

Legal Notice

**RYE SELECT BOARD STATEMENT**

**RE: PARSONAGE/TD BANK SWAP (October 28, 2020)**

Since the March 2020 Town Meeting the Select Board has been trying to implement the exchange of the former TD Bank property for the Parsonage property which town voters authorized. The principal reason for the exchange is to allow the Town to transfer some administrative departments from the town hall to the former bank building. This would alleviate the serious space shortage/overcrowding at the town hall and allow the second floor of town hall to be restored to its former historic use as a public gathering space. Since the exchange was first proposed in 2019, addressing the overcrowding of town hall has become even more important due to the Covid-19 Pandemic and the difficulty of maintaining social distancing among employees and visitors to town hall. The March 12, 2020 town vote on Article 7 authorized the selectmen to convey a parcel of ±0.4 acres with 500 Washington Road, LLC (a/k/a Daniel Philbrick) in an exchange at par for the 3.71 acre former TD Bank parcel. The ±0.4 acres was determined based on the area bounded by Washington Road, Olde Parish Road and the outside edges of the sidewalks which provide access to the Rye Public Library.

In April 2020 the selectmen submitted a subdivision application to the planning board to sever the ±0.4 acres from the larger 1.96 acre town parcel acquired in the 1990's for the expansion of the Rye Public Library. The Library Trustees opposed the proposed subdivision in part because they believed it infringed on library property under their control. The selectmen asked the planning board to continue the hearing on the April subdivision application so that they could try and resolve the trustees concerns. The delay in getting subdivision approval resulted in Mr. Philbrick exercising his right to withdraw from the Swap Agreement because subdivision approval was not obtained by May 31, 2020. The selectmen encouraged Mr. Philbrick to reconsider his withdrawal. In an effort to address the Library Trustees concerns, Mr. Philbrick proposed a new concept whereby the ±0.4 acres would become two (2) lots (Lot A and Lot B), each 0.2 acres in size. Both lots would be conveyed to Mr. Philbrick in exchange at par for the bank property. The southerly lot (Lot B) would be conveyed by Mr. Philbrick back to the town for library use. The Library Trustees envisioned creating a park there at some time after the library expansion presently being planned was completed. The remaining lot (Lot A) would be developed by Mr. Philbrick. In mid-August the Library Trustees, Mr. Philbrick and the Select Board signed an Agreement in Principal to move forward with this concept. The Agreement in Principal had the trustees and Mr. Philbrick splitting the cost of demolishing the Parsonage and the trustees purchasing Lot B for \$250,000 from a bequest. Unfortunately, the Agreement in Principal fell apart at the end of August. Since then the Select Board has worked with the trustees and Mr. Philbrick to try and, once again, get the swap back on track. At the urging of the Selectmen Mr. Philbrick recently made the following proposal. Its basic framework is acceptable to the Select Board.

1. The selectmen will demolish the two Parsonage buildings. They have the authority to do this under their prudential authority and their authority to manage town property.
2. The exchange at par was authorized by the 2020 Town Meeting and will move forward once Mr. Philbrick receives all permits and approvals for his redevelopment of the 0.4 acre parcel.
3. When the exchange is complete, Mr. Philbrick will reimburse the town for its expense in demolishing the buildings.
4. Mr. Philbrick will redevelop the northern part of the parcel with a historically appropriate four-unit dwelling and an attached office. Historic District Commission approval of his plans will be required.
5. The southerly 75 feet of the 0.4 acre parcel adjacent to the library will be preserved (via a deed restriction) as landscaped open space to be designed, established and controlled by Mr. Philbrick. This open space will enhance the visual prominence of the library and town museum, two of the most important buildings in the town center.
6. Mr. Philbrick will redevelop the northern part of the parcel with a historically appropriate four-unit dwelling and an attached office. Historic District Commission approval of his plans will be required.
7. Mr. Philbrick will be granted a license allowing him the use of three parking spaces at the end of the library/museum parking lot. The Select Board views this proposal by Mr. Philbrick as a win-win proposition.

First, and most importantly, it accomplishes the swap of the two properties which town voters authorized eight months ago. That will allow the overcrowding at town hall to be alleviated and the second floor of town hall to be restored to its former historic grandeur.

Second, it rids the Town of a significant financial liability and public safety hazard that the vacant Parsonage provides. Once the Parsonage was vacated of tenants, inspections by town officials and a historic preservation expert revealed that there were serious structural deficiencies and safety hazards in the building and significant deferred maintenance. Remodeling over the years has destroyed the historic significance of the buildings. The razing the buildings at no cost to the town will remove the financial burden of owning the buildings and rid the town of having a deteriorating, vacant hazard in the middle of the Town Center. The selectmen believe the Rye Public Library will benefit from this latest proposal. It will create a 75 ft. by 90 ft. area of attractively landscaped open space immediately adjacent to the future library expansion at no expense to the library. Mr. Philbrick has indicated a willingness to allow the Library Trustees to use the open space for library functions from time to time. The \$250,000 which the library would have spent to acquire Lot B under the aborted Lot A/Lot B proposal (as well as the \$16,000 to \$18,000 library share of demolition costs) can be used instead to jump start the fund drive for the proposed new Library expansion.

The selectmen note that this is the first Warrant Article aimed at solving the town hall space shortage that has passed in a decade. It passed because it is fiscally responsible. The property exchange is at par, and the funds necessary to fit up the former bank building will come from the sale of the trolley barn.

For all of these reasons, the Rye Select Board intends to accomplish the will of town voters by moving forward with the exchange at par of the two properties in accordance with Mr. Philbrick's proposal.