

RYE HERITAGE COMMISSION

Thursday, July 2, 2020

3:30 p.m. – via ZOOM

Members Present: Chair Phil Walsh, Peter White, Mae Bradshaw, Alex Herlihy, and Alternates Frank Lagana, Elizabeth Sanborn and Anne Richter-Arnold. Vice-Chair Gail Hughes joined the meeting at 4:20 p.m.

I. Call to Order

Chair Walsh called the meeting to order at 3:30 p.m.

Statement by Chair Phil Walsh:

As chair of the Heritage Commission, 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 Heritage Commission 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 646-558-8656 and password 915376 or by clicking on the following website address: www.zoom.com ID #894-4033-9937. Password: 975164

We previously gave notice 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

If anybody has a problem, please email the Executive Assistant at kdrago@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 members:

- Phil Walsh
- Frank Lagana
- Elizabeth Sanborn
- Anne Richter-Arnold
- Alex Herlihy
- Peter White
- Mae Bradshaw

(All members confirmed they were the only ones present in the room.)

Chair Walsh introduced Elizabeth Lantz who was present to observe the meeting, as she is interested in joining the Commission as an alternate member.

II. RPL Board of Trustees: Jeff Ross & Karen Oliver Parsonage/TD Bank Swap

Jeff Ross, Library Trustee, thanked the Commission for inviting them to the meeting to provide an update on the Parsonage/TD Bank swap. He noted that the Trustees read the Heritage Commission's minutes from the last meeting and saw that there was a pretty healthy discussion about the swap. Some questions were raised with Keriann Roman during that discussion as to the status of the swap. There was a question about whether or not the contract could be resurrected with Mr. Philbrick. There was also a question about whether or not there was intention to pursue the subdivision with the Planning Board regardless of whether the contract can be resurrected. He noted that the Library Trustees have asked the Select Board to keep them informed, but have not heard anything back. He does not know if the subdivision will appear on the Planning Board agenda for July 14th. As for the contract, the Trustees submitted an information request to the Town Administrator. The Trustees were told that more than likely they would not be able to have access to any of the contract documents until July 15th, which is the day after the Planning Board meeting. It is the Trustees understanding that the contract is void, as that is what has been shown to the public. However, sometimes contracts have addendums to them which would allow it to be resurrected which is why the Trustees filed a request for information, in order to see if it could still move forward.

Mr. Ross stated there was a discussion, which was also shown in the minutes, about property and whether the subdivision of the Parsonage parcel is on town property. The Library Trustees have said on a number of occasions that the landscape buffer, on the far side of the walkways from the Library, is considered by the Trustees and legal opinion to be library property. While the Town may own the property related to the property, the Library Trustees have custody of the property. This is a law that the Trustees have cited as far back as May as being something that was felt to have given the Library Trustees the fiduciary responsibility to not allow that property to pass into the hands of a private party without the Library's consent. The Trustees do not want to lose control along walkways that contain the lighting for the walkway to the Library. Under the current situation, if the subdivision were to go to the edge of the walkways, the private party would own those lights or could put in whatever lights they wanted. The Library Trustees had no choice but to say that anything that is worked out between the Town and private party has to have library consent. Mr. Ross stated the other thing the Trustees are deeply concerned about, in regards to the landscaped strips, is the library expansion. As large as that parcel is, there is only a very limited buildable space on that parcel. The only direction the Library can expand in any significant direction is towards the walkways. The Library has schematic designs for expansion, which have been known to the public and discussed. The Library expansion has been discussed openly at least since the Plan NH project. There were two meetings with the Selectmen in September and October, prior to the announcement of the deal with Mr. Philbrick, in which the ramifications were discussed in terms of the Library expansion.

Mr. Ross noted the Parsonage parcel was acquired by a warrant article in 1995, which expressly stated the acquisition was for the expansion of the library. In 1997, when the library plans for expansion were shown to the Town, the existing walkways, parking lots and landscaping, was authorized by a unanimous vote of the Planning Board. There was discussion at that time about where to put things related to the Library. The Library vetted those through the Historic District Commission, ZBA and finally the Planning Board. The notion the Trustees have of this being property that is in library custody goes back all the way to the first discussion of the Library in 1995. He continued that it was also mentioned that no one was cut out of the discussions. That is true. The Library Trustees had multiple meetings with the

Board of Selectmen, mostly with Attorney Donovan present. A couple of things came out of those meetings. One is that Attorney Donovan's contention is that the lot lines were established by the voters by way of a warrant article. The Trustee's do not agree with that. The warrant article said 0.4 +/- acres. It did not say where specifically where the lot lines would be. Also, attached to the warrant article for the swap was a warrant article about the survey. The Library Trustee's question to the Select Board all along has been "when will that survey take place? When will the lot lines be established?". It is the Trustees understanding, from meeting with the Board and Attorney Donovan, that the survey was already done prior to the election. It was done prior to the deal being announced in November. That led both the Board of Selectmen and Mr. Philbrick to assume the lot lines were up to the walkways. When the Library raised questions about this prior to the election, the questions were not answered. That is one of the reasons why the Trustees had to go through multiple iterations of meeting with the Select Board and Attorney Donovan this past spring.

Karen Oliver, Library Trustee, stated the process itself was flawed; however, she decided they should still try to make something happen and cooperate. It turns out that things cannot move forward without a process that allows an illumination of everything that is going on and allows input of more than just a few people. As far as the Library knows this deal is dead and cannot be resurrected. However, this gives an opportunity for things to be done the right way; to ask for input from the Heritage Commission, the Rye Town Center Committee and actually engage in a process that would involve the public and expose all the details of some proposed action to public scrutiny, and hopefully at some point, harmony.

Chair Walsh opened to the commission members for questions.

Member Herlihy stated that at the last meeting, Selectman Roman admitted that the process was rushed. He saw that the survey was done last November. The distance between the edge of the sidewalk and the back of the Parsonage building is a certain number of feet. Right now, part of the space is where the library vegetation and lighting are located and then there is space beyond that. It seems there is enough room to compromise where the Library has its strip and have enough room on the other side.

Ms. Oliver noted that part of what was missed in the process is that the appraisal of the property that recommended that the Parsonage building be torn down, came in 24 hours before the swap contract was signed. The public never got a chance to consider what that meant and that there had been a recommendation for demolition. That would also need to be part of the process.

Mr. Ross encouraged Member Herlihy to walk the walkway that goes from the Library entrance to Washington Road. It can be seen just how close the two buildings are together. He noted that Victor Azzi had staked out where the library expansion would go. It would move the Library out to the other side of the walkway. There would be issues with setbacks and the library expansion would have to be shaped in trying to figure all that out. The problem with the swap, as it is currently configured, is that Mr. Philbrick wants the property up to the far side of the walkways so he does not have setback issues. One of the things that has been driving the conversation is not what the Library needs for its future but what the private party wanted. The Parsonage building will probably be torn down with something twenty percent larger being built, which is what the contract would allow. Mr. Ross continued that one of the things that was thought about in 1997 was to subdivide the Parsonage parcel off from the Library. The Town voted not to do that and keep the land for future expansion of the Library or for other town facilities. It was realized back then how tight the boundaries would be between the library expansion and the Parsonage and how difficult it would be to create a buildable lot on the Parsonage parcel.

Member Bradshaw stated she was on the Strategic Planning Committee for the Library when they were talking about expansion. Her understanding was that the expansion was always going to go off the back of the building not the front.

Mr. Ross explained the schematic design that exists now does sprout out the back of the building, but that is a limited space because there is a leach field for a septic system. Also, just beyond the leach field, the property drops off precipitously and would not be buildable.

Member Bradshaw stated that she is on the Town Center Committee. One of the things that came up when this was being discussed, (when the swap deal was introduced), was obviously the condition of the building but also offering the Library the Parsonage. The committee was told very, very clearly by Victor Azzi, who was also on the same committee, that the Library wanted nothing to do with the Parsonage. That was the “license” to go ahead and explore other possibilities.

Mr. Ross replied the Library was never offered the Parsonage. Also, everyone knew that there would need to be a minimum of half a million dollars poured into the structure of the building just to save it. Obviously, the Library Trustees, being concerned about the cost of the library expansion, said this would not be a wise investment of money. He continued that two of the goals the Library wants to accomplish in the expansion is enhanced safety and security entering and exiting the building, and a more efficient use of space for library employees. Having two separate buildings did not make any sense. If the Town were to offer the land on which the Parsonage sits, that would be a different discussion.

Ms. Oliver stated the consultant the Library hired to do the space needs study had gratuitously sketched a box onto the back of the library, as part of a way to demonstrate extra space. At that point, the Library put out an RFP and hired an architect who did a design that does not go out the back of the building, but out the side towards the Parsonage. That is the schematic design that has been talked about for the past couple of years.

Mr. Ross noted that the meetings that were held with the Selectmen in September and October were led by the Library’s fundraising consultant, Janet Davis. She did a feasibility study for the Library which was very revealing. It should that about 90% of the residents were very supportive of the Library. However, when those people were asked if they would be willing to participate or donate to a campaign to expand the Library, only about 60% said they would do that. Most people gave the reason that they wanted a comprehensive plan for the Town Center that has a global plan and direction. When the Rye Town Center Committee was formed, the Library encouraged the Selectmen to expand their charge and give them more time to look at everything in the center of town. That is about the time that the deal came up with Mr. Philbrick and changed the direction.

There was some further discussion about the Parsonage building condition and the parcel of land it sits on.

Chair Walsh thanked Ms. Oliver and Mr. Ross for the update and encouraged them to stay in contact with the Heritage Commission.

III. Review of Minutes from June 4, 2020 Meeting

The following correction was noted:

- Page 4, it should be noted that Phil Walsh was the person who would be sending a memo to the Friends of Town Hall not David Choate.
- Page 5, paragraph 5 should read: **He believes that she would be open-minded and a new perspective at the table.**

Motion by Alex Herlihy to approve the minutes of June 4, 2020 as amended. Seconded by Mae Bradshaw.

Roll Call: Phil Walsh – Yes; Frank Lagana – Yes; Elizabeth Sanborn – abstain; Alex Herlihy – Yes; Peter White – Yes; Mae Bradshaw – Yes

Motion passed

IV. Treasurer's Report: May/June – Peter White

Member White noted that the numbers identified at the last meeting are very similar. As of May 30th, the Commission has \$26,562 in the checking account, of which \$19,053 is restricted for town hall and \$7,508 is unrestricted. From a budget standpoint, \$614 has been spent from the Commission's \$4,850 budget, leaving \$4,235 available which is 87% of the total budget left to be spent.

V. New Business: Pulpit Rock Tower Next Steps (Selectmen's Recommendation), Storm Window Discussion, Future Fundraising

Member Bradshaw asked if it is an appropriate time for the Commission to be holding a fund drive.

Chair Walsh noted that the Commission has done fundraising in the past. He is not sure this is the time to be launching even a small campaign. He would entertain discussion and thoughts from the Commission.

Member White commented that fundraising has been done in the September/October timeframe. The Commission has been much more successful when a specific project is earmarked, instead of just a general outreach.

Member Bradshaw noted that Pulpit Rock comes to mind. It might be worth waiting until September/October to see if the tower is going to fall to the Commission to manage, in which case it would be a very big fundraiser.

Chair Walsh stated these are his thoughts, as well. He thinks they may want to wait until the appropriate time, once there is a project they can really wrap their hands around. Unless the Commission feels strongly about putting out a general mailer, he thinks it would be better to wait until late fall. He asked Member White how much has been raised in the past with a general mailer.

Member White commented they started mailers in 2012 and have raised well over \$30,000. The only other successful fundraiser the Commission had was with the sales of apparel, which brought in about \$5,000 or \$6,000. He pointed out the Commission has dispersed well over \$12,000 to \$15,000.

Member Bradshaw commented that she heard the question as being the difference between a general mailer versus a specific mailer. She thinks the Commission did a general mailer last year and paid almost as much for the postage as it brought in.

Chair Walsh commented this was his recollection also. He stated at this point, he thinks the Commission will hold off until they have something tangible to go with as it relates to Pulpit Rock. Speaking to Member White, he asked the status on the hats/totes/umbrellas.

Member White noted the inventory is very low and is located in the supply room at town hall. He asked Member Bradshaw if there was a minimum quantity per item for ordering.

Member Bradshaw replied that 500 comes to mind.

Member White commented the Commission spent about \$8,000 to purchase the inventory and made a profit of about \$8,000 or \$9,000.

Member Herlihy pointed out there are some items still available at the museum.

It was noted that James Tegeder does not have any inventory left at his house. The items were turned over to the Heritage Commission.

Chair Walsh commented the members should consider replenishing the inventory in the near future, as it is a good fundraiser for the Commission.

Note: Gail Hughes joined the meeting.

There was some discussion about the possibility of local businesses selling the items on consignment, in particular the coffee shop on Washington Road. It was agreed that Member Sanborn would speak to a few businesses about the idea. Chair Walsh will visit the Town Hall to inquire about the inventory stock and have the information for next month's meeting. It was agreed that more hats should be ordered soon, as they are a best seller and the order will take some time to come in. Member Bradshaw agreed to find out if half of the minimum order could be a white hat with black lettering, versus just having all black hats with white lettering.

There was discussion on how many hats should be ordered.

Motion by Elizabeth Sanborn to order 500 hats, preferably half black and half white, under the assumption there is fewer than 100 hats left in inventory, with the order not to exceed \$4,000 in price. Seconded by Mae Bradshaw.

Roll Call: Phil Walsh – Yes; Frank Lagana – Yes; Elizabeth Sanborn – Yes; Peter White – Yes; Gail Hughes – Yes; Mae Bradshaw - Yes

Motion passed.

VI. Old Business:

- **Pulpit Rock Tower Engineering Study**

Chair Walsh noted the study will be commencing soon. Just as soon as the firm receives the signed contract, they will proceed with the study.

- **Town Hall Engineering Study – Storm Windows**

**Tabled to a future meeting when Keriann Roman is available for an update.*

- **LCHIP Grant**

Chair Walsh noted the LCHIP Grant has been submitted within the past two weeks. There should be some word on the application by Thanksgiving.

VII. Further Discussion

- Chair Walsh noted that David Choate is considering proposing a change to the Demolition Ordinance at the next town meeting in 2021 that will specify that the Commission should not have to review any application in the Historic District, since they have jurisdiction over demolition of buildings and projects.
- Member Sanborn noted that a new resident of Rye who lives on Central Road is interested in being an alternate on the Demo Review Committee. She will have the interested party get in touch with Chair Walsh.
- Member Bradshaw commented that Elizabeth Lantz is a well-respected contract attorney and has done great work with her firm. Ms. Lantz will be a valuable asset to the Commission.

Adjournment

Motion by Elizabeth Sanborn to adjourn at 4:51 p.m. Seconded by Mae Bradshaw.

Roll Call: Phil Walsh – Yes; Frank Lagana – Yes; Elizabeth Sanborn – Yes; Gail Hughes – Yes; Mae Bradshaw – Yes; Peter White – Yes

Motion passed.

Respectfully Submitted,
Dyana F. Ledger