

TOWN OF RYE – SELECT BOARD

Monday, November 09, 2020

6:30 p.m. – Via Zoom

Present: Chair Phil Winslow, Selectman Bill Epperson, Selectwoman Mae Bradshaw

Others Present: Town Administrator Becky Bergeron

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow called the meeting to order 6:35 p.m. and led the Pledge of Allegiance.

Reading of Attestation

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: 646-558-8656 and Password: 321456 or by clicking on the following website address: www.zoom.com ID #852-2916-3029.

- a) 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 Town of Rye website town.rye.nh.us
- b) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem, call 603-964-5523 or e-mail at Bbergeron@town.rye.nh.us.
- c) Adjourning the meeting if the public is unable to access the meeting. 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
- Mae Bradshaw

II. ANNOUNCEMENTS

- A. The Town Offices will be closed Wednesday, November 11, 2020 in observance of Veterans Day

Chair Winslow thanked all veterans for their service to the Country.

- III. **PUBLIC COMMENT** – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to 5 minutes each person.)

Chair Winslow read a statement from the Board as follows: The Board is asking anyone to address any issues that they would like to speak on, including the Parsonage/TD Bank Exchange which the Selectmen will be reviewing under the discussion phase of this meeting. No public comment will be taken during that discussion phase. The Town has issued a public statement on October 28th, which is on the Town's website. It was also posted in the Portsmouth Herald. It states the specifics of the amendment to the contract with Mr. Philbrick. All comments will be limited to 5 minutes and the Board asks the speakers to not be redundant. The Board will hear and consider all comments, but there will be no "give and take" (arguments or debates) on the comments. All speakers must state their name and address clearly, prior to making their comment.

- **David Choate, 108 Washington Road, member of the Rye Heritage Commission, The Rye Historic District Commission and chair of the Rye Demolition Review Committee and also a board member of the New Hampshire Preservation Alliance**

Mr. Choate spoke in regards to the Parsonage Building. He explained that members of the Heritage and Historic District Commissions toured the Parsonage with preservation expert and contractor Steven Bedard on October 30th. The result of that meeting was that it was determined that the building was in excellent condition and has many features that should be preserved. He read into the record a letter from Ben Wilson the Director of the New Hampshire Division of Historical Resources. The letter stated that the building and site are eligible to be included on the State Register of Historic Places. It is not eligible for the National Registrar individually, but would be a contributing resource for a National Registered District, if such a recognition was pursued. The building still retains many of its federal period details. The DHR strongly encouraged the Town to work with the local community, the DHR and the New Hampshire Preservation Alliance to find an alternative

sustainable solution to the property other than demolition. Mr. Choate also has a letter from the New Hampshire Preservation Society stating basically the same thing. Mr. Choate strongly urged the Board to hold a public hearing prior to proceeding. There are a number of issues surrounding this building, not the least of which, is that many in the public feel that the direction the Board is heading in is contrary to the vote last March.

- **Kathy Hodson, 616 Central Road**

Ms. Hodson urged the Board to refrain from demolishing the Parsonage. She read a statement from the September town newsletter, which states:

“This plan is markedly different from that authorized by Article 7 of the March 2020 town meeting which required Daniel Philbrick to renovate the Parsonage building into apartments. Because of this, a warrant will have to be presented to the voters to authorize this change of plans.”

Ms. Hodson stressed the importance of the voters having a say in the matter.

- **Sally King, 535 Wallis Road**

Mrs. King read a statement from former Selectman Melvin Low of 650 Washington Road. It read as follows:

Over twenty years ago when I served on the Rye Select Board, the Town faced a problem similar to the one we have now; what to do with the Parsonage. Since the Town voted not to sell it, the only option was to rent it. The Town eventually rented it to The Housing Partnership with a twenty-year lease. We were successful in getting a grant for repairs and The Housing Partnership agreed to manage the property. Unfortunately, the Town did not keep up with the agreed upon maintenance. Consequently, The Housing Partnership did not renew the lease. The Historic 1810 Parsonage is part of our history, a part that we should be proud of, providing eight units of affordable housing in the heart of our community. Failure to give Rye residents the right to vote on the future of the Parsonage is wrong and possibly illegal, especially during the disarray caused by the pandemic. The Selectmen have cited this pandemic as a reason to rush their proposed deal through. This makes no sense. Recently, respected preservationist Steven Bedard toured the building and found it to be structurally sound, worthy of preservation and rated it overall B+. He was shocked that a historically significant building that fits right in the Town Center was being considered for demolition. He also opined that it would take considerably less money to restore it than the amount claimed by the Selectmen. In conclusion, none of this property should be sold to a private individual. To do so, will negate the original purpose of owning this parcel i.e. to provide for future expansions. To offer the excuse that the Town does not keep up with its properties implies laziness and lack of purpose on the part of all of us. In short; “the easy way out”. Mel Low - Rye

- **Lee Arthur, 700 Central Road and Rye Recreation Director**

Ms. Arthur extended an invitation to everyone to the multi-storage facility ribbon cutting and open house at 55 Recreation Road, November 10th, at 12:00 noon. She added that the Recreation Commission is really excited to share the community’s accomplishment. They

feel that everyone came together. This may be a small storage facility, but it is big to the Recreation Department. It makes a big difference. The Recreation Commission wants to show how a process can be collaborative and they are really appreciative to everyone that was involved.

- **Lisa McCaslin, 3 Spruce Ave**

Ms. McCaslin Expressed her support of the Rye Library Trustees and was in agreement with Mr. Low's statement that Mrs. King read.

- **Thomas King, 535 Wallis Road and 18-year member of the Historic District Commission**

Mr. King stated that he could not speak for the HDC, but pointed out that there are not many houses in the Historic District of that age. The house is not perfect, but is a lot better than some other houses around town or even in the Historic District. He added that it would be a shame to lose, not only the house that has Historic value and that fits the location, but how the house fits on the lot. It provides open space and gives a sense of air and openness to the center of town. It should not be taken away from the Historic District. He had attended the site walk and agreed with Mr. Choate's views on the house.

- **Amy Thibodeau of Rye, Deputy Tax Collector and Town Clerk**

Ms. Thibodeau spoke about the working conditions at Town Hall. She stated that the conditions cannot continue as they are. After so many years of this issue being on the ballot, the Town finally has an option and she hopes that every aspect of this option is exhausted before it is put on the back burner.

- **Mike Schwartz, 161 Wallis Road**

Mr. Schwartz thanked the Board for their efforts and time spent on this issue. He stated that he sent the Board an e-mail with a petition that he wanted to read into the minutes.

The Rye Library is a treasure in our town that we should be investing in and growing, rather than devaluing and diminishing. We ask the Selectmen to allow the voters to decide if we, as a town, would like to give up any part of the library land, rather than acting unilaterally. Giving up part of the Library as well as the future ability for library expansion, was not what town citizens were asked to vote on in March 2020. If that is the desire, we should have a voice in the 2021 election.

Mr. Schwartz stated that this petition was signed by several hundred individuals and submitted for the record. He added that not only is there concern regarding the historical value of the house, but there is concern regarding the impact on the Library. It was his understanding that the land was donated to the Town for purposes of library use. Anything that encroaches on the walkway, shrubs, or any part of the library future expansion is not what the Town voted for. He stated that there may be a need for town office space, but that should not be provided by doing an "end-run" around the citizens with this solution to the problem. These are two separate concerns.

- **Steven Borne, 431 Wallis Road**

Mr. Borne pointed out that the October 24th non-public meeting was for acquisition. He assumed that if there is an acquisition the A through Q process will be carried out. He continued that if the town's people knew what the lot lines were back in March, the Library would have spoken out not in favor of this and the warrant would have never passed. In regards to space needs at the Town Hall, the reason the Town doesn't get anything done is because it doesn't plan. The Town should have been using this time with COVID (since June) to do some really hard work on planning, such as; what is the best long-term thing for the Town and what are the options. Mr. Borne asked the Board to step back and really plan things out. What do the citizens want to happen with the town center? There is still the space above the safety building that has never been costed out. With regard to the master plan, the budget shows that the Town is not really investing in what's going to happen. Now is the time for people to step up and support the master plan. Mr. Borne pointed out that the legal notice for the zoning meeting was posted in the Portsmouth Herald over the weekend, but not on the website. He would appreciate it if notices that are going to be posted in the newspaper are posted on the website as well.

- **Michael Brousseau, 20 Geremia Street**

Mr. Brousseau stated that there does seem like there has been some convolution to this process. Not speaking on the Parsonage, only speaking to the vision of the Library. The Library is a resource for the Town from two-year olds to eighty-two-year olds. The Library is a resource for information, events and social gatherings. Anything that would compromise the Library's ability to be an ever-ending important resource and its ability to expand its offerings, will not be treated lightly.

- **Jane Holway, 7 Washington Road**

Ms. Holway commented that this type of government is very distressing and is not representative. This is a very inefficient and undemocratic way to run a government.

- **Scott Marion, 71 Washington Road**

Mr. Marion agreed with the general premise put forth by the Library Trustees, whole heartedly. He stated that it feels like it has been a little bit of a "bait and switch". Perhaps because Mr. Philbrick changed the conditions and felt like he had the upper hand in the negotiations. He agrees with the Trustees that the Town should not be giving away land. He also agrees with Steven Borne that if the voters knew it would cut into the library land, it would not have passed. However, to Mr. Borne's statement that there is no planning, that just is not true. These are volunteer boards that are "busting their humps" doing what they can in these crazy times. To say that people are not planning is just not fair. The Town does have an issue and it has to go back to a vote.

- **Frank Drake, South Road**

Mr. Drake stated there are some paradoxes. If the Library needs the land to expand, then the Parsonage would be in its way. This process is typical of Rye for the past twenty years. The process with the Town Hall/ Parsonage has been torturous. They are "kissing cousins"; the Town Hall expansion needs and the Parsonage. Setting aside the historic value of the

building, which is a very emotional thing and has validity, he was caught “off-guard” by David Choate’s report. Last he knew, the Parsonage was in pretty bad condition. He disagrees with Tom King that the Parsonage enhances the streetscape of Rye Center. As far as the loss of library land, the land that was given to the Library ends at the edge of the sidewalk and does not include the Parsonage property at all. It’s a great offer to pick up four acres in the Town Center with the bank and to get the Town Hall “monkey” off everyone’s backs. It would clean up the Town Center quite a bit.

○ **Jeffrey Ross, 333 West Road, Library Trustee**

Mr. Ross pointed out that there is a lot of confusion about whose property and where, and the legal question of who can own or control property. The entire Parsonage property was acquired by the Town for the library expansion. The Library, by way of its committees and fund raising and seeking other approvals from other boards, expanded onto the Parsonage property as seen now. This includes all the lighting and landscaping all the way up to the arborvitaes. The arborvitaes were put in by the Trustees to replace a fence that was in bad condition and needed to be taken down. To refer to the expansion as a plan would be a misnomer. The Trustees did a schematic design based on a strategic plan and space needs assessment. The Trustees discovered last fall, when presenting to the Select Board, that their abilities to raise the funds for the library expansion would be severely limited, if not fail, if it was not accompanied by a comprehensive town wide plan for the Town Center. The Trustees went to the Select Board immediately and it was at the same time that the swap with Mr. Philbrick was unfolding. The Library has been planning. The Library is not committed to a specific expansion. One of the reasons that the Trustees are interested in the land beneath the Parsonage is that as the schematic design shows, there is really only one place that the Library can go; the northerly direction into the Parsonage parcel. The Library does not oppose the swap with Mr. Philbrick. They understand the space needs at Town Hall and are happy to seek a solution to all of that; as long as, it includes a requisite opportunity for the Library to be protected. The Trustees feel that if the new owner owns right up to the walkway, it would be a detriment to the Library expansion as there is no other place to go. The Trustees also rethought the expansion plans for two reasons. One was the pandemic and the other was the bequest from the Brousseau Family. When the opportunity was discussed for the Library to acquire half of the Parsonage parcel, the Trustees realized that would be the best use of that money. It would create the space that is needed for expansion, whether now or in the future, and the Library could use the land immediately for outdoor program space. The Library could be made more visible in the Center of Town. The two-lot subdivision fell through. The Library Trustees still do not know what caused that. There was some conversation that it was due to parking, which was not the case. The Trustees believe that the two-lot solution, with some contribution from the Library, is a great opportunity that would do well by the Library and also for the Town Center and the TD Bank/Town Hall Exchange. The original sin was that the Library expressed concerns almost immediately, and certainly before the election, about where the property line was going to be. None of that was disclosed prior to the election. It is not in the warrant article. It is not in the agreement with Mr. Philbrick. It did not become known to the Trustees until he had a meeting with Mr. Philbrick in May when Mr. Philbrick stated that his understanding was that the property line was up to the walkway. This was established prior to the agreement being signed as confirmed by the last Planning Board

meeting. This should have been disclosed to the voters and the Library Trustees prior to the election. It would have been a very different situation in March if the Library had been apprised of the fact that the land that they consider to be under their control was going to be transferred to a private party without their consent. The Trustees would have objected to the swap or at the very least tried to seek remedy before the election.

○ **Karen Stewart, 546 Washington Road, Town Center Committee Chair**

Ms. Stewart agrees with everything that has been said during this meeting. This is a very complicated situation. As a resident, she was very disappointed in the evolving nature of the swap. The Rye Town Center Committee was sunsetted in September and is now awaiting reappointment and extension from the Select Board. When they are extended, they as a committee care a lot about this, are invested and knowledgeable in the Town Center. They look forward to partnering to solve a lot of these problems. They are very sensitive to the space constraints and other issues the town employees face. They are also interested in preserving and protecting the historic nature of the downtown and in coming up with a comprehensive plan that will fulfill its function and livability. They are looking forward to being involved with anything they can be on this journey.

○ **Karen Oliver, 1159 Washington Road, Library Trustee**

Ms. Oliver asked how the Board can move ahead with the subdivision, as they do not have a contract. The original contract with Mr. Philbrick was voided in June. She was not aware of any subsequent contract and is assuming that the Board will be signing something at this meeting and be explaining how this will fit into the warrant article.

○ **David Choate, 108 Washington Road, member of the Rye Heritage Commission, The Rye Historic District Commission and chair of the Rye Demolition Review Committee and also a board member of the New Hampshire Preservation Alliance** (speaking for a 2nd time)

Mr. Choate commented it is his understanding that the Rye Energy Committee will be reporting that the School Board has voted to place solar panels on the front facing roof of the Rye Junior High School, despite the clear opposition from the Rye Historic District Commission, who met with them in the past year. This is not permitted in the Historic District. Mr. Choate sought legal opinion from Attorney Peter Loughlin. The law is a little unclear as to if school boards, like municipalities, are exempt from zoning. It is important that people know that this plan is coming forward, if the information is accurate, and that the Historic District Commission is very much opposed to this.

○ **Scott Marion, 71 Washington Road, member of the Rye School Board** (speaking for a 2nd time)

Mr. Marion confirmed the vote on the solar panels and offered to speak on behalf of the School Board later in this meeting.

IV. CONSENT AGENDA ITEMS — (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)

A. Appointment: Energy Committee – Unlimited Term

1. Nancy Siopes: Requests appointment as a member, letter rec'd 11/05/20

2. Recommendation letter rec'd 11/05/20 from Tom Pfau, Co-Chair

Chair Winslow welcomed Ms. Siopes and asked her to introduce herself.

Ms. Siopes stated that she has lived in Rye since 2010 at 1090 Washington Road. She is also involved in a solar business in town located at 991 Washington Road. Because she is a Rye resident and has a background and experience in solar energy, when the position came up on the Energy Committee, she felt that she might add value to the committee by being able to provide information, sharing experiences and talking about component products. She understands that she will not be able to compete or quote on any of the work done by the Town. However, she will be able to make sure the Town gets the best value for the projects that they are considering, based on the fact that solar, like other technology, is changing quickly. She is also familiar with what funding opportunities the Town may be eligible for. These also change quickly and she can keep the Town abreast with these changes moving forward.

Chair Winslow thanked Ms. Siopes again and stated that it is truly an honor to have so many people that live in town who have backgrounds that help service the Town and are willing to give of their time and energy to serve the Town.

Motion by Mae Bradshaw to appoint Nancy Siopes as a member for an unlimited term to the Rye Energy Committee. Seconded by Bill Epperson.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye; Bill Epperson – Aye.

Motion passed.

V. DISCUSSION ITEMS

A. Rye Energy Committee – Review of Committee Activities

Rye Energy Committee Member Tom Pfau reported on the LED Lighting program. During the last year, the upgrade at the schools to LED lighting has been completed. The schools have been the largest source of electrical use and carbon omissions in the Town. This program has been a good process all around. It had lowered their costs, their energy usage and their carbon at both schools. The plan is to also upgrade all the town owned buildings, but that program has not begun yet. Looking back to February, the savings were about \$1,000 per month. Then the schools were closed due to Covid so no further data was used for comparison. The payback was estimated to be 3 ½ years, with half of the project being paid for by Eversource and half being paid by the school. The same will be true for the Town.

With the LED lighting, the net result is not only does it save money, but it gives off a better quality light. As regular bulbs and fluorescents age they become dimmer.

The schools still have a lot of demand charges, which are charges that get added on to commercial properties. There is an ongoing project that is looking at this issue and the Energy

Committee is hoping to have a report back from the consultant on how they may reduce the demand charges.

Rye Energy Committee member Howard Kalet reported on the solar program. Solar Energy is the biggest single way to reduce carbon omissions in town and potentially stabilize electric costs. The Rye Energy Committee started the solar program about a year ago; to include, the schools, public safety building, transfer station and Rye Water District. There are three different entities involved and it became complicated. Also, in terms of sizing these pieces, the economics are best when the sizing is done correctly. Because the Water District is so spread out, the incentive there just didn't work out. In the end, the best opportunities were with the school board for both the elementary and the junior high school. The school board has approved the proposal. This will not only save money for the school district; it will also reduce carbon and it will stabilize costs going forward. It is the understanding of the Energy Committee that the school board had the jurisdiction and the authority to put solar panels on the schools.

The roof at the transfer station looks promising. The Energy Committee will be looking into it and reporting back if they find an economic way to make it work. It's a small project, so the economics are not as good as a bigger project.

Selectwoman Bradshaw asked if the school could use the newer panels that look like roofing material to camouflage the look.

Mr. Kalet explained that part of the proposal presented to the school board was to use darker panels to match the roof better. The traditional panels are gray. The panels will follow the roof line. They will not be angled up. they will have the same slope as the roof. The Energy Committee has talked to suppliers and at this time the new material is not affordable or cost effective. Also, by making the panels look more like shingles, there is a covering added that reduces the efficiency of the panels.

Ms. Siopes described a material that has been used in California where the actual roof is done in solar shingles. These have resulted in fires, due to the heat transferred to the metals in the shingles and the actual roof being heated up. The technology is just not there yet. She added that it is important to look at the cost differences and the tolerance level for risks. The panels now have a glare resistant coating to them, so they are not shiny and they do not reflect the way they use to. Also, over time the panels have gotten so efficient there is no need for them to be placed at the severe angles as they used to be. Now on a flat roof, the angle is only 10 to 15 degrees verses the 30 to 40 degrees of years past.

Selectwoman Bradshaw asked about the percentage of savings on this project.

Mr. Kalet responded that this is a very good question, but there is no crystal ball. This is potentially a twenty-five year project if the school looks at one option. If that is the case, how do we project the costs of electricity twenty-five years from now? The program at the junior high school is called a PPA; at the end of six years the school board could elect to purchase the

system or they could opt to stay on the program. If they did elect to purchase the system, it would result in even greater savings on their electric bills.

Selectman Epperson asked about the solar field that the Energy Committee was researching last year.

Mr. Kalet explained that was the installation at the Water District. The problem with it was that it was a thousand feet away from the power connection point, which because of the transmission and delivery costs, the economics did not work. To make it work, the installation has to be behind the meter at the consuming location.

Ms. Siopes spoke about the costs associated with solar fields and ground mount systems. The first costs being the survey of about \$20,000. Then there are questions as to the power in the area where the ground mount is going. If it is a one phase, it will need to be upgraded to a three phase. Upgrading to a three phase and getting it back to a point of transmission, to get it back to the grid, could easily costs \$100,000 or more. The utility companies do not want to absorb these kinds of costs.

The time frame for the School project installation is in the spring.

Tom Pfau gave an update on SB 286, relative to aggregation of electric customers by municipalities and counties. The Energy Committee has had a number of meetings with other towns and organizations that are interested in this; for one being Green Energy New Hampshire. They have held a number of webinars and sessions on the subject. Some of the towns include; Exeter, Stratham, Dover and Durham. The idea is that towns or multiple towns or counties can aggregate the usage of their residents and businesses then go out to bid for a provider and negotiate a lower price that everyone could benefit from. If the town votes to do this, the residents will have this as their means of power or they have the option to opt out. There have been a number of larger communities that have banded together and formed an organization that is just coming into fruition. They are just hiring the board of directors and will be hiring staff in the spring. Their plan is to buy power as a group. Small towns like Rye can join this non-profit group. This would have to go to the Town for a vote. Realistically, this will not be ready for a warrant before March of 2022.

Scott Marion of the Rye School Board extended a thank you to Mr. Kalet and Mr. Pfau. He stated that they are tireless and experts at this stuff. He added that the School Board would not have been able to do one tenth of what they are proposing to do without their leadership.

B. Aquarion Water – update of their continued efforts during COVID and their efforts during the drought. 20 minutes

- *Tabled until next meeting.*

C. New Flood Insurance Rate Maps Resolution (motion to adopt required)

Chair Winslow explained that for the new flood maps to go into effect all towns on the seacoast have to approve it.

Motion by Phil Winslow to adopt the following; Pursuant to RSA 674-57, by resolution by the Rye Select Board, all lands within the Town of Rye and designated as special flood hazard areas by the federal emergency agency in its flood insurance study for the County of Rockingham New Hampshire, together with the associated flood insurance map firm panels; 33015C0265F; 33015C0269F; 33015C0286F; 33015C020F; 33015C0286F; 33015C0287F, 33015C0288F; 33015C0413F; 33015C0432F; 33015C0434F; 33015C0451F; 33015C0475F; 33015C0459F; 33015C0476F; 33015C0478F, dated January 29, 2021, declared to be part of the code of the Town of Rye and hereby incorporated by reference. Seconded by Bill Epperson.

**Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye; Bill Epperson – Aye
Motion passed.**

D. Swap Exchange Amendment

Chair Winslow explained that the amendment to the swap exchange is on the town website in a statement dated October 28, 2020 and by official release in the October 31, 2020 Portsmouth Herald. If the Board signs this document this evening, it will be available on the town's website. He went on to explain that the Select Board has heard the very valid concerns of the Library and the concerns regarding the Parsonage. This is not a simple matter to resolve. However, the Select Board is responsible for the best interest of the Town. This involves the Town's tax payers and the most efficient way to provide quality services. It involves providing safe and proper office space for the Town's employees. What is the best way for the Library to maintain their focus on the delivery of their services to the Town residents? What are the best ways to address the Town Hall, the Parsonage, and the Trolley Barn? With so many things that are being addressed and after many discussions with Mr. Philbrick, Chair Winslow summarized what is being agreed to as follows:

The amendment is intended to implement the will of the Town's people, who eight months ago voted to swap "at par", this property for the former TD Bank property. The principal reasons for the swap are:

- To allow some town offices to be relocated from the overcrowded Town Hall to the former bank building.
- An added benefit is that during the pandemic, this will give the employees added space in order to follow social distancing guidelines and the public will be able to use the drive-up window to conduct their business with significant social distancing and safety.
- To allow the second floor of the Town Hall to be restored to its historic use as a meeting space.
 - This could be used for both town meetings and social occasions.

- To rid the Town of the financial and public safety burdens of having a large, old, deteriorating building in the middle of town center.
- The Town will be gaining four acres of land adjacent to Parsons Field and town conservation land.

The Amendment provides the following:

- The Board of Selectmen will raze the Parsonage and its carriage house.
- Mr. Philbrick will pay for the cost of the demolition.
- If the closing does not occur, the Town will reimburse Mr. Philbrick for the costs of up to \$32,000.
- The Rye Planning Board will be asked at their November 10, 2020 meeting to approve the subdivision of the 0.4-acre lot from the larger 1.9-acre lot.
- If the Planning Board does not approve the subdivision the parties may negate the swap.
- Mr. Philbrick will be allowed to build up to five dwelling units; one of which may be used as an office in a structure that will be located in the northern part of the lot. (The side closest to the Safety Building).
- There will be a deed restriction on the southernly side of the property.
 - 75 X 90 feet from the Library sidewalk will be preserved for landscaped open space.
 - This deed restriction effects 40% of the parcel of the Parsonage.
- The Town will retain a 3' sidewalk and lighting easement from the edge of the two sidewalks serving the Library.
 - Mr. Philbrick has the right to replace the lighting, if it is approved by the Historic District Commission.
- The Library shall be allowed to maintain the sidewalk.
 - Space for snow storage for snow removed from the sidewalks provided green snow removal substances are used on sidewalks
 - Right to repair sidewalk
 - Right to operate, maintain and repair existing lighting of the sidewalk
- Mr. Philbrick will be granted an easement to use the septic system that is under the parking lot.
 - It was built in 1990 to accommodate the original eight units of the Parsonage
- Mr. Philbrick will be given a license to use three parking spaces located at the east end of the town parking lot.
 - These spaces shall be available 365 days a year on a 24/7 basis.
 - Mr. Philbrick will be allowed to install signage indicating that three spaces are reserved for his use.
- All permits required by the Building Department, the Rye Historic District Commission and Rye codes and ordinances must be in place prior to closing.
- The closing shall take place no later than February 28, 2021.
 - If the closing does not take place by February 21, 2021, either party may nullify the swap contract.

- Mr. Philbrick's proposed use will not require a site plan or any variances for the Zoning Board of Adjustment.
- If the Planning Board places conditions of approval on the minor subdivision that materially effects the term of this agreement, Mr. Philbrick has the right to negate the swap.

Motion by Mae Bradshaw to execute the amendment to Contract for Property Exchange between 500 Washington Road, LLC and the Town of Rye, New Hampshire dated November 06, 2020. Seconded by Bill Epperson.

Roll Call Vote: Phil Winslow – Aye; Mae Bradshaw – Aye; Bill Epperson – Aye.

Motion Passed.

VI. CORRESPONDENCE

- A. Letter rec'd 10/28/2020 from Timothy & Diane Terragni** re: the fence they installed on their property

Chair Winslow accepted the letter from Timothy & Diane Terragni to be included as part of the minutes.

VII. NEW BUSINESS

Town Administrator Bergeron explained that at the time of the budget meeting on Thursday, they did not have the cost of the Town's property and liability insurance. It has since come in. It increased by \$5,093 (6.8%) to a total of \$80,236.

- The 2020 Budget Work Session will be on November 19th starting at 8:00am

VIII. OLD BUSINESS

- *None*

IX. OTHER BUSINESS

A. Minutes

1. Meeting, Monday, October 26, 2020, 6:30 p.m. Via Zoom

The following correction was noted:

- Page 8; second paragraph from the bottom reads: Selectman Epperson has been trying to get a Committee formed to get a ~~Tiff~~ District approved on the Route one corridor. It's a tax incentive funding that he explained in the Town News Letter some time ago.
- It should read: **Selectman Epperson has been trying to get a Committee formed to get a TIF District approved on the Route one corridor. It's a tax incentive funding that he explained in the Town News Letter some time ago.**

**Motion by Phil Winslow to accept the meeting minutes of October 26, 2020 as amended.
Seconded by Mae Bradshaw.**

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.
Motion Passed.**

ADJOURNMENT

**Motion by Bill Epperson to Adjourn at 8:28 p.m. Seconded by Mae Bradshaw.
Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.**

Motion passed

Respectfully Submitted,
Dyana F. Ledger

From: Wilson, Benjamin [<mailto:benjamin.h.wilson@dncr.nh.gov>]
Sent: Monday, November 09, 2020 3:39 PM
To: Choate, David <david.choate@colliers.com>
Subject: Rye Select Board meeting.

Hi David, Would you be willing to read the following tonight from the Division of Historical Resources during the public comment period on the agenda? My apologies for not being able to attend. Any questions let me know. I've attached the Inventory form and DOE review. Thank you for your concern.

Members of the Rye Select Board, Thank you for the opportunity to clarify public statements that have been made with regards to the historic significance of the property located at 575 Washington Rd. Rye NH. Contrary to what has been stated in local media, the Division of Historical Resources (DHR) **determined the building and site to be eligible for the State Register of Historic Places** at its monthly Determination Of Eligibility meeting held on February 26, 2020. Furthermore, although the property was NOT determined eligible for the National Register of Historic Places individually, it would be a contributing resource to a National Register District if such a district recognition were pursued. The DHR concurred with the eligibility findings of Preservation Consultant Lisa Mausolf, which can be found on page 6, Section 44. National or State Register Criteria Statement of Significance: of her NHDHR Inventory form #RYE0015.

Although the building has had a long storied history of uses, first as a town constructed Parsonage to its current use as residential apartments, the building still retains many of its federal period details as explained in Ms. Mausolf's report. These details speak to the building past just the additions and changes tell the story of its 210 years of layered history as a prominent "Landmark" within the local historic district. The DHR strongly encourages the Town to work with the local community, the DHR and the New Hampshire Preservation Alliance to find an alternative, sustainable solution for the property other than demolition. Once it's gone, it's gone forever.

Ben Wilson
Director of the NH Division of Historical Resources
State Historic Preservation Officer



October 27, 2020

to: Board of Selectmen
Town of Rye, NH

From: Timothy and Diane Terragni
2227 Ocean Blvd.
Rye NH 03870

We would like this letter to be read at the next board of Selectpersons meeting and added to the record.

We, Tim and Diane Terragni owners of 5.3 Lot 18 have installed a fence that partially separates us from Mr. Jonathan Murphy's property 5.3 Lot 17. When the fence was installed, we placed it 12" - on our own property. We have no intention of giving up our rights of ownership to that 12" now or in the future.

The fence layout was done June 2010 by Atlantic Survey Co. LLC.
The surveyed map was registered with the County shortly after.

Thank you in advance.

Tim and Diane Terragni

Diane B Terragni Trust of 1999
2227 Ocean Blvd
Rye NH 03870