

TOWN OF RYE –SELECT BOARD
Monday, December 28, 2020
6:30 p.m. – Via Zoom

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

Others Present: Town Administrator Becky Bergeron

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow called the meeting to order 6:30 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: 211211 or by clicking on the following website address: www.zoom.com ID #811-5830-7215.

- 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.
- 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.

If anyone has a problem accessing the meeting please email the Town Administrator at:
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
- Mae Bradshaw

Note: The Selectmen stated where they were at home and stated that their spouses were the in the home/room during the meeting.

II. ANNOUNCEMENTS

The Town Offices will be closed Friday, January 1, 2021 for New Year Day.

Chair Winslow asked for a moment of silence in memory of Sewer Commissioner Peter Kasnet, who passed away last week.

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.)

- **Fire Chief Mark Cotreau** announced that the new pumper/ladder truck went into service on December 16th. The very first call the department received after the truck was placed into service was for a chimney fire, so the ladder truck was used. Chief Cotreau thanked the folks in town for their continued support of the Fire Department.
- **Jeff Ross, 333 West Road and chair of the Library Trustees**, announced that the Library Trustees have released a public statement in response to the Select Board's December 14th statement. They are hoping to clarify and correct assertions made regarding their participation in the swap negotiations. It is posted on the Rye Public Library website. They have requested that it be placed on the Town's website and they have also released it to the public in the press.
- **Huge Lee, 220 Pioneer Road**, asked the Select Board to work with Mr. Philbrick to amend the amended swap agreement to comport with the proposed petition and to adjust the date from February 28th to March 28th. He also asked them to support and recommend the adoption of the warrant article as described in the petition. He believes that the Town needs to obtain voters' approval, as the amended exchange/swap agreement is so markedly different from what was approved by the voters earlier this year.

- **Steven Borne, 431 Wallis Road**, expressed concerns about the posting of meetings, agendas, and public hearings. He asked that as soon as the information is available that it be posted on the Town's website, not waiting until the day before the meeting to be posted. He also sent a response to the Select Board's December 14th statement. He asked the Board to review it and get back to him with comments prior to him distributing it.
- **Burt Dibble, 105 Harbor Drive**, reported that the State Legislature has published some rules and procedures regarding the Deliberative Session. It can lead to a very complicated and expensive process. It may even require hiring additional staff to take care of all the mailing activities. He added that speaking as a physician, he feels that having a meeting of that size in the junior high gymnasium would be an extraordinarily dangerous undertaking, as there is not adequate ventilation in the gym. He strongly recommended that the Town adhere to the CMS and the NIA guidelines for large assemblies.

Chair Winslow stated that he received a phone call from Senator Sherman confirming this as well. Representative Grote will be addressing this later in the 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. Rye Town Center Committee New Members and Changes to Charter

B. Rye Public Library Public Statement

C. Public Statement from Steven Borne

Chair Winslow asked that Consent Agenda Items A, B, and C be taken off for discussion.

• **Rye Town Center Committee New Members and Changes to Charter**

Karen Stewart, chair of the Rye Center Committee, introduced Funi Burdick. Ms. Burdick is a preservationist and architect. She will bring a wealth of knowledge to the committee. Ms. Stewart also introduced Lydia Tilsley. She is a member of the Historic District Commission and a resident in the Town Center. Chair Stewart stated that both women are very interested in becoming members and the Committee is eager to have them.

Ms. Burdick stated that she moved to Rye about a year ago from Portsmouth. She has degrees in art history and architectural history and is an architecture by training. She is the president and C.E.O. of the Martha's Vineyard Preservation Trust. It is an organization on Martha's Vineyard that acquires, restores, and manages historic properties. They currently have over twenty properties on the island. She looks forward to sharing some of her expertise and helping with the Town Center.

**Motion by Bill Epperson to appoint Funi Burdick to the Rye Town Center Committee.
Seconded by Mae Bradshaw.**

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

Motion passed

Ms. Tilsley was not able to attend the meeting; however, the Select Board had met her when she was appointed to the Historic District Commission.

**Motion by Mae Bradshaw to appoint Lydia Tilsley to the Rye Town Center Committee.
Seconded by Bill Epperson.**

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

Motion passed

Chair Winslow questioned some changes in the language of the charge to the Town Center Committee. He noted that the wording that states ...” included in this plan would be the goal to provide ADA compliant work spaces for town employees, and adequate meeting and community activity spaces”. It now reads: ...” included in this plan may be the goal to provide ADA compliant work spaces for town employees, and adequate meeting and community activity spaces”.

Ms. Stewart explained that it is because it is hypothetical right now. She is not sure that the Committee will be charged with that. She asked what that would look like and if there would be a budget associated, if that was part of the Committee’s charge.

Chair Winslow stated that they do not have a budget.

Ms. Stewart suggested that it should state that the committee would be providing ideas for that goal.

After future discussion it was decided that the Town Center Committee would be making recommendations for an overall plan.

**Motion by Bill Epperson to approve the Rye Town Center Committee charge as amended.
Seconded by Mae Bradshaw.**

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

Motion passed

- **Rye Public Library Public Statement**

Chair Winslow acknowledged the Rye Public Library Trustees’ statement in response to the December 14th public statement by the Rye Select Board. This statement will be an official attachment to the minutes for this meeting.

- **Public Statement from Steven Borne**

Chair Winslow acknowledged the statement from Steven Borne in response to the December 14th public statement by the Rye Select Board. This statement will be an official attachment to the minutes for this meeting.

Chair Winslow asked that a statement be placed on the Town's website. Anyone who would like to read these statements may find them attached to the meeting minutes of December 28th.

Motion by Phil Winslow to accept consent agenda items B and C as presented and that they are attached to the minutes of this meeting. Seconded by Bill Epperson.

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

Motion passed

V. CORRESPONDENCE - None

VI. NEW BUSINESS

Fire Chief Cotreau gave the Select Board an update regarding the vaccine for the first responders. He pointed out that the information is changing all the time. The State has a good plan in front of them. He gave the website for those who want to get the most current information. newhampshire.gov/covid19/resources-guidance/vaccine/planning.htm

He reported that the first responders will be getting the Moderna vaccine. The health care workers in hospitals typically will be getting the Pfizer vaccine. However, he just heard today that they may be getting some Pfizer as well. The two vaccinations are similar. They are both double injections. Pfizer is spaced 21 days apart and Moderna is spaced 28 days apart. The first delivery to the State was 12,600 vaccines, which will take care of 6,300 first responders and hospital workers, due to the double injections. The State has set up a priority list with individuals at higher exposure/risk being Phase 1-A. The State is not worried about getting the vaccines, it is just a timing issue. It will take several weeks to get through the vaccination process. There have been no confirmed dates for the general population; however, a lot of the PCP's are suggesting it may start around March. There will be no out-of-pocket costs for the vaccine. He also noted that people cannot get Covid from the vaccine.

VII. DISCUSSION ITEMS

A. Discussion re: Deliberative Session

Town Moderator Eaton lead the discussion. He reported that the Attorney General and the Secretary of State are drafting a bill to go before the Legislator on January 6th, that would give the Governing Body the authority to postpone the town election until the second week of April, May, June, or July. The Deliberative Session would be held approximately six weeks prior to the chosen date.

He stated that he feels this potential bill is very encouraging. He feels the Town should put the election off until the vaccine has had a chance to have an impact and the community is in a better position, as far as Covid. If it is not and the meeting has to be conducted virtually, putting it off will give the Town more time to prepare for that as well. He believes the Town would operate on the default budget until the town meeting is held. The guidelines in the statutory framework for holding a virtual meeting is full of problems. If they could hold an in-person meeting it would give time to prepare for that as well. HB 1129 allows the Select Board to decide whether or not to have a virtual session, which would consist of two sessions. First, an informational session would be held; followed by a mailing to all registered voters informing them of the virtual procedure and how it works. It would then be followed by a second virtual session. Between the two sessions, the Town will solicit and accept comments by text, email, voicemail and telephone. At the second meeting, the Select Board would be able to amend the warrant. The public will not. The public will not be able to vote on the warrant. Moderator Eaton feels this to be undemocratic and full of political errors. If the virtual meeting is chosen, the Town will be required to hold a drive-up election. The ballot would be divided in two parts. The first part would be the election of the Town officers and zoning articles. The second part would be the other warrant articles, including the operating budget. The Town will be required to have as the first article on the warrant an article that says; "Do you approve of the virtual option of the deliberative session that has already happened?". If the Town disapproves, then all subsequent warrant articles will automatically fail regardless of the votes. Moderator Eaton is not in favor of this for many reasons. He pointed out that the Town was able to hold a successful, safe presidential election. He felt that they would be able to do it again for the deliberative session.

Representative Grote reported that the Secretary of State's office has put together an emergency bill that will be voted on by the Senate on January 6th. It will then go to the House for a vote. She is planning on voting for the bill and is encouraging others to do likewise. The attorney that she talked with at the Secretary of State's office recommend that the Town have a backup plan in place, in case the bill is not passed. She promised to do all she can to get this bill passed through the House.

Moderator Eaton stated that he is confident that the bill will pass. This bill doesn't require the towns to do anything, it just gives them the option.

Chair Winslow suggested that they table this until after the state vote on the bill. The next meeting of the Select Board is on January 11th. He reminded the Board that there are three components to this decision; 1. public health 2. The role of residents in the Town governance and 3. cost and staffing. The decision needs to be balanced with all three, but paramount will be public health. Senator Sherman stated that he would not recommend an in-person session for at least two to three months.

Moderator Eaton reported that the attendance average at the last five deliberative sessions was 145. He expects that number to drop considerably due to Covid.

There was discussion regarding the length of time it takes for a person to vote verses the length of the deliberative session. It is figured at a 46% increase of overall exposure time over the election.

Moderator Eaton recommended shortening the deliberative session by waiving the reading of all the warrant articles, deleting all the announcements that he does at the opening, and restricting time for comments.

Scott Marion, member of the Rye School Board, spoke in favor of not holding an in-person deliberative session. He reported that there are no filters in the gym. They also do not have live streaming in the gym. He also recommended that whatever they decide that it is done for both the school and the town deliberative sessions, so that the residents are not confused. He suggested using tents and conducting outside events in April or May. He pointed out that there are a number of other collateral issues that need to be worked thru as well. Bottom line, the priority is safety.

Selectwoman Bradshaw spoke in favor of setting a date for a virtual deliberative session; however, her first choice would be for June or July.

Selectman Epperson stated that the Board needs to see what happens on the 6th of January with the Legislator and the vote.

Chair Winslow liked the idea of having the deliberative session in May, outside in tents. Six weeks later, the Town could have the election.

All agreed to re-address this issue at the next Select Board meeting on January 11th.

VIII. OLD BUSINESS

A. Mosquito Control Charter and Name Change

This came before the Board at the last minute so the Mosquito Control Commission was asked to come before the Select Board on January 11th.

IX. 2021 BUDGET WORK SESSION

A. Encumbrances

Town Administrator Bergeron explained that this is the second round of encumbrances that the Select Board will be voting on. The total amount is \$117,910.30.

Selectwoman Bradshaw asked Chief Cotreau to explain the thermal imaging camera.

Chief Cotreau responded that it is what they call a TIC camera. It is used during a fire. When the firefighter goes into a burning structure, they take the camera with them to search and detect where the hot spots are. The history of this goes back to the Worcester, MA fire in December of 1999, where six firefighters died.

Motion by Bill Epperson to approve additional encumbrances in the amount of \$117,910.30. Seconded by Mae Bradshaw.

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

Motion passed

B. Warrant Articles

Town Administrator Bergeron stated that the first warrant article is for the Fire Department for the mini-pumper truck.

Chief Cotreau presented the Select Board with a slide presentation. He explained that the mini-pumper is to replace Engine One and is part of the department's scheduled replacement plan and part of their capital improvement plan. This truck was planned for last year and was put off. This truck is designed to go to more calls than Engine One is capable of and is much more economic. However, if there is a fire while it is out, it has a pump that can be put into service immediately without returning to the station for Engine One. The tires and brakes are a fraction of the cost of the larger trucks. Other comparable towns that have gone to this are Manchester-By-The-Sea, Salisbury, and Moultonborough. They all are trying to do a lot more with a lot less. Engine One is a 1993 International. It has been good to the Town but it is 27 years old. In 2018, an independent appraisal rated the Town's fleet on condition and serviceability. This vehicle rated a 4 out of 10 for condition and a 5 out of 10 for serviceability. Basically, it is at the end of its lifespan and it would take about \$75,000 to rehabilitate the truck for an additional 5 to 7 years. The value today on Engine One is about \$25,000. A new pumper will be +/- \$650,00 and the mini-pumper would be less than \$300,000. A smaller model is much more applicable to Rye.

C. Capital Reserve Fund for the Goss Farm

Selectwoman Bradshaw read as follows: **To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of creating a fund to reconstruct the Goss Barn owned by the Town of Rye and to raise and appropriate the sum of Forty Thousand Dollars (\$40,000.00) to be placed in this fund and to designate the Rye Conservation Commission as agents to expand. This appropriation is in addition to the Conservation Commission's operating budget. Majority vote required.**

Suzanne McFarland, chair of the Conservation Commission, addressed this article. She explained that this is a two-part issue. With this \$40,000 they will be able to replace the sheathing, new plywood on the east and west side of the barn, then re-clapboard and paint. The second piece would be to establish a reserve for the barn's future maintenance and repairs.

Motion by Mae Bradshaw to approve the article as presented. Seconded by Bill Epperson.

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

Selectman Epperson read as follows: **To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) to establish to establish the Goss Barn Expandable Trust Fund under the provisions of RSA 31:19-a as a maintenance fund for the Goss Barn owned by the Town of Rye and managed by the Rye Conservation Commission This appropriation is in addition to the Conservation Commission’s operating budget. Majority vote required.**

**Motion by Mae Bradshaw to approve the article as presented. Seconded by Bill Epperson.
Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.
Motion passed**

X. OTHER BUSINESS - None

ADJOURNMENT

**Motion by Bill Epperson to Adjourn at 8:20 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

RYE PUBLIC LIBRARY
PUBLIC STATEMENT

In order to correct the record in light of the Select Board's public statement of December 14, 2020 the Rye Public Library Board of Trustees makes this public statement to clearly state the reasons for the decisions we have made, clarify how the current situation came about and suggest a reasonable path going forward.

The Trustees have consistently sought to protect the best interests of the Library and the public that it serves. During the past 12 months, since the Select Board entered into a contract to trade the town-owned Parsonage for the former TD Bank property owned by 500 Washington, LLC (500), the Trustees have tried to find a solution that would allow the Parsonage "swap" to go forward in a way that does not irreparably damage the Library's interests.

Only as a last resort did the Trustees reluctantly make the decision to pursue legal action, which is currently pending in the Superior Court. While prepared to continue the fight, we remain open to finding a solution that would end the litigation and protect the long-term interests of Rye and the Library.

Fiduciary Responsibility:

The fiduciary responsibility for the Rye Public Library is vested in the publicly elected Trustees by RSA 202-A:6 which states that they "shall have the entire custody and management of the library and of all the property of the town relating thereto." New Hampshire law establishes that the library is an entity separate and distinct from the town and neither it nor its Trustees are subordinate to the Select Board.

Parsonage/Library Property Lines:

In accordance with its fiduciary duties, the Trustees expressed concerns over the property lines of the Parsonage parcel both before and after the March election. Despite the Trustees' specific questions, the Select Board avoided providing any information about where the lot lines for the Parsonage property would be, despite what we have learned were assurances to 500 as early as November or December 2019 that the parcel to be transferred would include Library-controlled property.

Specifically, the Trustees learned from Mr. Philbrick, principal of 500, that property lines up to the library walkways were promised by the town attorney as part of the initial "swap" agreement. In order to convey what Mr. Philbrick said he had been promised and instead of clarifying that ownership of the library-controlled property would be retained by the Town, the Select Board approved in May a so-called "property maintenance agreement," in preparation for conveying to 500 the library-controlled property.

Contrary to the Select Board's statement, the agreement was inadequate to protect the Library, as our May 22, 2020 letter to the Select Board spelled out. This was never about "protecting the bushes," but about our fiduciary responsibility as Trustees and the Select Board's decision to override our legitimate concerns and authority in order to get TD Bank.

On June 1, Mr. Philbrick declined to extend the swap agreement, citing in his letter published by the Select Board, not the lack of a subdivision of the property as the basis for his voiding the agreement, but rather his reluctance to proceed without the Trustees' endorsement.

Library Expansion and the Parsonage

The idea of using the Parsonage building itself for the expansion of the library came out of the Plan NH charette in May 2019. It was an ill-considered, poorly vetted recommendation that the Select Board has now twisted to support its statement that the Library rejected the Parsonage. The library declined to renovate the building; the land on which the Parsonage sat was not offered for expansion.

In August 2019, the Trustees had its fundraising consultant make a presentation to the Select Board about the idea of a comprehensive planning and fund-raising campaign for all of town center, which is of course anchored by the library. All the Select Board members spoke in support of such collaboration at this meeting. Nonetheless, in an about face, the Select Board passed over this collaborative planning when it executed the swap agreement in December.

The Two Lot Plan:

Over the summer, at the invitation from the Town Administrator, two Trustees negotiated with 500 Washington to effectuate the "swap", in part, at least, because of concerns engendered by the Select Board's stated intention to sell the Parsonage property to the highest bidder if the swap did not get "resurrected." Despite the Trustees' request, no Select Board member participated in the negotiations, though the town attorney was present. A Conceptual Agreement in Principle was signed, a formal agreement specifying the particulars necessary to implement the Two Lot Plan was presented, and the Trustees returned it to the town attorney requesting several clarifications to the language. This Two Lot Plan is the deal described by the Select Board in the September 2020 town newsletter as requiring a town vote.

For reasons uncommunicated to the Trustees to this day, Mr. Philbrick decided the Two Lot Plan was unacceptable. In order to advance the Two Lot solution and at the urging of Bill Epperson, the Trustees made clear our willingness to engage in any and all efforts to resolve any parking and other differences. Bill Epperson agreed to take this information to Mr. Philbrick.

Instead of supporting the Library's solution and working to finalize the Two Lot Plan, the Select Board made yet another about face; it cut the library out of the process entirely and ignored the will of the voters by executing a new agreement with 500 on November 10 that is much different from the original swap. Notably, instead of requiring that Mr. Philbrick invest at least \$850,000 to renovate the Parsonage, the new deal required that the town demolish the Parsonage to provide Mr. Philbrick with a clean slate for his new development. The new deal likewise relieves Mr. Philbrick from compliance with almost all town ordinances – even though it is a private development. These substantive changes should have required consideration by Rye voters in the March Town Meeting – exactly what the Two Lot Plan required.

This new agreement inexplicably does not require voter approval and unlike the Two Lot Plan, makes the open space to be created next to the library (now reduced from 100 to 75 feet) private property. While it may provide the town with "a beautiful view of the library from Washington Road," it does not allow town residents and students to walk through it, gather in it, and attend library programming planned for it. The Amended Agreement the Select Board executed on November 10, 2020 greatly improved the deal for 500 at the expense of the residents of Rye, without their consent.

The Trustees continue to believe that the best solution to this issue is a negotiated settlement that achieves the most significant benefits to the town now understood to be at stake. The Trustees hope

that the private party, despite the much more advantageous position he is in as a result of the
"Amended Agreement" will once again consider the best interests of the Public Library moving forward.

Rye Public Library Board of Trustees
December 28, 2020

The Rye Select Board published a statement on December 14, 2020 in regards to the Parsonage Demolition/Land swap and TD Bank. [Click Here](#)

This document (produced by Steven Borne as an informed Rye voter) is to point out what the Select Board did not include in the December 14, 2020 Statement and provides additional information.

Select Board Statement	Additional Information
Voters rejected at least 7 Different plans	This leaves out that voters did support spending over \$350K towards Town Hall and several other articles to move the Town forward. <ul style="list-style-type: none"> - While Articles 7, 8 & 9 passed. Article 7 refers to the signed December 2019 contract, that was voided by 500 Washington LLC in June. Click Here for the December 2019 agreement.
2019 Article was amended Article 31	Yes, article was drastically changed, but the amended wording that was approved, only called for developing the plan for how to renovate. Evaluating options for how to best find/make additional space has yet to occur.
2016 Parsonage Committee Findings	Committee also said they could not make recommendations about what to do with the Parsonage, "out of context" for what Rye wants for a Town Center. Committee recommend Plan NH help Rye evaluate options for the center of Town. Click Here for the report <ul style="list-style-type: none"> - Select Board did not act on completing the Charette - Select Board opposed petitioned warrant article for a Charette - Select Board did support privately funded initiative that completed the Charette Click Here for final Plan NH report This led to the Rye Town Center Committee who were told by the Select Board to first focus on a "Quick win", not understanding options.
Housing Partnership Lease	The Housing Partnership were the "Agents" the Select Board used for managing and maintaining the Parsonage property. Parsonage residents made many requests to the Select Board that the property be better maintained.
Omitted from the time line.	RPLBOT presentation to Select Board of conclusion of feasibility study saying private monies to expand library needed an overall plan for Town Hall. August 21, 2019 <p>Each member of the Select Board spoke in support of Scenario #2 – a collaborative approach with all stakeholders participating. Click Here for minutes.</p>
September 23, 2019 Dan Philbrick Presentation to the Select Board	From those meeting minutes "Chair Winslow explained the charge (of the RTCC) in detail. He pointed out that if the Board does what Mr. Philbrick is suggesting, they would be gutting the whole charge of the Committee. He stated that the only way he could see this happening is by going to the voters with a warrant asking for permission to make the swap if the Town Center Committee recommends it" <ul style="list-style-type: none"> - The planning and options for what is best for all of Rye, not just Town Hall has not happened. - 2020 Article 7 passed, but it was presented as "no cost to the town" and section 13 of the December Swap/exchange agreement starts off with "In Renovating" This comes after the August 2019 meeting with the Library Board of Trustees and a consultant. See above point.

The Library Board of Trustees (LBOT) had stated publicly that the Library did not have an interest in the Parsonage. "Shortly thereafter (March 12 th vote) the Library trustees expressed concerns over the final lot lines."	<p>More clearly, the LBOT said it did not make sense for them to have a separate stand-alone building needing renovation. LBOT was also asking about where the lot lines would be for the property that would no longer be held for future Library expansions.</p> <ul style="list-style-type: none"> - Select Board has stated that they communicated what their understanding was with 500 Washington LLC at one of the March Listening sessions as to where the property lines would be. - Prior to the March 12th vote and twice afterwards the LBOT requested a written response on the property boundaries. While the Select Board has stated they communicated this verbally, the Select Board chose not to respond to the three formal Library requests.
At the end of May, the Select Board signed a maintenance agreement that <u>they felt</u> adequately protected the Library Interests"	This was over the unanimous objection of LBOT; Maintenance agreement gave walkway lighting to 500 Washington LLC, control of when library lights would be on to be determined. See LBOT May22 letter for details.
In late July, 500 Washington Rd LLC Proposed.....	<p>This proposal (click here) involved the Library buying property the town currently owns. What it was doing was helping buy the TD Bank for the Town and protecting the libraries ability to expand and achieving the "purpose of the swap: acquisition by the town of TD Bank."</p> <ul style="list-style-type: none"> - Select Board September newsletter said that Library's deal was substantially different from Article 7 and required a Town Meeting vote - LBOT does not need a Town Meeting to expend money that was bequeathed to the LBOT - The demolition of the Parsonage and elimination of \$850,000 expenditure by private party and other aspects that are in the November 2020 agreement are what is substantially different from the December 2019 swap/exchange agreement
Agreement fell apart in late August due to irreconcilable differences?	What these differences were, has never been made public or communicated to the LBOT.
November 10, 2020 Planning Board	The Planning Board chose to only view the specific questions requiring approval. While the entire lot is impacted by Lot Line changes, the Planning Board would only hear of and discuss the specific questions and not the impact to the full lot that was being impacted. First public access to November 25 deadline for Parsonage demo was provided prior to this meeting.
The Judge ruled in favor of the Town on request to stop Parsonage demolition	<p>The ruling was based on the fact that a Town is not subject to land use ordinances and is not required to have approval from those boards.</p> <ul style="list-style-type: none"> - Section 13 of the December 2019 swap/exchange agreement states that "In Renovating the Rye Property, 500 shall". "Amendment says 500 is responsible for the cost of razing the Parsonage, but says the Town is who is doing it, thereby avoiding requirements that what happened at the Parsonage Property would go before Town boards and committees.
Much of the above time line and plan was posted in advance on the Town website and Facebook page	The information was sent to the Herald and posted online by the Herald on October 28 th . Nothing appeared on the Town Website or Facebook page until November 2 nd . The October 31 st print addition contained the Legal Notice.

as well as in the Portsmouth Herald on October 31 st .	- Note Legal Notices on the town website can only be found by searching for them. There is no way to navigate through menus to them. The Select Board was informed of that public challenge this past Spring.
The Select Board has never wavered from the commitment to effectuate the will of the voters that passed Articles 7, 8, and 9	While the LBOT did not publicly oppose Article 7 before the election. Once the LBOT understood where the Select Board had agreed the lot lines would be the LBOT would have been opposed to Article 7. Swap/Exchange was positioned as "a no cost swap". The LBOT and Select Board have expended large blocks of time and legal fees. This cost should be made know to voters. The Select Board found funding to pay for the demolition of the Parsonage or no funds have exchanged hands. The November 2020 swap/exchange differs in significant ways to what the voters approved based on the December 2019 swap/exchange agreement, but the current plan is not going to the voters. The August 2020 agreement was requiring a Town Meeting, but the November 2020 is going forward with no Town meeting.
This proposal in no way either inhibits or infringes on that plan (potential Library expansion)	Select Board remains significantly underinformed about library expansion.
Further, the library has control of land in the back and to the north where any future expansion could take place.	Drop off behind library is too steep and contains leach field for library.

Point of interest:

In the winter of 2019, Dan Philbrick was very upset with the way the Town was proceeding with the permitting of his Crown Colony Cottages on Ocean Blvd. Mr. Philbrick was asking for a public discussion of his concerns, while the Select Board was only offering a non-public discussion. It appears Mr. Philbrick received the occupancy permits, but the subject was not discussed at public meetings.