

Pubic Statement
Rye Public Library Board of Trustees
November 1, 2020

The Rye Select Board announced it plans to implement a “swap” of public property for the former TD Bank property that is **not** in accordance with the March 2020 warrant article presented to town voters.

The Rye Public Library Board of Trustees opposes this plan for the following reasons:

- Rather than swapping the Parsonage property as previously represented, the Select Board has agreed to provide 500, LLC with the Parsonage property and a significant portion of Library property that has been held by the Trustees for nearly 25 years when voters placed it under their control via warrant articles passed in 1995 and 1997. Voters did not know of or approve this plan.
- The original agreement approved by voters required 500 to **renovate** the existing Parsonage building. The new “swap” calls for the Town to demolish the Parsonage prior to the property transfer, allowing 500 to build a new 4-unit apartment building with additional attached office space. Whether or not the Parsonage building should be saved, voters did not know of or approve this plan.
- The Select Board has also now agreed to provide 500 with three Library parking spots for him, his tenants and their guests to use in perpetuity, for no additional consideration. These parking spots represent nearly 10% of existing spots in the Library’s parking lot – again giving away Library property to a private party without Library consent. Voters did not know of or approve this plan.
- While the Select Board has indicated that the Town will retain a limited easement for a small portion of Library land that it seeks to transfer (allowing the Library to keep its lighting fixtures), the loss of Library property would endanger plans for existing and future plans for expansion of the current building. Given other property lines and steep topography behind the library, the Library would have no feasible space into which it could expand to better serve its patrons. Voters did not know of or approve this plan.

The Library Board of Trustees never took an official position regarding the March 2020 Warrant Article. In fact, some board members, acting in their individual capacities, supported it. Their support rested upon the understanding that conveyance of the Parsonage property would not include any of the Library’s existing site and that the survey to be performed once approved by voters would confirm RPL’s very visible, obvious, existing border.

The Select Board did not disclose to the voters or the Trustees the extent of the intended land-taking prior to the election, as is made obvious by comparing the legal description of the boundaries now with those told to the public prior to the March 2020 vote. Not until after the election was it disclosed the extent of property the Select Board had always planned to transfer. The Trustees are compelled to oppose the execution of a swap because it was never approved by voters, would negatively impact the Library forever and is contrary to New Hampshire state law that provides library trustees with the custody and management of all town property relating to a library. Absent Trustee or voter approval, this “expanded swap” violates State law.

By way of background for those who may not have been following the progress of the proposed swap: On June 1, Mr. Philbrick exercised 500’s right to void the swap agreement. Nevertheless, even after this occurred,

the Trustees negotiated in good faith with Mr. Philbrick and the Select Board to find a solution acceptable to all parties so that a new agreement could be presented to voters for consideration.

Over the summer, an exciting agreement in principle was reached which would have allowed the original swap to take place and then used the Parsonage property and a portion of Library property to create two new lots. 500 would develop one half of the lot while the other half would become Library property. The Library would use this new property for future expansion plans as well as the development of a “pocket park” that would have provided improved space for outside Library programming, as well as created a new and exciting public space that would have served as a beautiful focal point for the Rye Town Center.

Although this land was already owned by the Town of Rye, this agreement called for the Library to pay 500 \$250,000 (money recently received by the Library from the generous bequest of a member of the Rye community) for half of the Parsonage lot. Despite the irony of paying a private party for what has been public land since 1995, the Trustees supported the plan, determining that this was a critical, transformative opportunity for the Library, the Town and the people of Rye.

Mr. Philbrick withdrew 500’s support from this agreement, which the BOS described in the Rye September newsletter as the “Conceptual Agreement in Principal.” Subsequently, the Select Board and Mr. Philbrick, without involving the Library Trustees, developed this latest, much different plan for the property. While it describes a 75-foot “open space” controlled by 500, the public will not have access to the space, absent Mr. Philbrick’s approval.

The Select Board describes the plan as a “win-win” proposition, but fails to account for the Library, its patrons and voters who will lose a great deal if the plan is implemented. For the reasons above, the Trustees strongly oppose what is instead a “win-win-lose” plan damaging to the Library and the town it serves.

The Select Board justifies the new plan, in part, by declaring that it will “rid the Town of a significant financial liability and public safety hazard that the vacant Parsonage provides.” To alleviate the Select Board’s concern, the Board of Trustees is ready and willing to take ownership of the Parsonage parcel and, with the approval of the voters, use its resources to develop a space to benefit the library and the town.

In any case, we are confident that the town can come together to determine the best use for the Parsonage property. The Rye Public Library looks forward to being part of those conversations to help ensure that any actions are taken in the best interests of all the people of Rye.

Jeff Ross
Chair
Rye Public Library Board of Trustees