



581 WASHINGTON RD. RYE, N.H. 03870 - (603) 964-8401 FAX 964-7065

PUBLIC STATEMENT

Re: Rye Public Library Board of Trustees

The Rye Public Library Board of Trustees learned on Wednesday of the decision by Dan Philbrick to exercise his right to void the contract that would have swapped the TD Bank building with the Parsonage apartments. The Select Board has stated that the deal failed because the parties were unable to resolve the Library Trustee's concerns regarding the transaction while still satisfying the terms of the contract with Mr. Philbrick.

In fact, the Trustees have repeatedly expressed specific concerns regarding terms of the proposed transaction, in particular the manner in which the new boundaries delineating the properties would be drawn. Following the March election, the Library learned that the lot lines were set to be drawn at the very edge of the walkways that run to the Library's main entrance from both Old Parish Road and Washington Road. These lot lines would have conveyed to Mr. Philbrick land that has been under the Library's control since 1995 when the land was first acquired by the Town to allow for the Library's expansion. The Library's property, which extends over six feet wide along the entire lengths of the two walkways, includes the lighting fixtures that create a safe pathway for evening Library patrons, as well as lawn space, trees, fence line, granite post and other plantings that separate the Parsonage from the Library. Anyone visiting the Library would readily and correctly understand that this swath of land has been part and parcel of the Library since the design and construction of the building expansion and landscaping that was completed in 1999.

Prior to the March election, we received repeated assurances that Trustees would be an active partner in any lot line decisions. However, that did not happen and it appears that an informal decision had already been made that the Library's land would be included in the conveyance to Mr. Philbrick. Not only was this information not shared with the public but, at a March 4, 2020 public hearing, the people of Rye were told that lot lines would be drawn only after surveying was to be done if the warrant article passed.

Nevertheless, over the past several weeks, acting in good faith and faced with the position taken by the Select Board, the Trustees attempted to protect the Town's interests by weighing in on a proposed "Maintenance Agreement." This was after the Select Board had first proposed and then withdrew a proposed "easement" involving the property in question. The Trustees suggested several revisions, including a simple request that the Library be included as a party to the Maintenance Agreement. All of our substantive proposals were rejected. Even fundamental issues such as the Library's right to repair its own walkways, efficiently remove snow and control the lighting along them were drawn into question if the land became subject to the control of the private party owning the Parsonage apartments. We have no doubt that Mr. Philbrick would have developed an attractive property for those residing in the apartments. However, the Trustees concluded that the potential long-term impact of permanently ceding town property to a private party needed to be considered to protect the interests of the Rye Public Library, its patrons and the town residents who fund it.

At no time have the Trustees stood in the way of the decision to subdivide land upon which the Old Parsonage Apartment Building sits. However, we have and would continue to **strongly** oppose the inclusion of the land which has been and should continue to be viewed as Library property.

RYE PUBLIC LIBRARY

New Hampshire

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We believe that the majority of Rye taxpayers would not have voted for the swap if they had known that the Rye Public Library's interests would be secondary to those of any private party. New Hampshire law grants library boards the right and obligation to manage libraries, including all of the property of the town that relates to a library. We would be remiss of our obligations to the people of the Town of Rye if we sat silently on the sidelines.

The Select Board has indicated that they plan to continue discussions with the Trustees and Mr. Philbrick with the hope of resurrecting the deal. The Trustees are open to any discussions that would impact the Library. However, as described above, the property in question is essential to the full function, safety and potential expansion of the Library, as well as its use by its patrons.

Mr. Philbrick notes in his June 1 letter to the Select Board his confidence that the town can come together to determine the best use for the Parsonage property. We, the Trustees, agree and look forward to a resolution that will secure and enhance the Library for the people of the Town rather than put it at risk. We look forward to being part of those conversations to help ensure that any actions are taken in the best interests of the people of Rye.

Rye Public Library Board of Trustees

June 5, 2020