

**TOWN OF RYE SELECT BOARD
MEETING**

**Monday, March 25, 2024, 5:30 p.m.
Rye Town Hall & via Zoom**

Select Board Present: Vice-Chair Bill Epperson, Selectman Bob McGrath, and Selectman Rob Wright

Others Present: Town Administrator Matt Scruton

5:30 p.m.

I. CALL TO ORDER

Vice-Chair Epperson called the meeting to order at 5:30 p.m.

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

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The public meeting was called to order at 6:43 p.m. with the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- Rye Recreation has rescheduled the March 23rd Easter Egg Dig to Saturday, March 30th, 9:30 a.m., due to inclement weather. The Dig is being held at Wallis Sands State Beach. People who would like to help hide the eggs should be there at 8:00 a.m.

V. PUBLIC COMMENT – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time, up to 5 minutes each person.)

- **Joe Cummins, 990 Washington Road**, thanked former Selectman Tom King for his service on the Select Board and other commissions and committees.

Selectman Epperson commented that Tom King worked hard and was very dedicated to the Town. Selectman Epperson introduced new select board member Rob Wright.

Mr. Cummins also spoke about the costs to repair the Harbor Road Bridge and the possibility of a recreational tennis court in town.

- Police Chief Kevin Walsh thanked the residents for passing the 2024 budget at the recent town vote. He understands that times are hard for many people. The Town Department Heads are appreciative of the sacrifices that were made by the residents in order to pass this vote.
- Selectman McGrath thanked Tom King for his service to the Town. He knows that Mr. King will continue to serve the Town in many ways. He appreciates how Mr. King helped him with understanding the process as a new select board member last year. Selectman McGrath welcome Rob Wright as the new select board member. He pointed out that Selectman Wright has a lot of experience in town that will help the Board moving forward.

VI. AGENDA ITEMS

A. Organization of the Select Board

Officers:

Chairman

Motion by Bob McGrath to nominate Bill Epperson as chair. Seconded by Rob Wright. Vote: 2-0 abstained: Bill Epperson

Vice Chairman

Motion by Bill Epperson to nominate Bob McGrath as vice-chair. Seconded by Rob Wright. Vote: 2-0 abstained: Bob McGrath

Representatives to Boards, Commissions, Committees:

Motion by Bill Epperson for the following representations on commissions and committees:

- Planning Board - ***Bill Epperson***
- Budget Committee - ***Rob Wright***
- Capital Improvements Plan (CIP) Committee - ***Rob Wright***
- Historic District Commission - ***Rob Wright***
- Heritage Commission - ***Bill Epperson***
- Beach Committee - ***Bob McGrath***
- Town Center Committee - ***Bob McGrath***
- Community Engagement Committee - ***Bob McGrath***

Seconded by Bob McGrath. All in favor.

B. Dyana Martin, Recreation Director – Turf Management & Mowing Bid Results

Recreation Director Dyana Martin presented the bid results for turf and mowing management. She noted that two bids were received; however, one came in after the deadline. The bid that

came in on time was from Seaside Landscaping in the amount of \$18,992., which is within the budget.

Motion by Bill Epperson to honor the \$18,992 bid for Rye Recreation to be awarded to Seaside Landscaping. Seconded by Bob McGrath. All in favor.

- C. Sign Request:** Rye Recreation requests permission to put a sign at Parsons Field and the Town Hall announcing the Memorial Day Ceremony on May 27, 2024. The sign is requested from 5/20/24 to 5/27/24

Recreation Director Martin submitted a sign request to post a sign at Parsons Field and the Town Hall, in the area of the cemetery, for the Memorial Day Ceremony. The sign will be posted from May 20th to May 27th.

- D. Sign Request:** Rye Recreation requests permission to post a sign at Parsons Field announcing the July 4th Celebration on Sunday, June 30, 2024. The sign is requested from 6/23/24 to 6/30/24

Director Martin also submitted a sign request to post a sign from June 23rd to June 30th at Parsons Field announcing the July 4th Celebration. The town fireworks are being held on Sunday, June 30th.

Motion by Bob McGrath to approve the Rye Recreation sign request for the placement of a 2x2 sign at the intersection of Lang Road and Washington Road, between the dates of May 29th and May 27th; in addition, a sign near the cemetery for those dates.

Bob McGrath also moved to approve the Rye Recreation sign request for the placement of a 2x2 sign at the intersection of Lang Road and Washington Road, between the dates of June 23rd to June 30th announcing the July 4th Celebration.

Bill Epperson seconded both motions.

All in favor.

- E. Chief Walsh – Event Permit Application:** Rye Congregational Church – Easter Sunday Sunrise Service, Sunday 3/31/24, 6:15 – 7:30 a.m. at Sawyers Beach

Police Chief Kevin Walsh presented the event permit application from Rye Congregational Church to hold a sunrise service at Sawyers Beach on Sunday, March 31st, from 6:15 a.m. to 7:30 a.m.

Motion by Bill Epperson to approve the event permit application for the date of Sunday, March 31st for the Rye Congregational Church to facilitate a sunrise service at Sawyers Beach pending the receipt of insurance documentation. Seconded by Rob Wright.

All in favor.

- F. Committee Policy**

Selectman Wright suggested tabling the committee policy and moving it to a work session, as it may require a lot of discussion. He would also suggest tabling the applications for appointments to boards, commissions, and committees until after the work session for the committee policy, as it may change the nature of the policy that allows the Select Board to appoint.

Chair Epperson stated that when this subject first came up, Town Administrator Scruton asked if this could be put on the agenda. He agreed because this needs to be discussed by the Select Board. Chair Epperson continued that he received the recommendations from Selectman Wright and he has looked through the proposal. He believes that change is good and should happen on a regular basis, but it has to be for a good reason and encompass what the Board is trying to do for the Town of Rye. How it impacts everyone has to be considered. The Town has about 130 volunteers. To arbitrarily change the procedure that is in place, which will undermine the chairs, is unfair. He noted that the candidates on the agenda have been vetted, recommended, and approved by the chair of the individual committees, under the conditions of the existing policy, and rightfully should be respected. Not to do so, would disrespect the chairs and candidates. Additionally, there is truly an open position on the RCC, which will be vetted under the existing policy. The position will be posted under the normal fashion and candidates will come forward for approval.

Chair Epperson continued that because this issue is so fraught with emotion, the time to resolve it completely and fairly cannot be done at a regular meeting. Therefore, he requests that it be tabled and scheduled for a work session. He hopes that the Select Board can approve the appointments tonight based on the recommendations from the chair and the unanimous votes of the individual commissions.

Vice-Chair McGrath stated that throughout his campaign for select board, he continued to hear from residents who wanted to be involved with commissions in town, but there were never any vacancies. People were never allowed to apply because people were staying on the commissions. It seems fair to him that if someone has a term, such as a three-year term, that the term has to expire and the seat needs to be vacated. He read from the term of office qualifications: The intent of the Board of Selectmen is to ensure that the widest variety of citizens participate in government by appointing members who represent the diversity of the community.

Vice-Chair McGrath continued that if the end of a term is treated like a vacant seat, it will invite more people into the application process. It will allow people to participate a lot more than they are allowed now, as there are very few openings. If they are not appointed now, there is a source of applications from citizens who want to volunteer. Hopefully, those people can be steered into a different direction to fill all the open seats that the Town continues to have. By keeping people out, and letting others serve for as many times as they decide to, has brought a lot of people to the point of not wanting to be involved at all, if they can't apply for something they want to do.

Vice-Chair McGrath suggested that if the commission or committee recommends someone who is already a member for reappointment, they shouldn't have to resubmit their resume, as they did

it at the beginning of the process. They should be honored for their time on the commission/committee. What makes this person qualified is the letter from the chair about this person's participation, and the recommendation from the commission/committee.

Chair Epperson noted there are a lot of openings right now on the committees. He thinks if there are changes that take the power away from the chairs and the committees, there will be a lot more openings.

Vice-Chair McGrath commented that he wants to put the power back to the people, rather than the chair and a group of surrounding people. If the policy is changed in the way that was suggested by Selectman Wright, he thinks there will be a lot more people interested. The seats that are automatically being renewed will be vacant. The seats will be advertised and more people will start submitting interest. There will be a wealth of people interested in volunteering. They may not get the position they applied for, but they can be given a list of other seats that may be available.

Chair Epperson stated that he has been on a lot of commissions and committees as a volunteer. He doesn't think this paradigm shift is going to create any more interest. He noted that he is willing to have the conversation. However, he thinks it would be unfair to eliminate the people for the positions on the agenda tonight.

Vice-Chair McGrath noted that the current process would stop today and there would be thirty days to advertise the open seats. There may be other people who want an opportunity and there may be some diversity. At the same time, it's going to invite more people in.

Selectman Wright commented that he doesn't disrespect either the chairs or committee members. He read from his proposed changes to the policy: At the expiration of its term, a seat on a board, committee or commission shall be considered to be vacant. He continued that without the notion of a vacancy, there is a diminution of interest because people feel it's not available and they can't get in. He is hoping that by changing this policy they are creating a new sense of civic duty; whereby, people can get excited. He truly believes there will be more civic participation as a result. He noted this change gets to the fundamental issue of the term and also the appointment authority. The statute that enables a number of the boards, committees, and commissions to be in place, says in many cases, the select board shall appoint. In observing over the last year, it felt to him that the Select Board effectively "rubber stamped" endorsements made by the chairs. It took the appointment authority out of the hands of the Select Board and put it into the hands of the boards, committees, and commissions.

Chair Epperson commented that the Select Board has veto power over those recommendations. However, it wasn't exercised because the people who were recommended work closely with the chair and commission. They were felt to be more qualified than anyone they could get, so they were recommended again. He reiterated that he would be happy to discuss the policy changes but feels they should go ahead and approve the recommendations.

Selectman Wright noted that he feels strongly that they should table the nominations.

Vice-Chair McGrath agreed with Selectman Wright.

Selectman Wright stated he is not suggesting that they don't act on the recommendations. He is saying to act on them in accordance with the revised policy, which would be a thirty-day period after the posting and after the Select Board gets together to scrub the policy.

Chair Epperson opened to the public for comments.

Susan Shepcaro, 45 Recreation Road, asked about the work being done by the committees and commissions, which will just stop. She noted that Danna Truslow on the RCC is a hydrologist and brings specialized information to the Commission and has specialized abilities. If she has to go off the Commission for thirty days and then be reappointed, it stops the work she is doing with RCC, as would be for any person when their term is up.

Vice-Chair McGrath noted that the Select Board could extend the terms for this duration, as it would be the beginning of the process, for this year only.

Ms. Shepcaro commented it will be harder for committee and commissions to have a workflow. People who have been on commissions know a lot about certain things.

Joe Cummins, 990 Washington Road, spoke about the Library Trustees.

Steven Borne, 431 Wallis Road, stated that the way things have worked typically is that someone shows interest and starts going to meetings. At some point, they become an alternate. The boards and committees get to know them and understand the skillsets that they have. With the Conservation Commission, people went on as alternates and demonstrated their interest and ramped themselves up by being at the meetings. When the boards had openings, they understood the skillset that was needed and they would ask those people to become full members. He has not heard one thing about promoting alternates. Most of the boards have opportunities for alternates and historically those alternates that get put forward to be full members on the board. Those people have shown a commitment by showing up to the meetings to learn.

There was further discussion amongst the Select Board about how to proceed with the appointments on the meeting agenda.

Referring to the idea of extending the terms, Town Administrator Matt Scruton stated that he doesn't know that the Board has the statutory authority in some of these cases. Under RSA 35-B:4, the Recreation Commission has three-year terms. The Conservation Commission, under RSA 36-A:3, has a three-year term. The result would be that there would be vacancies on the commissions as of April 1st when the terms expire.

Vice-Chair McGrath noted that he has reviewed the policy changes and is happy to accept all changes.

Chair Epperson commented he is not. He believes this is a mistake and is unfair to the Town's volunteers.

After further discussion, it was the consensus of the Board to send the changes to the policy to town counsel for review.

Town Administrator Scruton noted that the boards will be without full membership as of April 1st. If the appointments are delayed, the boards will not have the full input of all members. He continued that the way the policy is written now, the Select Board has the ability to take the recommendation for appointment from the chairs and nullify it or pick someone different. The Select Board already has a lot of the authority that the changes seek to make. The Select Board already has the ultimate appointment over the boards, commissions, and committees.

Selectman Wright pointed out that the current policy says that openings shall be posted for thirty days. He knows for a fact that they were not posted. The unstated practice has been contrary to the policy.

Motion by Rob Wright to table the appointment of boards, committees, and commissions until after the Select Board can resolve a revision proposed to the policy regarding sitting boards, committees, and commissions. Seconded by Bob McGrath.

Vote: 2-1 Opposed: Bill Epperson

G. Community Engagement Committee

Vice-Chair McGrath explained that this committee would be put together to help the Town better communicate its rules and regulations. It would also be a way to make sure visitors to the town are prepared for a good experience when they arrive. For instance, one way to reach out to visitors would be to have a section on the Town's website for visitors. The second piece of this would be to take all the beach signs and condense them into one sign with a QR code that will bring people back to the website and the policies. The committee would include five individuals. It would be in conferencing with the Public Works Director, Police Chief, Fire Chief, Recreation Department, and NH State Parks, as well as Marine Animal and Rescue, who all have an interest in signage at the beach. The intent would be to have something that looks more welcoming and professional at the beach.

Motion by Rob Wright to adopt the Charge for the Rye Community Engagement Committee and establish the Committee as an advisory committee to the Select Board. Seconded by Bill Epperson. All in favor.

H. Acceptance of Scenic Photography Donated to the Town by Bob McGrath with a value of \$950

Vice-Chair McGrath thanked Joshua Blaisdell, in buildings and maintenance, who helped with the installation of the photographs. At the same time, two prints from the Heritage Commission were able to be hung at the Town Hall.

Motion by Bill Epperson to accept the scenic photographs donated to the Town by Bob McGrath with a value of \$950. Seconded by Rob Wright.

Vote: 2-0 Abstained: Bob McGrath

I. Chief Walsh – Sole Sourcing the Purchase of Two New Police Cruisers

Police Chief Walsh spoke to the Select Board about his request to purchase two new police cruisers that are available under state bid. The vehicles will be replacing two existing cruisers that need to be replaced. The cars will take three to four months to be outfitted for the Department.

Motion by Rob Wright to allow for the sole sourcing for the purchase of two new police cruisers from McFarland Ford as recommended by Police Chief Kevin Walsh. Seconded by Bill Epperson. All in favor.

VII. APPOINTMENTS: BOARDS, COMMISSIONS, COMMITTEES

Note: *All appointments are for 3 years, 4/01/24 to 4/01/27, unless otherwise noted. Motions required.*

- **Tabled (see minutes above)**

A. Historic District Commission

1. David Choate: Reappointment as a member – email rec'd 3/10/24
2. Stacey Smith: Reappointment as a member – letter rec'd 3/13/24
3. Recommendation letter rec'd 3/13/24 from Kaitlyn Coffey, Chair

B. Recreation Commission

1. Marlene Veloso: Reappointment as a member – letter rec'd 3/7/24
2. Brett Mulvey: Reappointment as a member – letter rec'd 3/20/24
3. Recommendation letter rec'd 3/7/24 from Cory Belden, Chair

C. Heritage Commission

1. David Choate: Reappointment as a member – letter rec'd 3/10/24
2. Mae Bradshaw: Reappointment as an alternate – letter rec'd 3/12/24
3. Recommendation letter rec'd 3/11/24 from Alex Herlihy, Chair

VIII. CORRESPONDENCE

- A. Email rec'd from Mary Connolly-Mitchell re: her resignation from the Beach Committee**

Motion by Bill Epperson to accept the resignation of Mary Connolly-Mitchell from the Beach Committee. Seconded by Bob McGrath. All in favor.

B. Email rec'd from Mike Hammond re: his resignation from the Beach Committee

Motion by Bill Epperson to accept the resignation of Mike Hammond from the Beach Committee. Seconded by Rob Wright. All in favor.

C. Email rec'd from Mae Bradshaw re: her resignation from the Historic District Commission

Motion by Bill Epperson to accept the resignation of Mae Bradshaw from the Historic District Commission. Seconded by Bob McGrath. All in favor.

D. Letter rec'd from Cynthia Bogert re: her resignation from the Recycling Education Committee

Motion by Bill Epperson to accept the resignation of Cynthia Bogert from the Recycling Education Committee. Seconded by Rob Wright. All in favor.

E. Letter rec'd from Joe Tucker re: his resignation from the Conservation Commission

Motion by Bill Epperson to accept the resignation of Joe Tucker from the Conservation Commission. Seconded by Bob McGrath. All in favor.

F. Letter rec'd from Greg Bauer requesting permission to continue working on seawall and property repairs into the summer months

Chair Epperson explained that Greg Bauer is a contractor who has been doing significant work along the beach for years. He does the work on the auspice of the Select Board with some heavy restraints with regard to the beach. At this time, there is so much damage and work that needs to be done that the Select Board modified some of those restraints to make it easier for the work to be done.

Police Chief Walsh spoke to the Select Board about Greg Bauer's request to continue to work on seawalls and repairs to properties, damaged by recent storms, during the summer season. Chief Walsh submitted an operational plan for the work, which was developed with Fire Chief Mark Cotreau and DPW Director Jason Rucker. There is work that still needs to be done on the operational plan; however, it should be completed within the next week.

It was noted by DPW Director Jason Rucker that there are currently over forty emergency authorizations issued by NH DES to work on revetments, and seawalls for private residences in Rye; of that number, Greg Bauer has nineteen. The intent is to develop an operational plan that

has guidelines in place for all contractors, including Greg Bauer, as to what the expectations are for the work; such as, when and how the work will be performed.

Chair Epperson suggested eliminating Saturdays and Sundays, as it gets closer to the summer, if possible, and make sure access to the beach is not blocked.

Director Rucker confirmed these are some of the prerequisites that will be discussed. It would be his recommendation that most work be performed outside of the July 4th weekend and high beach use days. The more work that can be done during poor weather, and low beach access days, the better. Director Rucker noted that historically, the Select Board has taken jurisdiction in authorizing all beach accesses for seawall repairs. Because of the high-tide event in January, the Select Board gave permission for oversight to him. The goal is to do everything possible to expediate the work in a safe manner.

IX. NEW BUSINESS

- Vice-Chair McGrath spoke about the possibility of starting a storm tracker to track the storm events, damage estimates, and payments that were made for the work. This would give a history of information for the residents.

Director Rucker noted that the Department Heads are already tracking all FEMA related activities and the work that has been completed. Department Heads also track any damages that have incurred that are payable under Primex.

Vice-Chair McGrath suggested a highlight reel from the information that is being kept.

X. OLD BUSINESS

None

XI. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Monday, February 26, 2024, 5:30 p.m., Rye Town Hall

Motion by Bill Epperson to accept the minutes of February 26, 2024 as written. Seconded by Bob McGrath. Vote: 2-0 Abstained: Rob Wright

2. Non-Public Session, Monday, February 26, 2024
(1) per RSA 91-A:3, II (a) Personnel

Motion by Bill Epperson to accept the non-public minutes of February 26, 2024, per RSA 91-A:3, II (a) Personnel, as written and to seal. Seconded by Bob McGrath. Vote: 2-0 Abstained: Rob Wright

(2) per RSA 91-A:3, II (d) Acquisition

Motion by Bill Epperson to accept the non-public minutes of February 26, 2024, per RSA 91-A:3, II (d) Acquisition, as written and to seal. Seconded by Bob McGrath. Vote: 2-0 Abstained: Rob Wright

(3) per RSA 91-A:3, II (a) Personnel

Motion by Bill Epperson to accept the non-public minutes of February 26, 2024, per RSA 91-A:3, II (a) Personnel, as written and to seal. Seconded by Bob McGrath. Vote: 2-0 Abstained: Rob Wright

3. Meeting, Monday, March 11, 2024, 5:30 p.m., Rye Town Hall

Motion by Bill Epperson to accept the minutes of March 11, 2024 as written. Seconded by Bob McGrath. Vote: 2-0 Abstained: Rob Wright

4. Non-Public Session, Monday, March 11, 2024

(1) per RSA 91-A:3, II (l) Legal Advice

Motion by Bill Epperson to accept the non-public minutes of March 11, 2024, per RSA 91-A:3, II (l) Legal Advice, as written and to seal. Seconded by Bob McGrath. Vote: 2-0 Abstained: Rob Wright

(2) per RSA 91-A:3, II (c) Reputation

Motion by Bill Epperson to accept the non-public minutes of March 11, 2024, per RSA 91-A:3, II (c) Reputation, as written and to seal. Seconded by Bob McGrath. Vote: 2-0 Abstained: Rob Wright

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:24 p.m. Seconded by Rob Wright. All in favor.

Respectfully Submitted,
Dyana F. Ledger