

**TOWN OF RYE SELECT BOARD
MEETING**

**Monday, February 26, 2024, 5:30 p.m.
Rye Town Hall & via Zoom**

Select Board Present: Chair Tom King, Vice-Chair Bill Epperson, and Selectman Bob McGrath

Others Present: Town Administrator Matt Scruton and Asst. Town Administrator/Finance Director Becky Bergeron

I. CALL TO ORDER

Chair King called the meeting to order at 5:35 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (a) Personnel
(2) per RSA 91-A:3, II (d) Acquisition**

At 5:36 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (a) Personnel. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath - Yes, King - Yes.

At 5:40 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

Motion by Tom King to seal the minutes of the non-public session just held. Seconded by Bill Epperson. All in favor

At 5:41 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (d) Acquisition. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath - Yes, King -Yes.

At 6:01 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

Motion by Tom King to seal the minutes of the non-public session just held. Seconded by Bob McGrath. All in favor

At 6:01 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (a) Personnel. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath - Yes, King - Yes.

At 6:30 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

Motion by Tom King to seal the minutes of the non-public session just held. Seconded by Bill Epperson. All in favor

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair King reconvened the public meeting at 6:34 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- The Town Election is Tuesday, March 12th, 8:00 a.m. to 7:00 p.m. at the Rye Elementary School.

V. 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.)

Police Chief Kevin Walsh thanked Rye residents for honoring a local soldier who passed. He also thanked the residents for supporting the Police Department during the funeral services, which were held in Rye.

Hugh Lee, 220 Pioneer Road, spoke about the budget amounts per capita for Rye and comparable towns, based on information taken from the NH Economic and Labor Market Bureau website. He also spoke about the increase to the Town's budget over the past year, along with the budgeted versus actual expenditures.

Suzanne Barton, 114 Clark Road, shared her enthusiasm with the Select Board and residents about roadside trash pickup, which she has been doing since the pandemic. She also spoke about the possibility of establishing an annual townwide cleanup.

VI. AGENDA ITEMS

A. 2023 DRA Sales Ratio

Scott Marsh and Paul McKenney, Municipal Resources, met with the Select Board to review the NH Department of Revenue (DRA) annual comparison between the sale prices and assessment of all properties in town, which showed an equalization rate of 75.7% for this past year based on seventy-five sales. This is a 16% increase in value, which is higher than most Southern NH communities. The data shows that Rye remains very desirable and there is a limited availability of properties causing an escalation in values. The State requires a revaluation at least

every five years to keep assessed value in line with market value for all properties, so every property owner is paying their proportional share. Rye completed its last revaluation in 2022.

B. Library Board of Trustees presentation on the Library Common

Rye Library Trustees and Library Director Andrew Richmond attended the meeting to give a presentation on the proposed plans for the Library Common. For the past three years, the Board of Trustees have been conducting architectural program studies with professional architects, landscape architects, and civil engineers to analyze options for the parcel of land immediately adjacent to the Rye Library. Drawing upon public input, including the Rye Public Library Advisory Committee, a space has been designed that will not just serve the Library, but the entire town. The Common will include a performance structure for library functions and town events. There will be new seating areas for smaller events and information gatherings. A larger terrace by the Library entrance will include tables with umbrellas and seating. Landscaping will be added using native plants and hardwood trees to provide shade for patrons and visitors. A stone wall is proposed to run along the front of the property to provide a sound, visual, and safety barrier from Washington Road. The intent is to create an iconic centerpiece to Rye which will act as a magnet to bring residents together, which is consistent with the nearly universal request from people to create a more vibrant town center.

To support this effort, the Library Trustees have drafted a warrant article for the March vote asking taxpayers to invest \$160,000 into this project, representing less than one-third of the \$500,000 project budget. The remainder of the cost would be comprised of both existing unrestricted funds, previously donated to the Library, as well as additional funds that will be raised.

It was noted that at the February 3rd Deliberative Session an amendment was made to the warrant article by Town Counsel. The Library Trustees believe the amendment has created significant confusion over the ask for the taxpayers. The result is an article that may leave the impression that the Library is seeking support for the full cost of the project of \$500,000., which is not the case. The Library is asking for only \$160,000 to come from the taxpayers. No taxpayer funds beyond the \$160,000 will ever be requested to complete this project, as it is a one-time request.

As the Trustees finalize design details, they will continue to collaborate with other interested parties to make the project a reality. Two initial estimates for the project have been received and have concluded that the budget is very realistic. Any variable expenses beyond the current budget will have no impact to the taxpayers, as the Library will not seek financial support of this project beyond the \$160,000 requested in Warrant Article 9. The Library Trustees believe this transformative project is an investment that will bear dividends for generations.

The Library Trustees addressed questions from the Select Board with regard to the proposed plans. An explanation for the warrant article was prepared and will be included with the warrant.

Explanation: *A yes vote would raise \$160,000 in taxation to go towards the Library Common improvement project with the rest of the project costs to come from private donations, bequests and other non-appropriated funds received by the Library. A no vote would not raise the \$160,000 in taxation to go towards the Library Common improvement project.*

C. Regional Association Review Committee

Linda Toumpas and Ronna Werner, representing the Regional Association Committee, met with the Select Board to review the Rye Regional Association Committee Policies and Procedures prepared and voted on by the Committee. The Committee is requesting that the Select Board adopt the policies and procedures.

After discussion, it was agreed to table the document in order to get a sense of how to move forward with the program, as the whole concept may need to change.

Motion by Tom King to table the Rye Regional Association Committee Policies and Procedures document to allow for the Select Board and Town Administrator to make further review and recommendations on the draft, and to authorize Janice Ireland to draft and send the awards and denial letters following the election when the budget items are known. Seconded by Bill Epperson. All in favor.

D. Chief Walsh – Event Permit Application: Millenium Running – New Castle 10K, Sunday, 4/28/24, 9:35 – 10:05 a.m. to benefit Exeter & Portsmouth Boosters & Special Olympics

Police Chief Kevin Walsh presented the event permit application for Millenium Running for a 10K run on Sunday, April 28th, from 9:35 to 10:05 a.m. to benefit Exeter and Portsmouth Boosters and Special Olympics.

Motion by Bob McGrath to approve the application from Millenium Running for their event that will take place on Sunday, April 28, 2024 starting at 9:35 a.m., with an end time of 10:05 a.m., with a number of 1,200 participants. Seconded by Bill Epperson. All in favor.

E. Public Works Director, Jason Rucker – Highway Garage Emergency Waste Oil Furnace Replacement

DPW Director Jason Rucker spoke in regard to the failure of the waste oil furnace at the highway garage, due to a crack in the heat exchanger. The current furnace was purchased in 2012 and has outlived its useful life. The furnace burns Rye residents' used oil that is brought into the Transfer Station, which is used as the heat source for two of the three highway garage bays. The Department burns approximately 1,250 gallons of waste oil every year in the burner to heat the two garage bays. This is a free source of heat that supplements the Department's

propane heat, which heats the remainder of the highway garage. The furnace eliminates the cost of offsite waste oil disposal. Without burning the waste oil, the Town would have costs to transport the waste oil for disposal. This also provides a service to the residents of Rye allowing them to dispose of their household used waste oil conveniently and in an environmentally friendly manner. The replacement cost of the burner is \$10,750 which includes materials and installation. Director Rucker requested the sole source purchase of the installation to expedite the replacement. He also requested that the Select Board fund the replacement through the Municipal Building and Maintenance Expendable Trust Fund.

Motion by Bill Epperson to approve the sole source and installation of the new waste oil furnace to expedite the replacement during the winter months, while heating the facility is necessary, for up to \$11,000 to come from the Municipal Buildings and Maintenance Expendable Trust Fund. Seconded by Bob McGrath. All in favor.

VII. CORRESPONDENCE

None

VIII. NEW BUSINESS

- Selectman McGrath pointed out the photographs on the walls of the courtroom and noted that there are others heading up the stairs to the second floor. With the agreement from the Board, he would like to replace the images with new photos that he has on hand. He also has a few new framed images for the Town Hall Annex. The images are ones that he originally donated to the Town and he would like to refresh them.
The Select Board agreed.

IX. OLD BUSINESS

- **Joint Statement between the Select Board and Conservation Commission regarding 120 Garland Road**

Note: The vote on whether or not to adopt the joint statement was tabled at a previous Select Board meeting. **See BOS Minutes of 12/26/23*

Motion by Bob McGrath to not adopt the joint statement, as it is now, regarding the 120 Garland Road case. Seconded by Bill Epperson.

Chair King noted that there is a precedent for posting a statement from the Select Board on a previous expensive legal action for Stoneleigh Preserve in 2018. The statement is on the Select Board page on the Town's website. In an attempt to inform the public about what the Select Board had done and why, the statement was written and posted. Not adopting this statement would not be following the Board's predecessors in making it clear as to what was done and why.

Vote: 2-1 Opposed: Tom King
Motion passed

X. OTHER BUSINESS

A. Select Board Representative Updates

No updates at this time.

B. Meeting Minutes

1. Meeting, Monday, December 4, 2023, 5:00 p.m., Rye Town Hall

Motion by Tom King to accept the meeting minutes of Monday, December 4, 2023 as written. Seconded by Bill Epperson. All in favor.

2. Non-Public Session, Monday, December 4, 2023, (1) per RSA 91-A:3 II (l) Legal Advice

Motion by Tom King to accept the non-public meeting minutes of December 4, 2023, 5:31 p.m. as written. Seconded by Bill Epperson. All in favor.

3. Meeting, Monday, December 11, 2023, 5:30 p.m., Rye Town Hall

Motion by Tom King to accept the December 11, 2023 minutes as written. Seconded by Bill Epperson. All in favor.

4. Meeting, Monday, December 11, 2023, 5:30 p.m., (1) per RSA 91-A:3 II (d) Acquisition

Motion by Tom King to accept the non-public meeting minutes of December 11, 2023, 5:31 p.m., as written and not seal. Seconded by Bill Epperson. All in favor.

5. Meeting, Wednesday, December 13, 2023, 9:00 a.m., Rye Town Hall

Motion by Tom King to accept the meeting minutes of December 13, 2023 as written. Seconded by Bill Epperson. All in favor.

6. Meeting, Monday, January 22, 2024, 5:00 p.m., Rye Town Hall

The following corrections were noted:

- Page 12, 1st paragraph: the word wooden should be **wooded** in two places.
- Page 15, 4th paragraph from bottom, last sentence: remove the comma.
- Page 15, 2nd paragraph from bottom it should read: **lesson-learned**
- Page 17, 2nd paragraph, 2nd sentence: the word In should be **It**.

Motion by Tom King to accept the minutes of January 22, 2024 as amended. Seconded by Bill Epperson. All in favor.

7. Non-Public Session, Monday, January 22, 2024 (1) per RSA 91-A:3 II (l) Legal Advice

Motion by Tom King to accept the non-public minutes of January 22, 2024, 5:00 p.m., as written. Seconded by Bill Epperson. All in favor.

Motion by Tom King to seal the minutes of the non-public minutes of January 22, 2024, 5:00 p.m. Seconded by Bill Epperson. All in favor.

8. Non-Public Session, Monday, January 22, 2024 (1) per RSA 91-A:3 II (c) Reputation

Motion by Tom King to accept the non-public minutes of January 22, 2023, 6:00 p.m., as written. Seconded by Bob McGrath. All in favor.

Motion by Tom King to seal the non-public minutes of January 22, 2023, 6:00 p.m. Seconded by Bill Epperson. All in favor.

9. Meeting, Monday, January 29, 2024, 8:30 a.m., Rye Town Hall

Motion by Tom King to accept the minutes of January 29, 2024 as written. Seconded by Bill Epperson. All in favor.

10. Non-Public Session, Monday, January 29, 2024 (1) per RSA 91-A:3 II (c) Reputation

Motion by Tom King to accept the non-public minutes of January 29, 2023, 8:31 a.m., as written. Seconded by Bill Epperson. All in favor.

Motion by Tom King to seal the non-public minutes of January 29, 2023, 8:31 a.m. Seconded by Bill Epperson. All in favor.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:38 p.m. Seconded by Tom King. All in favor.

Respectfully Submitted,
Dyana F. Ledger