

## Updates on the “SWAP” Parsonage for the TD Bank Building

Post Swap: issues surface as the subdivision of Library and Parsonage would extend the Parsonage lot to the edges of the Library’s sidewalks on both Washington and Olde Parish Road (parking).

- Taxpayer paid (Article 8) Subdivision Plan is not available to the public online despite multiple requests. Neither is any plan for how the Parsonage might be redeveloped including the swap contract’s 20% increase in footprint at the Parsonage

A total of four public meetings took place in May (1<sup>st</sup>, 14<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>) via the Town of Rye Zoom platform between the Board of Selectmen (BOS) and members of the Library Board of Trustees (LBOT) regarding issues with the James Verra & Associates subdivision plan to create the +/- 0.4-acre Parsonage parcel, as described in the contract agreement between The Town of Rye and Dan Philbrick / 500 Washington LLC, for the swap of the Parsonage for the former TD Bank.

*Editor’s Note: Complete almost “verbatim” draft minutes of the May 1<sup>st</sup> and May 14<sup>th</sup> Select Board Meeting were posted online sometime late May 29 or after.*

*May 1<sup>st</sup> Draft Minutes: [Click Here](#) Draft Minutes: May 14<sup>th</sup> [Click Here](#)*

*Editor’s Note: The boundary line as drawn on the subdivision plan by James Verra & Associates puts into private ownership a 6-8 feet strip, much of which is the library landscaping, along the sidewalks leading to the library, both from Washington Road and from Olde Parish Road (alongside the library parking) with at this writing to be redone plan “Plan A” with a maintenance easement for part of the Library’s existing landscaping. See page 7 Select Board May 14<sup>th</sup> meeting draft minutes. [Click Here](#)*

*In short, the property line between the Library (town land) and the Parsonage (proposed private ownership) would be moved to the edges of the sidewalks leading to the library entrance whereas now the town owns the buffer and Library maintains as it is currently all town property. The apparent purpose is to provide walkways at the remodeled Parsonage to access entrances to apartments that would be between the library building and Parsonage.*

On June 9<sup>th</sup>, the Planning Board will be holding a public hearing re: the subdivision plan and “proposed adjustment [that] will create a 0.4 +/- parcel around structures identified at 575 Washington Road and another lot 1.56 acres +/-.”

*Editor’s Note: The James Verra subdivision plan has not been posted online (despite multiple public requests with the survey paid for by taxpayers through the March 2020 Warrant Article 8), nor any plans (conceptual or otherwise) have been made available by Dan Philbrick showing how he plans to redevelop the property especially given the 20% increase in footprint – as “allowed” per the contract agreement with the Town as part of the swap.*

A synopsis of the May 1<sup>st</sup>, 14<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> BOS meetings with the Library Board of Trustees (LBOT) is below. Draft BOS minutes for May 1<sup>st</sup> and May 14<sup>th</sup> were made available online after May 29<sup>th</sup>. The synopsis was created from watching the Zoom video BOS meeting recordings below:

May 1<sup>st</sup> [CLICK HERE](#)

May 14<sup>th</sup> [CLICK HERE](#)

May 18<sup>th</sup> [CLICK HERE](#)

May 19<sup>th</sup> [CLICK HERE](#)

At the May 1<sup>st</sup> meeting, BOS member Keriann Roman stated that “I feel like the Selectmen created this situation” while reviewing options, such as a “maintenance agreement” in order to move forward with the contract agreement.

*Editor’s Note: The BOS is avoiding addressing the real issue created by the subdivision plan of +/-0.4 acre; namely, the extension of the Parsonage parcel all the way to the edges of the sidewalks leading to the library.*

During the May 1<sup>st</sup> meeting, discussion took place between the BOS and LBOT members regarding a meeting that took place one week prior to the March vote, as this is when the LBOT became aware that the boundary line between the Parsonage and the Library was encroaching into a 6-8 feet landscaped strip leading to the library from both Washington Road and Olde Parish Road (the sidewalks bordering the library parking). At that time, Dan Philbrick proposed an “easement” which would have allowed the Library to keep maintaining the landscaped strip of land while the land would come under the ownership of Dan Philbrick. By the May 1<sup>st</sup> meeting, it became clear that Dan Philbrick was now no longer in favor of an easement as he wanted “

ownership and control” of the land, as reported by the members of the BOS, and their attorney, Michael Donovan. Dan Philbrick was not in attendance at the May 1<sup>st</sup> Zoom meeting.

At the May 14<sup>th</sup> and 19<sup>th</sup> meetings (the agenda for the May 18<sup>th</sup> meeting was reconvened to the May 19<sup>th</sup> meeting), much discussion took place with resulting amendments to the “Maintenance Agreement” drafted by Attorney Michael Donovan. In the end, there was a clear push by the BOS members, and with the help of Attorney Michael Donovan, apparently agreeing to all of Dan Philbrick’s requests, such as excluding the LBOT from being a party to the “Maintenance Agreement” with the Selectmen being the only other party.

As per the contract agreement between the BOS and Dan Philbrick for the swap. “Approval of the subdivision shall be obtained by May 31, 2020. If the subdivision approval is not obtained by May 31, 2020, 500 [Dan Philbrick] may: (1) void this Contract; or (2) extend the date of closing.”

The next Planning Board meeting is scheduled on June 9<sup>th</sup>, which is passed the date of the deadline, unless an extension is requested by Dan Philbrick.

### **Additional Information**

Draft Minutes and Recorded Zoom Meetings in April and May of the LBOT help understand how we get to where we are.

#### **Library Board of Trustees (LBOT) Draft Minutes April 13<sup>th</sup>, 2020 (paragraph from the minutes, copied as posted)**

The Board discussed the lot line between the parsonage and the library pursuant to the passing of Article 8. The Board’s objective is to protect the public’s interest by preserving public control over the current buffer areas that separate RPL from the parsonage. The Board deemed it important to understand the history of the existing buffer provided by the mature vegetation that runs the length of both sidewalk approaches to the library. Mr. Azzi will research the Town’s acquisition of the Parsonage in 1995 as reference. RPL Board representatives, including the Chair, Vice Chair and Ms. Oliver will continue to communicate and collaborate with the Select Board on this issue.

## **LBOT May 5<sup>th</sup> Recorded Zoom Special Meeting [CLICK HERE](#)**

The May 5<sup>th</sup> LBOT Recorded Zoom Special Meeting is particularly informative as to what took place between November/December 2019 and May 2020 as far as the LBOT's involvement in the swap process.

LBOT truly felt that they would be part of the decision making process regarding the subdivision plan to be created after the March Vote, however, this was not the case. As stated during the Zoom meeting: "we were going to be in the loop and now we have been shut out of this." It was stated during the meeting, that the landscaped strips along the sidewalks leading to the library are an integral part of the library entrance. In addition, as stated at the meeting, the BOS made no effort to take a look at the existing schematic design for the library expansion.

### **Background regarding the Town's acquisition in 1995 of the Parsonage**

The Town voted on April 8<sup>th</sup>, 1995 to acquire the 1.9- acre parcel in 1995 for the express purpose of a needed expansion of the RPL (Rye Public Library-1995 Rye Town Report).

In 1997 as the Library's expansion plans solidified a Special Town Meeting was held on October 14 of that year to debate and vote on the following article. As of August 1997 the Public Library had final plans for all aspects of the expansion including for the landscaped buffer areas along the sidewalks to the entrance that were to separate it from the Parsonage.

Article 1. To see if the Town will vote to retain ownership for future town use of the Old Parsonage Apartments building which is not to be demolished for library expansion, including the parcel of land bounded by the library, the new library parking lot, Olde Parish Road, and Washington Road.

An Amendment to have the Planning Board conduct a detailed analysis of options for the property, including potential sales, for consideration by the 1999 Town Meeting was defeated by a show of hands with no secret ballot and no recount or reconsideration was requested.