

## **TOWN OF RYE – SELECT BOARD**

**Monday, April 22, 2024, 5:30 p.m.**

**Rye Town Hall & via Zoom**

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

**Also Present: Town Administrator Matt Scruton, and Asst. Town Administrator/Finance Director Becky Bergeron**

**5:30 p.m.**

### **I. CALL TO ORDER**

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

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

**6:30 p.m. RECONVENE PUBLIC MEETING**

### **III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Epperson reconvened the public meeting at 6:40 p.m. and led the Pledge of Allegiance.

### **IV. ANNOUNCEMENTS**

- Recreation Director Dyana Martin announced new programs with the Rye Recreation Department:
  - **Granite State Track and Field** being organized by the NH Parks and Recreation Association. Rye Recreation is hoping to form a track and field team, children ages 9 to 14, to represent Rye at the State Meet on June 15<sup>th</sup>.
  - **Scriptless in Seattle**, an improv comedy show, is being held at the Rye Elementary School on May 31<sup>st</sup> starting at 6:30 p.m. Tickets are \$20 and it's a family friendly show. The eighth-grade fundraising team will be selling refreshments at the show to raise funds for an upcoming student trip.

- 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.)

**Howard Kalet, 90 Colbourn Road**, noted that the town budget for 2024 has \$40,000 budgeted for new vehicles. He spoke about potential alternative options for vehicles, other than those needed for emergency services, that should be considered for the Town; such as, a Toyota Rav 4 plug-in hybrid.

## **VI. AGENDA ITEMS**

- A. Parsons Field Application:** Rye Jr. High School 7<sup>th</sup> Grade students request permission to use Parsons Field on June 6, 2024 (rain date: June 7, 2024), 10:00 a.m. – 2:45 p.m. for a Renaissance Fair.

A seventh-grade teacher from Rye Junior High School spoke about the request from the seventh grade to hold a Renaissance Fair at Parsons Field on June 6<sup>th</sup> with a rain date of June 7<sup>th</sup> from 8:30 a.m. to 2:45 p.m., which would include set up and break down time. Students will be serving food and there will be live performances and games with a late middle ages European theme.

**Motion by Rob Wright to approve the Parsons Field application for the use of Parsons Field on June 6<sup>th</sup> from 8:30 a.m. to 2:45 p.m., with a rain date of June 7<sup>th</sup>, for a Renaissance Fair hosted by seventh grade students for the Rye Junior High School; and further, to waive the fee. Seconded by Bill Epperson. All in favor.**

- B. Chief Walsh – 2024 Beach Permit Applications**

### **1. Summer Sessions Surf Shop**

Chief Walsh presented the beach permit application for Summer Sessions. The package included the programs being offered by Summer Sessions, which listed the times and locations for each class being held. There will be one coach for every three participants and a maximum of fifteen people per group. Chief Walsh noted that in 2018, a plan for drop off and pick up of students was prepared. Summer Sessions has been following that plan since that time and there have been no issues. Chief Walsh confirmed that there are no overlaps with any of the requests for programming for this summer.

Chair Epperson reminded everyone that using the beaches for these kinds of activities is a privilege, not a right. The Select Board expects people to abide by the rules that are set forth. It is left up to Chief Walsh to enforce those rules and the permit can be pulled at any time if the Board feels like it's being misused in any way.

**Motion by Bob McGrath to approve the 2024 beach permit application for Summer Sessions Surf Shop to have surf lessons and surf camps between Brown's Cottages and Sawyer's Beach, during the days and times outlined in the permit request. In addition, the approval is extended to the yoga classes being offered at Bass Beach in Rye Harbor and the NH Port Authority should be contacted for the events at Rye Harbor. Approval is contingent upon**

**the following conditions: 1) beginning warmups/exercises to be done in a safe place away from other beach patrons; 2) on busy days stay close to the water; 3) continue with the traffic plan established in 2018; 4) waivers signed by each renter/participant will be retained by Summer Sessions; 5) a copy of the insurance update will be provided to the Town of Rye prior to the start of any beach activity (including form CG-001-00104B) and any other insurance forms required by the Police Department; 6) at hightides, there are no games on the beach; 7) attempt to have 98% of activity in the water (including camp and lessons); and 8) breaks for lunch to be taken up on the rocks away from the public. Seconded by Bill Epperson. All in favor.**

## **2. Common Roots, LLC**

Chief Walsh presented and reviewed the application from Common Roots for yoga classes on the beach. He pointed out that the insurance needs to be renewed prior to the start of their program. The classes are being held on Cable Beach near E Street, Sunday through Saturday.

**Motion by Rob Wright to approve the 2024 beach permit application for Common Roots to have beach yoga classes at Cable Beach during the days and times outlined on the permit request. Seconded by Bill Epperson. All in favor.**

## **3. Cinnamon Rainbows Surf Co.**

It was noted by Chief Walsh that Cinnamon Rainbows has submitted an application to hold surf lessons on Jenness Beach, which will not interfere with Summer Sessions. He confirmed that all insurance and other necessary paperwork has been submitted.

**Motion Rob Wright to approve the 2024 beach permit application for Cinnamon Rainbows Surf Company to have surf lessons at the Jenness Beach surf zone, during the days and times outlined on the permit request. Seconded by Bob McGrath. All in favor.**

## **4. MAKN, LLC dba Mission Portsmouth**

Chief Walsh reviewed the beach permit application from MAKN for beach yoga/fitness classes to be held on Foss Beach. All paperwork and insurance information has been submitted.

**Motion by Rob Wright to approve the 2024 beach permit application MAKN, LLC d/b/a Mission Portsmouth for beach yoga and fitness classes at Foss Beach, during the days and times outline on the permit request. Seconded by Bill Epperson. All in favor.**

## **C. Aquarion Water Quarterly Update**

**Carl McMorran, Aquarion Water Operations Manager, along with George Logan, Aquarion Corporate Director of Community Relations, and Amanda Keyes, P.E., Capital**

**Projects Manager**, met with the Select Board to give a quarterly update with regard to water services provided by Aquarion Water.

Mr. Logan spoke about Aquarion's Environmental Champions Award, which recognizes people who do great work for the environment. Aquarion acknowledges businesses, nonprofits, adult individuals, and students who deserve recognition. Further information about the program can be found on Aquarion's website through the NH tab. Four awards are given yearly. Mr. Logan also spoke about the rain barrel program to help encourage folks to think about water conservation and usage. The barrels are sixty-gallon, recycled barrels which are sold at cost. The barrels are for sale through Aquarion's website until May 1<sup>st</sup>. The pickup dates are between May 20<sup>th</sup> to May 24<sup>th</sup> at the office in Hampton.

Ms. Keyes spoke about some of Aquarion's larger capital projects in NH. The Little River Well and treatment plant is located off Little River Road in Hampton. There are two operating wells in this location, with a treatment plant that was built in the 1950's which treats one of the wells. A new treatment plant is being constructed that would treat the full capacity of that well field. Aquarion is also in the process of constructing two additional mechanical duplicate wells in this location, which is being done in parallel with the water treatment plant project. The intent is for construction to begin in the fall of this year, with the facility likely going online in the fall of 2025. Ms. Keyes noted that Aquarion's Exeter Road water tank is the most critical water storage tank in the distribution system. The tank was constructed in the 1980's and is in need of recoating and steel replacement. Aquarion has decided to replace the tank, because of the scope of work the tank needs. The plan is to construct a new water storage tank on Exeter Road, adjacent to the current tank on the same parcel. Once the new tank is online, the current tank will be removed from service and demolished. The intent is for construction of the tank to start in the spring of 2025.

Mr. McMorran gave an update in regard to a main break that happened on Ocean Boulevard, due to one of the storms in January. He also gave an update on the new PFAS regulations and reviewed Aquarion's water quality as it relates to the regulations.

Mr. McMorran addressed questions from the Select Board. He also addressed a question from Joann Hodgdon, 63 Cable Road, in regard to Aquarion's flushing schedule.

- D. The Rye Heritage Commission** requests permission to accept and expend funds received from donations in the amount of \$475 where \$250 is to be restricted to the restoration of the Town Hall spiral staircases and not for any campaigning or advertising.

**Motion by Bill Epperson to accept and expend the funds donated to the Rye Heritage Commission in the amount of \$475, where \$250 is restricted for the restoration of the Town Hall spiral staircases and not for any campaigning or advertising. Seconded by Bob McGrath. All in favor.**

**E. Appointment of TAC Representative to the Rockingham Planning Commission.**

**Pat Losik, Planning Board Chair**, met with the Select Board to explain the process for appointment of a TAC Representative to the Rockingham Planning Commission. Under RSA 36:46 III, representatives to the RPC shall be nominated by the planning board of each municipality from the residents thereof and shall be appointed by the municipal officers of each municipality. The Planning Board has unanimously nominated Dania Seiglie as the TAC Representative to the RPC for a two-year period ending December 31, 2025. Ms. Losik went on to review Ms. Seiglie's professional background and qualifications that the Planning Board took into consideration when nominating her for the position.

Dania Seiglie spoke in regard to how she would like to serve as Rye's TAC Representative to RPC.

**Motion by Bill Epperson to appoint Dania Seiglie as representative to the Rockingham Planning Commission on the Technical Advisory Committee (TAC) from January 1, 2024 to December 31, 2025 per the Rye Planning Board's recommendation. Seconded by Rob Wright. All in favor.**

**F. Public Works Director, Jason Rucker – Paving Bid Results**

**DPW Director Jason Rucker** presented the paving bid results to the Selectmen. He noted that six bids were received and the lowest bid is actually lower than last year's bid. There is a tie for the lowest bid between New England Paving and Pike Industries at \$82.50 per ton. It's his recommendation that the paving work be awarded to Pike Industries. He bases this on the low bid price, the location of their asphalt plant, and feedback received from references.

**Motion by Bill Epperson to follow DPW Director Jason Rucker's recommendation and award the 2024 paving bid to Pike Industries of Portsmouth, N.H., based upon the low priced bid of machine applied asphalt, which is tied with New England Paving for the lowest bid per ton, also factoring into this recommendation is Pike's use of a local asphalt plant in Portsmouth and Pike's work with NH DOT, VAOT, and Maine DOT. Seconded by Rob Wright. All in favor.**

**G. Public Works Director, Jason Rucker – Road Closure Request at Huntervale Ave on 5/13/24**

Director Rucker spoke to the Board about the road closure request to address a hazardous tree on Huntervale Avenue, which will take place on May 13<sup>th</sup>.

The Select Board agreed with the request.

- H. Chief Cotreau** – Requests authorization to expend funds from the Fire and Ambulance Capital Reserve Fund to repair and refit a former police cruiser slated for the Deputy Fire Chief.

**Fire Chief Mark Cotreau** addressed his request for authorization to expend funds from the Fire and Ambulance Capital Reserve Fund to repair and refit a former police cruiser to be used for the Deputy Fire Chief. The total for repairs and refit comes to \$13,222. The capital reserve fund has a total of approximately \$327,012., with another \$100,000 being added at the end of the year to satisfy the recent town vote in March.

**Deputy Fire Chief Kevin Wunderly** reviewed the vehicle's maintenance records from Hampton Ford.

Chair Epperson stated that he can't justify spending \$13,222 on a vehicle that has 160,000 miles on it. He pointed out there are plenty of used Explorers available that are under \$30,000 with a lot less mileage.

There was discussion about whether to make an investment in a newer vehicle or to authorize this request for the former police cruiser. After discussion and consideration of the options, it was the consensus of the Board to move forward with this request.

**Motion by Rob Wright to authorize the expenditure from the Fire and Ambulance Capital Reserve Fund to repair and refit a former police cruiser, slated for the Deputy Fire Chief, in an amount not to exceed \$15,000 without additional authorization from the Select Board. Seconded by Bob McGrath. All in favor.**

**Note:** *The Select Board agreed to take item VII.B out of posted agenda order.*

- Email rec'd from Ray & Katie Jarvis requesting reimbursement for the replacement of their granite post/mailbox that was damaged during a January storm

**Katie Jarvis, 83 Liberty Common**, spoke to the Select Board about her request for the replacement of a granite post and mailbox that was damaged by a town snowplow truck during a storm in January. She noted that DPW has since been to the property and replaced the granite post with a wooden post and mailbox. She thought that DPW would be replacing the granite post; however, the DPW Director sent the department's policy saying that the Town will not replace a granite post. She is asking for a reconsideration of that policy in this case because of the way the granite post was damaged by the snowplow truck.

DPW Director Rucker explained that it's the department's policy to not recommend that residents place granite mailbox posts for this exact reason. The department is willing and able to replace and install a standard 4 x 4 wooden post and a standard mailbox. If the department starts advocating to replace all damaged mailboxes in kind, it becomes very cumbersome. The policy also states that a plow must come in contact with a mailbox for it to be deemed actually

damaged. Wooden posts rot over time and the post may snap just by the snow being pushed off the road. Director Rucker pointed out there could be significant costs and repair time associated if this were to become standard practice.

There was some discussion about the possibility of reimbursing the property owners in the amount that the Town would pay for a wooden post replacement. Mrs. Jarvis agreed that this reimbursement would be acceptable.

Town Administrator Matt Scruton clarified that this would be an exception to the current policy, based on the current circumstances, and is not to set precedent for future cases.

It was agreed by all parties that Director Rucker should come up with a cost for a new mailbox, post, and installation to present to Mr. and Mrs. Jarvis.

**Motion by Bill Epperson to authorize Director Rucker to offer a cash amount equivalent to the costs associated with replacing a standard mailbox and wooden post, with labor costs factored in, and this does not set a precedent. Seconded by Bob McGrath. All in favor.**

**I.** Discussion about a Listening Session as follow up to the DOT meeting.

The Select Board and Director Rucker discussed the parameters and a possible date for a listening session for residents to express their concerns about damage that was caused in the Route 1A area by storms this past winter. It was noted that residents should bring their concerns in writing with photos and contact information. The Town can then organize and prepare a document, which will be submitted to DOT once the Select Board approves.

- **Listening Session tentatively scheduled for Wednesday, May 8<sup>th</sup>, 6:30 p.m., dependent upon location availability (Library or Junior High).**

**J.** Town Hall Annex Security System Proposal

Town Administrator Scruton submitted and reviewed the details of the security system proposal for the Town Hall Annex, which will be tied directly into the Police Department's system. Administrator Scruton asked for this to be sole sourced as the Town has worked with the vendor in the past. The intent is to address a security system for the Town Hall in 2025.

**Motion by Bill Epperson to sole source the Annex proposal for security upgrades, including; installation, access control system, cameras, and alarm system to PELMAC Industries for an amount not to exceed \$50,000. Seconded by Rob Wright. All in favor.**

**VII. CORRESPONDENCE**

**A.** Email rec'd from Rob Spork re: His resignation from the Energy Committee

*The resignation of Rob Spork opens up one seat on the committee, which will be posted on the Town's website.*

**Motion by Bill Epperson to accept the resignation of Rob Spork from the Energy Committee and to send him a letter of thanks for his service to the committee.**

**Seconded by Bob McGrath. All in favor.**

- B.** Email rec'd from Ray & Katie Jarvis requesting reimbursement for the replacement of their granite post/mailbox that was damaged during a January storm  
➤ *Taken out of posted agenda order. Please see minutes above.*

### **VIII. NEW BUSINESS**

- Regional Association Committee Proposal  
*Tabled from a previous meeting. The Select Board agreed to schedule a work session to review and discuss the proposal. Administrator Scruton will reach out to the Committee chair to see what their availability may be for the beginning of June.*

### **IX. OLD BUSINESS**

*None*

### **X. OTHER BUSINESS**

- A.** Meeting Minutes  
1. Meeting, Monday, March 28, 2024, 2:30 p.m., Rye Town Hall

**Motion by Bill Epperson to approve the minutes of March 28, 2024 as written. Seconded by Bob McGrath. All in favor.**

2. Non-Public Session, Monday, March 28, 2024 (1) per RSA 91-A:3, II (d) Acquisition

**Motion by Bill Epperson to approve the non-public minutes of March 28, 2024 as written. Seconded by Bob McGrath. All in favor.**

### **ADJOURNMENT**

**Motion by Bill Epperson to adjourn at 8:52 p.m. Seconded by Bob McGrath. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger