ARTICLE 07. To see if the Town will vote to authorize the Selectmen to convey the Parsonage and ±0.4 acres to 500 Washington Road, LLC and to acquire in an exchange at par the former TD Bank building and its 3.7 acre parcel pursuant to a Contract for Property Exchange/Swap signed by the Selectmen and Daniel Philbrick, AND FURTHER, to authorize the Selectmen to grant a septic system easement to 500 Washington Road, LLC as set forth in said Contract. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

ARTICLE 08. To see if the Town will vote to raise and appropriate the sum of fifteen thousand six hundred dollars (\$15,600) for the surveying, engineering and other expenses required to subdivide a ±0.4 acre parcel around the Parsonage and Carriage House from the larger 1.9 acre town parcel and to obtain NH Department of Environmental Services approval of the septic system easement allowing the Parsonage and Carriage House to continue to use the existing septic system located on town property. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee (8-1)

ARTICLE 09. To see if the Town will vote to establish a Municipal Buildings Construction and Renovation Capital Reserve Fund pursuant to RSA 35:1 for the purpose of construction of, or renovations to, town owned buildings and to raise and

appropriate the amount of \$280,000 to be placed in this fund and to appoint the Selectmen as agents to expend from this fund with \$280,000 to be offset from the sales proceeds from the Old Trolley Barn. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (9-0)

Background Information given by Chair Winslow:

At the 2019 Deliberative Session, Article 31 was amended to read;

“To see if the Town will vote to require the Selectmen to develop a plan to renovate the Town Hall to better accommodate the staff office needs, to make the Town Hall ADA compliant and keep the Town Hall located on its historic site in the center of town.”

The Town voted in favor of Article 31 and the Selectmen were required to begin the process. As a result, the Board of Selectmen hired an architectural company, Barba and Wheelock, to look at the Town Hall to determine how to make the building ADA complaint, determine the costs for that work and design a layout for the building, while considering how many additional offices would be needed to adjust for ADA compliance. The report from the architect is not going to be ready until April of this year.

While moving along in this process, Mr. Philbrick came to the Board of Selectmen with an offer. As the current owner of TD Bank, he offered a trade of that building, which could be configured for eight offices, for the ownership of the Parsonage, which needs approximately \$500,000 to \$750,000 to renovate. The Selectmen decided this was an idea that should at least be brought to the electorate and be put on the 2020 Town Warrant. Mr. Philbrick has stated that this offer will only be good for this year; therefore, this opportunity is being presented to the Town at this time.

Vice-Chair Roman followed up on Chair Winslow’s comments:

At the September 23rd Selectmen’s Meeting, when Mr. Philbrick presented his offer to the Board of Selectmen in public session, Chair Winslow said “the only way he could see this happening is by going to the voters with a warrant asking for permission to do this”. The minutes of that meeting show that Vice-Chair Roman said “she personally does not care one way or the other. She does care what the voters want and it is a divided issue. The Town Center Committee’s charge is to have a plan a year from now, but Mr. Philbrick cannot wait a year. As a responsible person, it is important to give the voters an opportunity to weigh-in on this idea. This could save some money and provide additional space. It is not the Board’s decision. It is the voters’ decision”.

This is the reason this opportunity is being presented to the voters on the 2020 Warrant.

Selectman Epperson spoke in regards to the Trolley Barn:

The Trolley Barn came up on the warrant in 2018. It gave the Selectmen permission to liquidate the Trolley Barn, which has been sitting for a number of years and is full of mold. It is probably not redeemable, unless someone wants to spend a substantial amount of money on the building. The Trolley Barn was built in the early 1900's and has been there for a long time. The building was primarily used for battery storage for the trolley that came through Rye on its way to Portsmouth. The building has been used for a variety of things over the years. It was once used as the Public Safety Building. After that time, it was deemed to be unusable and was abandoned when the new safety building was built.

The Selectmen have permission to liquidate that building. The impetus is to take the money from that property and put it into a fund to restore some of the municipal buildings, primarily the TD Bank building. In addition, Mr. Philbrick has committed \$850,000 to restore/refurbish the Parsonage. Any funds that are not spent on that project will be given to the Library Trustees. Mr. Philbrick has lived in Rye for a long time. The people of this town know and respect his work, so the Board of Selectmen is very comfortable with that aspect.

Chairman Winslow spoke about the background of the Parsonage:

The Town acquired the Parsonage in 1995 as part of a plan to expand the Library. The Library decided they did not want the Parsonage so the Town kept it and leased it to The Housing Partnership (THP) for low cost housing. There are eight apartments at the property with two of the units being occupied by residents from Rye. A few years ago, the Town spoke to THP about the need for renovations to the building. It was said that the renovations could be done; however, THP noted that they would need a ninety-nine year lease. A Parsonage Committee was formed to consider this issue and it was determined that the building would not be salvageable. The committee did not feel comfortable recommending that those costs be passed on to the taxpayers to have lower cost rent for eight people. At that time, the rent was \$750 and THP said that it would have to raise the rents to \$1250, at a minimum, if the building was renovated in order to recoup those funds. It was also felt by the Parsonage Committee that it would not be proper to impose this tax burden on the residents of Rye to renovate the building.

Vice-Chair Roman spoke in regards to the TD Bank building:

The architect that was hired, based on the outcome of last year's warrant article, was asked to look at several options with the idea that the best option or two would be presented to the voters. During this process, Mr. Philbrick's offer expedited some of that; however, the Board of Selectmen is still proceeding with Barba and Wheelock Architects on the plan for Town Hall itself. Nancy Barba was asked to look at keeping all offices inside the Town Hall, along with making it ADA compliant. In addition to needing to be ADA compliant, meeting space is also needed, as it is disenfranchising people who have to stand in the hallway or sit six hours on hard benches. The Town relies a lot on the Library's meeting room, which is not fair as they have their own programming to run in that room. Also, there is a lot of discussion in the Town about the need for more storage space. The law requires that a lot of documents, such as meeting minutes and appointments of people on to boards, be kept in hard copy in a fireproof safe. Right now, the Town's fireproof safe does not comply, as there is not enough room and the safe itself

is in rough shape. That was the other piece that the architect had to look at in order for the Town to comply with State law.

Architect Nancy Barba was asked to look at rearranging everything inside the Town Hall, while keeping it all in the one building. She was asked to look at bringing the offices, except for maybe one or two, down to the first floor with meeting space on the second floor. In years past, the upstairs of the Town Hall used to be a wide-open space used for meetings, rallies and other public events. Ms. Barba was asked to look at bringing back the second floor space but possibly breaking it up into more rooms so various meetings could be held at the same time. When the offer came forward from Mr. Philbrick, the architect was then asked to look at what could go into TD Bank, if offices needed to be moved. She was also asked to look at what offices could go into the Parsonage, if it was to be used for that purpose. It is not sure if the Parsonage will be viable for town offices; however, the architect is still pursuing that idea, as it is not sure what the outcome of town voting will be.

When Ms. Barba came up with the plan to move all the offices to the first floor of the Town Hall with meeting space on the second floor, it was determined that about 2,500sf of additional space would be needed for offices and storage. The TD Bank building is roughly that size. At this time, a rough drawing showing what TD Bank may look like has been provided from Barba and Wheelock for people to view.

Chair Winslow summarized:

A formal plan was being worked on by the architect for the Town Hall. From the information, the Board of Selectmen was going to look at what the options might be moving forward with a proposal for the electorate in 2021. When Mr. Philbrick's opportunity arose, the Board of Selectmen felt it was too good to pass up and not bring to the voters. It appears that if this was to go through, approximately six to eight of the town's offices could be moved to the TD Bank. The building has a drive-up window to assist people who are mobility impaired or have young children, who would not have to leave their cars in order to pick up beach stickers or register their vehicles. It is an opportunity to provide better services to the Town. Also, instead of this costing the Town \$850,000 to do, the Trolley Barn could be sold, which the Board of Selectmen has already been given permission to do by the voters, and a reserve fund could be set up to renovate the buildings in town. These funds could be used to help fix the TD Bank, renovate the Town Hall and other municipal buildings in town.

Vice-Chair Roman noted:

In the Selectmen's Meeting minutes of September 23rd, November 21st and December 16th, the Selectmen said again and again that Mr. Philbrick brought the Board of Selectmen this offer and it would not be right for the board to say "no, it is not a good idea and the people are not going to support this". The Selectmen feel strongly, which is reflected in the minutes, that the Board of Selectmen does not have the right to take away from the voters the decision on whether or not they want this. The timing was not great and it expedites things for the architect and the Town Center Committee. However, hundreds of hours have been spent on trying to do this now based on the value of those properties and this opportunity. The offer has come up but it is not the

Selectmen's decision to make. This will be put on the 2020 Warrant so the voters can make a decision about what they want to do. It would be against the job of the Selectmen if a decision to not put it on the warrant was made.

Selectman Epperson added:

There is a rumor going around that the Selectmen have unfettered ability to spend the proceeds for the TD Bank in any way they want, which is not true. The Selectmen have already said in public that they would not spend the money from the Trolley Barn in a manner which is not responsible for anything else than what it is designated for. The Selectmen have agreed to have a public meeting with the Budget Committee before any money is spent from that fund in an excess of \$25,000. The Selectmen want to be sure that this money is spent responsibly and is spent in absolute daylight.

III. TOUR OF THE PARSONAGE

*At 10:21 a.m., the group left the Library to take a tour of the Parsonage.
Members of the public were welcome to view the TD Bank building also.
The group gathered back in the Library meeting room at 10:55 p.m.*

IV. COMMENTS FROM DAN PHILBRICK

Dan Philbrick, current owner of TD Bank, presented photos and spoke to the group about renovation projects he has completed on properties throughout the Seacoast over the years. He also spoke about his vision for the Parsonage.

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

Chair Winslow noted that the purpose of the listening session is to provide facts behind Articles 7, 8 & 9. It is an informational meeting only and is not to debate any issues. The debate on the articles was conducted at the Deliberative Session. He opened to the public for questions.

Julie Tucker, 960 Washington Road, asked how the current Town Hall is being made ADA compliant.

Chair Winslow explained that four or five architects were interviewed back in June. One of the architects was chosen based on their expertise with historic buildings and is now working on a plan which will be ready in April 2020. The architect is looking at all town offices at Town Hall and is working on a schematic to show where the various offices could be located. From that research, it will be determined how many offices could be moved off site, or if this does not pass, where that additional space could be found.

Mrs. Tucker asked if the swap could be done with the building being held until the plan is ready in April. She asked why offices would be moved without an overall plan.

Chair Winslow explained that the intention is to get the plan as to how many offices have to be outplaced. The Town Administrator will determine which offices should be moved to the new location, based on effectiveness for running the Town. The architect will take this information and come back to the Selectmen with a presentation to be made at a public meeting.

Vice-Chair Roman noted that if the warrant article is to pass, it is going to take a while for the process. It has to be determined how the TD Bank building would look and how it would be laid out. How the Parsonage lot is going to be laid out also has to be considered. The fall would probably be the earliest that the Town could even seriously think about doing any of this. She has reserved her opinion about whether or not they may want to take more time if they are already into the fall. She would like to see where this is at and does not feel there is a need to rush it.

Frank Drake, South Road, asked if the Selectmen are comfortable with the possibility of the Parsonage being taken down.

Chair Winslow noted that the information that will drive that decision is the structural inspection of the entire building. The Historic District Commission will be working with Mr. Philbrick to be sure the building will be of historic character and will fit in the center of town.

From her perspective, Vice-Chair Roman stated that when they went into this process, in her mind she envisioned the building would not be torn down but would be restored. She then took a tour of the building and was not sure how it could be done, as this is not her expertise. She continued that Mr. Philbrick's structural engineer has said superficially, as he has not able to get into all of the property, that there is not a lot that can be saved that is historic. She pointed out that someone that was hired, by either the Heritage Commission or Historic District Commission to see if the building could be put on the National Registry of Historic Places, said that it did not qualify. Vice-Chair Roman commented that she wants the property to look historic. Things are changing in her mind from what she was originally thinking. She cannot say unequivocally how she feels if it has to come down to the bones. If it does, she wants the front of the building to look like it fits there and is a historic property.

Selectman Epperson stated that his initial opinion was that he wanted to see it restored. He thought that \$850,000 was a legitimate number; however, he is not sure. If the building has to come down and something new goes up, it has to be very convincing, so complete and colonial that no one would ever question it was not a historical building.

Victor Azzi, 1100 Old Beach Road, stated that a lot has happened to the Parsonage over the years, in terms of the use and condition, to what it is now. In his opinion, the building has no redeeming features historically, architecturally, mechanically or functionally. There is a real possibility that anything that comes to exist on that site would be a reproduction, at best. He asked if this is what people are willing to have. He continued that the building needs to look like it belongs and has belonged for the last several hundred years from all sides of the building. He commented that another solution would be to create some green space on that property, if the

building is not able to survive. The property is in the center of the Town and would make a nice yard frontage on Washington Road.

A member of the public asked if all the risk is taken on by Mr. Philbrick.

Chair Winslow confirmed. He noted that Mr. Philbrick will participate with the Library Trustees and the Selectmen to ensure the entrance and approach to the Library will be cosmetically acceptable and appropriate.

Joe Tucker, 960 Washington Road, expressed his opposition to Articles 7, 8 and 9; in particular Article 9. Part of the reason he is opposed to Article 9 is because he feels it takes the decision of expending the \$280,000 out of the hands of the electorate and puts it in the hands of the Selectmen. If Articles 7, 8 and 9 pass, it is the intention of the Selectmen to modify and renovate the TD Bank building and move some of the Town's employees to that building, with modifications being made to the existing Town Hall and some of the employees staying in that location. He asked why the Selectmen would not make a comprehensive plan for the TD Bank building so that all of the town employees could be housed in one dwelling. If provisions were made at the new site for office space needs, the old Town Hall could be saved for posterity and the community could address the use of that building in the future.

Vice-Chair Roman stated that she feels at this stage, the Selectmen do not have that directive yet from the voters. If the Town acquires TD Bank, she does not feel that developing that type of a plan is precluded. She reiterated that she does not feel that the Selectmen has that directive yet from the voters as a whole.

Mr. Tucker stated that as he understands the plan, if this passes, the Selectmen would proceed to expend funds from the \$280,000 to the existing TD Bank building to move employees to that site. It sounds like that "ship would sail".

Selectman Epperson noted it would not happen without the Budget Committee weighing-in on it at a public meeting; however, it would be the intention.

Jaci Grote, 124 Washington Road, commented that she thinks the decision to move some of the employees to the TD Bank is a good one because the departments that will be moving are the ones the residents most often go to see. However, this does not preclude a Phase 2 in the future to make the TD Bank bigger. She thinks it would be wise to do it in steps. The money that is received from the sale of the Trolley Barn is not going to be enough to expand the Town Hall. The whole idea is to minimize the impact on the taxpayers.

Selectman Epperson commented that the bottom line is that if the Town does not have access to 3.71-acres, none of this will happen.

Chair Winslow explained the goal is to balance the responsibility to provide safe and efficient office space for the Town's employees, ensure ADA compliance throughout the buildings, and

make sure it is a cost-effective solution. The idea is to maintain a solid tax base, provide efficient and effective office space, and deliver services to the Town, which this solution does.

Mrs. Grote asked how the employees feel about going to TD Bank. She also asked if the new computer system enhances communication for the employees between the two locations.

Town Administrator Becky Bergeron replied that the majority of the employees who are proposed to be moved to TD Bank are very happy. They like the efficiency of the building and the ideas for enhanced services that could be provided. In speaking to technology and communications, it has always worked fine for the departments and employees in different locations. The employees who are moved would take their existing equipment with them. There would be some additional requirements to get them hooked into the network and operational; however, it would not be any different than what was already planned for during the budget process for upgrades in technologies.

A member of the public stated that having the Town own the property directly across the street from the junior high school is a wonderful idea. It feels like a safer concept versus what might go there in its place. She asked if the Parsonage would be boarded up and sit until the Town could find the money to fix up the property, if this does not pass.

Speaking on his thoughts, Chair Winslow explained the intent is to have the residents move out of the building. The power would be cut and the pipes drained. The Parsonage would be boarded up and the Board of Selectmen would go to the electorate next year to sell it. The Board of Selectmen does not believe it is cost effective to renovate the building for a million dollars, and pass the expense on to the taxpayers, for the possibility of housing six or eight apartments. He continued that there would be no guarantee with a developer who comes in from outside of Rye to buy the property. They could come in and do something which would not be to the Town's liking. He noted that Mr. Philbrick has a great track record and his heart is with the Town.

Chris Snow, 1 Clark Road, thanked the Selectmen for the work they do on behalf of the Town. He asked if the Board of Selectmen has considered selling the outbuilding to the Parsonage and using the rest of the property as open space to enhance the Library.

Chair Winslow replied that this has not been considered. The concern with that proposal is that there would not be funds for the TD Bank building. There are four pieces to the puzzle; Town Hall, TD Bank; Parsonage and Trolley Barn. He commented that having a green space in that area would be great but the cost would have to be passed on to the taxpayer.

Vice-Chair Roman explained that the appraiser appraised the entire Parsonage parcel. In his opinion, from a value perspective, the buildings should come down. She reiterated that the decision is up to the voters. If the voters do not like this idea, then a whole new plan will be needed.

A member of the public asked if any development for the Parsonage property would have to go through the approval process with zoning and planning.

Chair Winslow noted that the agreement that was signed with Mr. Philbrick stated unequivocally that he had to go through all the processes of meeting the zoning requirements. In addition, he has to go before the Historic District Commission.

Lynn, a member of the public, asked if there is room for the Rye Public Library to expand if the Parsonage is sold.

Karen Oliver, Library Trustee, explained that the Library has moved in the direction of a potential expansion, over the last few years, with a space needs plan and a feasibility study. It was determined that the Library would not need the Parsonage parcel for what they are currently looking at doing. She commented that she likes the idea of an open green space; however, she is also of the mind that they have a hand they need to play at this time to the best of their ability. In terms of the swap, she thinks that some overall planning is a great thing to do and would want the permanent move of employees to TD Bank to be part of the overall planning. She pointed out that even if the existing Town Hall is renovated, the employees will have to be moved somewhere. Her feeling is this will keep options open and there should still be the option to renovate the Town Hall in some manner. TD Bank may not be a permanent solution for town hall.

Burt Dibble, 106 Harbor Road, spoke in regards to The Friends of Rye Town Hall, which is an organization committed to raising funds for the preservation of the existing Town Hall, while working alongside the Heritage Commission.

Mrs. Tucker stated that it is not known if this is the most cost-effective plan. It is also not known what the costs will be to take care of the current Town Hall. She feels like the community needs to see this information before this process is started. It is being done without any overall plan and that is a concern.

Chair Winslow replied that regardless of what is done, the Town Hall has to be renovated, unless all the offices are moved to the TD Bank building. In walking through the TD Bank building recently, it was felt that it might be \$1,000 to renovate the building. There would be no cost to make that move and the Board of Selectmen believes it is the right thing to do.

Vice-Chair Roman stated that she thinks the exchange makes good financial sense. In terms of the plan, if the Town is down this path and it is the fall and the architect is saying more work or less work is needed, she is not sure that she might not say the Town needs to take a step back. However, the Town will have a very valuable property with a lot of opportunity. If the Town can get TD Bank, then they can look at how the plan will look, who will be moving there and whether or not it will be permanent or temporary.

Mrs. Tucker stated that she does not want to see renovations starting before the community has the information about the whole plan and the costs.

Mr. Tucker asked Selectman Epperson and Chair Winslow if they concur with what Selectman Roman just said.

Selectman Epperson replied absolutely. He thinks they need to get over this “hump”. Once that is done, they can take a deep breath and take everything into consideration. It does not have to happen tomorrow afternoon.

Vice-Chair Roman stated that if the architect shows a plan for TD Bank that is cost effective and they can work with the Town Center Committee as best as possible, she may say to move forward. If the voters want to give the Board of Selectmen the authority to use that money, it will be done with the Budget Committee appropriately. If there is a good, cost effective plan, the Board of Selectmen will move forward if it makes sense. If it does not make sense, in her mind, she will wait.

Jeff, from the public, stated that it appears the Parsonage is an asset the Town should not hang on to and it could actually become a liability. Also, no matter what is done with Town Hall, another 2,500sf is needed for office space. The only real question is how this be done most cost effectively. Acquiring TD Bank is an option that could end up, and most likely is, the most cost-effective solution to the problem. There is no way around Town Hall without adding an additional 2,500sf.

Vice-Chair Roman pointed out that they do have space at town hall. The problem is they do not have the storage space that is needed and the meeting space. She feels very strongly that the meeting space at Town Hall is not acceptable. She pointed out that the offices also need to be reconfigured, along with having bigger meeting space.

Nick Toumpas, 10 Bass Drive, spoke in support of the TD Bank/Parsonage exchange.

VI. OTHER BUSINESS

- **None**

ADJOURNMENT

Motion by Bill Epperson to close the public listening session at 12:00 p.m. Seconded by Keriann Roman. All in favor.

Respectfully Submitted,
Dyana F. Ledger