

**TOWN OF RYE – BOARD OF SELECTMEN**  
**Thursday, August 13, 2020**  
**2:00 p.m. - via ZOOM**

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

***Others Present: Town Administrator Becky Bergeron Town Moderator Bob Eaton***

**I. Reading of Attestation**

Chair Winslow called the meeting to order 2:00 p.m. and led the Pledge of Allegiance.

Statement by Phil Winslow:

As Chair of the Rye Board of Selectmen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number: 840-4472-0441 and Password: 689705 or by clicking on the following website address: [www.zoom.com](https://www.zoom.com) ID #881-9022-7239.

Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the website of the board at: [town.rye.nh.us](https://town.rye.nh.us) go to the Board of Selectmen page and click on the agenda for this meeting.

If anyone has a problem accessing the meeting please email the Town Administrator at: [BBergeron@town.rye.nh.us](mailto:BBergeron@town.rye.nh.us)

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Roll call attendance of Select Board:

- Phil Winslow
- Bill Epperson
- Keriann Roman

*Note: The Selectmen stated where they were located and confirmed that they were the only ones in the room for the meeting.*

**II. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Winslow called the meeting to order 2:05 p.m. and led the Pledge of Allegiance.

**III. DISCUSSION**

**A) PARSONAGE CONCEPTUAL AGREEMENT**

The Conceptual Agreement Read as follows:

1. *The subdivision approved by the planning board would create two equally sized lots: Lot A closest to Olde Parish Road; Lot B closest to the library. Each lot will have 100.3 ft. of frontage on Washington Road. Each to be conveyed to Dan Philbrick in an exchange at par for the TD Bank Building.*
2. *Dan Philbrick will later convey Lot B to the Town for \$250,000 to be paid from unanticipated funds bequeathed to the Town of Rye Public Library when such funds become available. The parcel will be used as a park/garden or may be used for future expansion of the library, or both. Dan Philbrick has the option of making the purchase price \$280,000 and taking a \$30,000 donation reduction.*
3. *Any future building (as defined by the Rye Zoning Ordinance) on Lot B shall not encroach within the required side yard setback (currently 20 feet) of the Rye Zoning Ordinance from the property line between Lot A and Lot B.*
4. *Following the conveyance to the Town, the Board of Selectmen will file a voluntary merger which merges Lot B with the present library lot (TM 12/Lot 42). This will legally establish Lot B as part of the library parcel, used for library purposes; and controlled by the library trustees as library property, in perpetuity.*
5. *The cost to demolish the existing Parsonage building on Lot B will be shared by the library trustees and Dan Philbrick. The demolition will be managed by Dan Philbrick.*
6. *After demolition of the Parsonage building, which shall include backfilling of the cellar hole to grade, Lot B shall be planted with grass and other appropriate vegetation by the Library Trustees. Lot A and Lot B shall be maintained under the direction of Dan Philbrick until such time as a park/garden is created by the Library Trustees. The cost of this maintenance shall be split between Dan Philbrick and the Library Trustees, with Dan*

*Philbrick paying the cost of maintaining Lot A and the Library Trustees paying the cost of maintaining Lot B.*

- 7. The design and establishment of the future park/garden, including permanent placement of the statue described in section 8, shall be by the Library Trustees, at their expense, who shall solicit and consider in good faith input from Dan Philbrick. The park/garden shall include hardscape, which may be used for library programs, gatherings and functions. Use of the park/garden shall be subject to rules established by the Trustees which shall include prohibition of dogs, sporting activities and after dark use, other than events approved by the Trustees or their designee.*
- 8. The park/garden will include a statue of a girl reading a book, mounted on granite and dedicated to the children of Rye as a memorial to Jackie Ann Philbrick to be provided by Daniel Philbrick. This statue may be placed on Lot B prior to the establishment of the park/garden, at Dan Philbrick's expense, at a location to be approved by the Library Trustees. The park/garden will also include an appropriate recognition of the benefactor whose bequest paid for the acquisition.*
- 9. There will be a 3 ft. wide easement over Lot A reserved by the Town from the edge of the sidewalk adjacent to the parking lot. Within this easement the trustees shall have the following rights: (a) ownership, maintenance and repair of lights; (b) snow storage for snow removed from sidewalk provided green snow removal substances are used on sidewalk; (c) right to repair sidewalk.*
- 10. At present Daniel Philbrick anticipates that he would demolish the Carriage House on Lot A and build a building which would house an office and one or two apartments. This would be subject to Historic District Commission review. The Library Trustees will not oppose these uses.*
- 11. All of this will require a formal agreement among the Selectmen, Dan Philbrick and the Library Trustees, which will be structured so as to be an amendment to the present Swap Agreement.*
- 12. This plan will require a special town meeting vote scheduled at least 28 days after a deliberative session.*

***NOTE: A copy of this CONCEPTUAL AGREEMENT IN PRINCIPLE can be found on the Town of Rye, NH website.***

Chair Winslow explained that this project has been in the works for the past three months. The original plan was proposed on March 6<sup>th</sup>; at which time, the Library Trustees expressed their concerns and their desire to be part of the discussions as it would have an impact on the library property.

Since the original proposal and contract with Mr. Philbrick, there was a May 31<sup>st</sup> deadline to go before the Planning Board which was missed due to the concerns of the Library Trustees. This allowed for Mr. Philbrick to negate the contract. This new proposal is in addition to the original contract and will allow the Selectmen to take a new contract back to the voters. The difference is that the original contract talked about expansion to the Parsonage building. Since that time, it has been reported that it is cost prohibitive to do a renovation and expansion on the building. The new proposal will be to tear down the Parsonage. This proposal will allow the library additional frontage on Washington Road to the north of the building for possible expansion. It also allows the Library Trustees to have control of the landscaping. It will also give them more open space in the center of town.

Chair Winslow opened the meeting for public comment at 2:15 p.m.

- Town Moderator Bob Eaton expressed his concerns in regards to holding a special town meeting in the middle of the Covid-19 pandemic. He read an excerpt from his email to the Board of Selectmen prior to this meeting as follows:

Without taking a position on the issue, I understand the importance of getting additional Town Hall space in Rye. That said, I don't think that the value of acquiring a new building outweighs the health, safety and wellbeing of the people of Rye. The welfare of our fellow citizens, as well as our volunteer poll workers, many of whom are seniors, must be our first priority. Accordingly, I want to make my position clear. I think it would be irresponsible to schedule a special town meeting and deliberative session while we are in the midst of the COVID-19 pandemic. Such large gatherings are just the type that public officials warn us to avoid because they foster the spread of the Coronavirus. To put this in context, over 150,000 Americans have died; 1,500 Americans died of COVID-19 just yesterday. Just yesterday too, the Director of the CDC said that this could be the worst fall from the public health perspective America has ever had. If one person were to die or become seriously ill in Rye because we held a public meeting, it would be one person too many. I would hope that Mr. Philbrick would understand that and be willing to do the prudent thing and wait until March for this issue to be resolved. While it is possible for such a delay to jeopardize your goal, I ask you to consider what cost may be born to achieve your desired results. For these reasons, I am asking you to reconsider your desire to call a special town meeting. Let the matter be resolved in the normal course of town government.

- **Steven Borne, of 431 Wallis Road**, stated that he supports everything that Moderator Eaton has said. He also advised the Board to not approve moving forward on having the Town buy property that it already owns. He added that it is ridiculous that the Town is encouraging the town's people to spend money to buy something that they already own. Mr. Borne pointed out that Vice-Chair Roman was the only one that realized that there had not been a great job communicating through the works of the warrant article. Many people thought the Parsonage wasn't going to be torn down. Mr. Borne reemphasized the need to pull the Town Center Committee back together and the need to do a more comprehensive overall plan.

**Motion by Phil Winslow to accept in principle the conceptual agreement which was previously read. Seconded by Keriann Roman.**

**Roll Call: Phil Winslow – Aye; Keriann Roman – Aye; Bill Epperson – Aye**

**Motion: Passed**

Chair Winslow stated that for the term of the rest of this year, all people that will be voting will be required to wear a face mask. The Board understands that this may be problematic as far as enforcement and as far as being legal, but it is the right thing to do. It supports Mr. Eaton's position, where he will be asking everyone to wear a face mask at the election.

Town Administrator Bergeron gave a rough statement of: *"All voters would be required to wear a cloth face covering while they were inside voting at the polls. If they were unable for any reason to do so, there would be a polling place setup outside."*

Moderator Eaton would like it to say *"All persons entering the polls."* Observers should be required to wear a mask, too. He's waiting on guidance from the Attorney General's Office as well as the Secretary of State as to whether mandating the wearing of masks is allowed.

Town Administrator Bergeron read the following statement: *"All persons entering the polls will be required to wear a face covering. In the event that an individual is unable or unwilling to wear a face covering, an outdoor alternative polling place will be provided."* This emergency temporary order would be in effect until December 31, 2020.

Selectmen Epperson would like added, *"If you do not have a mask, one will be provided."*

**Motion by Phil Winslow to approve the statement as read by Town Administrator Becky Bergeron. Seconded by Bill Epperson.**

**Roll Call: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman - Aye.**

**Motion: Passed**

#### **IV. OTHER BUSINESS**

- Chair Winslow announced that Rye only has one person as a representative to the Seacoast Drinking Water Commission. The State Rep, who is the chair of the commission, is asking that Rye assign a second person. Jaci Grote has volunteered to take that position if the Board of Selectmen would consider her. The responsibilities would be to provide input in a collaborative process to the Drinking Water Commission for the proposed use of drinking water in the Seacoast. Art Ditto has been on the Commission for two years.

The Board agreed that Jaci Grote would be supremely qualified to be on the Commission.

**Motion by Phil Winslow to appoint Jaci Grote as Rye's second representative to the Seacoast Drinking Water Commission. Seconded by Keriann Roman.**

**Roll Call: Phil Winslow –Aye; Bill Epperson – Aye; Keriann Roman - Aye.**

**Motion: Passed**

**ADJOURNMENT**

**Motion by Keriann Roman to Adjourn at 2:34 p.m. Seconded by Bill Epperson.**

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman – Aye**

**Motion passed**

Respectfully Submitted  
Dyana F. Ledger