

TOWN OF RYE – BOARD OF SELECTMEN
Monday, April 27, 2020
6:00 p.m. – via ZOOM

Selectmen Present: Chair Phil Winslow, Vice-Chair Keriann Roman and Selectman Bill Epperson

Town Staff Present for Meeting: Town Administrator Becky Bergeron, Police Chief Kevin Walsh, Fire Chief Mark Cotreau, Recreation Director Lee Arthur and Public Works Director Dennis McCarthy

6:00 p.m.

I. CALL TO ORDER

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

At 6:11 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3, II (b) Hiring. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.

At 6:31 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

Chair Winslow called the meeting to order via Zoom at 6:40 p.m. and led the Pledge of Allegiance.

Reading of Attestation:

As chair of the Rye Board of Selectmen, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic

means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by clicking on the following website address: www.zoom.com ID #925-0351-8134. Password: 387017

Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the website of the board at: town.rye.nh.us go to the Board of Selectmen page and click on the agenda for this meeting.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Roll call attendance of select board:

- Phil Winslow
- Keriann Roman
- Bill Epperson

III. ANNOUNCEMENTS

Chair Winslow introduced John Seavey who will be filling a position at the Public Works Department. He asked Mr. Seavey if he would speak on his background.

Mr. Seavey stated he is from Greenland and has a background in landscape construction. He currently works as a technician at Seacoast Harley. He is looking forward to working in Rye.

Chair Winslow noted the select board met with Mr. Seavey earlier in the evening and voted to accept him as a new member of the team. He welcomed Mr. Seavey to Rye.

Public Works Director Dennis McCarthy stated he is looking forward to having Mr. Seavey as a team member, as he has a lot of skills and will be a great asset.

IV. PUBLIC COMMENT – Public comment is limited to 5 minutes per person.

Steve Borne, 431 Wallis Road, speaking for the Rye Civic League, noted that the Civic League Newsletter will be going out this week, if the Town has anything they would like to promote. Speaking as a resident, he stated the Zoom has been working well; however, there are a few people who do not know how to do it and could use some help. The school board is using Google Meetup, which may be a different option.

V. CONSENT AGENDA ITEMS – (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)

❖ **None**

VI. DISCUSSION ITEMS

A) PUBLIC HEARING – Stormwater Asset Management Program

Presentation of the NH DES funded Stormwater Asset Management Program by Chris Berg of Wright-Pierce, explaining and requesting public input for the Stormwater Asset Replacement and Maintenance Program.

Chair Winslow opened to Dennis McCarthy.

Public Works Director, Dennis McCarthy, stated that this is a public hearing on the Stormwater Asset Management Program, which will be presented by **Chris Berg, Project Manager with Wright-Pierce**. He also introduced **Deborah Loiselle, NH DES Stormwater Coordinator**, from the Watershed Bureau. He turned the presentation over to Mr. Berg.

Chris Berg, Wright-Pierce, gave a presentation to the group addressing Stormwater Asset Management for Rye. The work for the asset management report was funded through the Clean Water State Revolving Fund with \$30,000 of principal forgiveness.

Highlights:

- **What are Assets?**
 - Resource with economic value that provide a future benefit.
 - Storm Drains, catch basins, outfalls, culverts & crossings
- **What is Asset Management?**
 - Systematic process of operating, maintaining, upgrading and disposing of assets cost-effectively, while maintaining a level of service acceptable to the community.
 - A continual process that should be revisited annually.
 - Rye has over 1,500 assets in its system.
- **Stormwater Objectives:**
 - Reduce number of failures, public outreach, reduce number of total claims
 - MS-4 Permit compliance, MS-4 IDDE Program compliance
 - Minimize emergency callbacks, inspect & clean catch basins, assessment of pipes, maintain easements for proper access
- **Risk analysis of assets determines the risk prioritization.**
 - Critical repair or replacement, priority repair, priority monitoring, opportunistic repair or monitor
- **Recommended Areas for Improvement in Next 2 to 5 Years:**
 - Sagamore Rd – (Morgan to Clark)
 - 4 catch basin structures failing & in poor condition
 - Wallis Rd – (Park Ridge to Ocean)
 - failing storm drain – 7 catch basin structures failing & in poor condition
 - Long John Rd – (brook to Young Lane)
 - storm drain (material unknown) – culvert undersized, poor hydraulics
 - Perkins Rd – (Central to Richard)
 - undersized storm drain (material unknown) – 7 catch basin structures (condition unknown)
 - Ocean Blvd – (Perkins to Baker)
 - 5 catch basin structures – clean out required.

- **Over the next 5 to 10 years – continue improvements and more inspections**
- **Next Steps:**
 - Continue collection of missing assets
 - Revise asset information as rehabilitation and repairs are completed
 - Add asset information to GIS
 - Provide training for maintaining and coordinating GIS
 - Perform bi-annual audits

Deborah Loiselle, NH DES, noted this is something that should be evaluated on an annual basis. She hopes the Town will see this as a valuable tool. The Asset Management Program is a piece that can be used for fulfilling some of the MS-4 Permit requirements. Rye is encouraged to look at other opportunities with the Clean Water State Revolving Fund.

Chair Winslow opened to the public for comments.

Steven Borne, 431 Wallis Road, asked how often this analysis should be done and if it is something the Town should be budgeting for.

Ms. Loiselle stated that with what Mr. Berg put together with Director McCarthy, the Town will be able to monitor some of the assets and incorporate those into the capital budget. The Town can determine which ones will be able to be addressed immediately, based on priority, and then look out to future years. She commented that a budget should be incorporated in order to bring the assets up to par and into the future.

Public Work Director McCarthy noted that by the new MS-4 requirements the Town is required to be inspecting a certain percentage of the assets each year. This report will become a living document, as it is constantly being updated.

Mr. Borne stated the report covers the current assets in town. He asked if there are areas in town where they are lacking in assets. He asked how the Town would determine where they are missing assets. Can any of the money be used to address the problems at Parsons Creek Watershed?

Director McCarthy explained the intent of this program is to look at the Town's current assets and determine how those can be maintained.

Mr. Borne commented that he does not think the Town has enough assets. He asked where that would fit into the program, so the Town can do a better job of protecting the wetlands and ocean.

Director McCarthy replied it would come in when studying different areas. Assets are typically the physical part of what the Town has.

Mr. Berg stated if there are areas that do not have assets, it would not necessarily come up in this study; however, looking at that and determining how it can be addressed is worth studying in the future.

Speaking to the select board, Mr. Borne asked who would be responsible for figuring out where there is a need for more assets in town and making sure it gets done.

Chair Winslow replied that this falls squarely on the Selectmen with help from both the Planning Board and Public Works.

Hearing no further comments, Chair Winslow closed the public hearing at 7:15 p.m.

Director McCarthy commented this is going to give the Town a good tool to work with. The intent is to dovetail this into the CIP and the MS-4 Program. It will be a valuable tool for the community.

Chair Winslow asked Director McCarthy to send the select board an email in regards to issues the Town should be looking at going forward.

B) Hampton Area Chamber of Commerce – John Nyhan

John Nyhan, Hampton Area Chamber of Commerce (includes Rye, North Hampton, Hampton, Hampton Falls and Seabrook), gave an update to the select board with regards to the Chamber's work with the communities, especially the business communities, during the COVID-19 pandemic. The Chamber has become active in communicating and sharing information about COVID-19 with members, businesses and residents throughout the Seacoast. A website has been started specifically for keeping the Seacoast informed at www.HACOChelpingothers.com. A Governor's Task Force addressing economic reopening has also been established with nineteen members who meet daily to discuss recommendations for the Governor on how to reopen the economy.

Vice-Chair Roman pointed out that the seacoast communities have a unique situation in terms of reopening the economy for hotels, tourist destinations and restaurants, which the rest of the State might not have or will not have as soon as the Seacoast does. As businesses start to reopen, the Seacoast is going to get a lot of folks coming in from out of State. There should be special consideration that reopening will have a different effect on the seacoast towns than other parts of New Hampshire.

Mr. Nyhan agreed. He noted that they are working with the Hampton Beach business community, state parks and public safety in regards to how the Seacoast can be reopened in a phased approach. One of the ideas being considered is limiting parking by 50% in Hampton. Traffic flow and parking methods are also being considered as part of a phased approach in getting people back on to the beaches. He echoes the Governor's comments that New Hampshire beaches cannot open until Maine and Massachusetts open as well. New Hampshire cannot be the only beaches that are open.

Vice-Chair Roman stated that she heard some states are encouraging people to walk the beaches, on a slow reopen, and not sit and stay. Rye does not have the manpower to monitor that type of situation. She asked that there be planning and cooperation with Rye's Police Chief during a phased reopening of the beaches, so they can determine how it will be monitored and enforced with limited staff.

Mr. Nyhan commented that Hampton's Police Chief has been working with Chief Walsh on a number of these issues. Commissioner Quinn of Public Safety should also be made aware of needs along the coast for State Police support.

Referring to the PPP applications, Selectman Epperson asked if seasonal businesses, scheduled to reopen on Memorial Day, are eligible for those grants.

Mr. Nyhan replied yes. He explained the guidelines indicate that if a business applies for a loan and the first 75% is applied to a payroll, the loan is absolutely forgiven. The glitch is that the timeline for spending the money is the day the money is received. For business that are partially open or fully opened, the program works. For seasonal businesses, if they are not open and do not use the money for a few weeks after receiving the grant, the money is not forgiven and would turn into a loan.

There was some discussion about the local small businesses and how they have been affected through the pandemic.

The Selectmen thanked Mr. Nyhan for his update and asked him to keep in contact with the Board.

C) Financial Update

Selectman Epperson read a statement addressing how the Town is handling the financial challenges that may be faced due to COVID-19. Capital expenditures that have been postponed, until the full impact of COVID-19 pandemic on the Town's economy can be ascertained, are as follows; compactor for the Transfer Station for \$50,000.; road paving analysis for \$30,000.; MS4 Stormwater Asset Management permitting fee for \$25,000.; digital speed limit sign for \$6,000.; paving budget reduced by \$100,000.; police tasers for \$1,400.; and portable radios for \$3,089. Warrant Articles approved at town vote cannot be disregarded; however, the expenditure can be deferred to a later date within the budget year. The articles include; dump truck for \$70,000.; police cruiser for \$51,000.; and salt shed for \$350,000. The select board will continue to monitor the Town's expenses and keep the community informed.

Town Administrator Becky Bergeron reviewed revenues received by the Town for this year, as compared to 2019 at this time. She noted decreases in revenue for motor vehicles, beach stickers, building permits and recycling. On the other side, there is an increase in property taxes collected of about \$50,000 to date versus 2019. She also noted that all nonessential spending in each department has been halted. She continues to research information on tax anticipation notes (TAN) to see if this is feasible if cash flow becomes an issue. The departments will continue to track expenditures related to COVID-19 to make sure the Town can capitalize on any possible FEMA reimbursements. She noted that tax bills will be going out on June 1st with a July 1st due date.

D) Financing of FD Pumper/Ladder Truck

Town Administrator Bergeron explained that the 2019 Town Vote approved the expenditure for the pumper/ladder truck for the Fire Department. The down payment of \$492,000 was paid last year through a combination of special revenues and capital reserves, which left \$500,000 to be paid with a lease-purchase. She reviewed the rate quotes that she received from three financial institutions. She suggested that the select board consider the payment in arrears option with TD Bank, given the cash flow situation for 2020. This would mean that a payment would not have to be funded in 2020, which equates to about \$120,000 worth of unexpended appropriations.

Vice-Chair Roman stated that the voters approved a term of five years with the first payment due in 2020. If they go with TD Bank, it will be five years starting in 2021. She would be in favor of the TD proposal, as it defers \$100,000 for this year, provided that DRA says this can be done given the vote.

Motion by Keriann Roman to go with the TD proposal, as it defers \$100,000 for this year, provided that DRA says this can be done given the vote. Seconded by Phil Winslow.

Roll Call: Bill Epperson – Aye; Keriann Roman – Aye; Phil Winslow – Aye

Motion passed.

E) Beach Closure Update

Police Chief Kevin Walsh gave an update on the beach closures. He noted that Director Bryce from State Parks is going to be presenting some ideas on how to open the state parks. However, he does not see any short-term solution coming from the Governor or Director Bryce with regards to opening up Ocean Boulevard, as the beaches remain closed in the States of Maine and Massachusetts. Chief Walsh stated there are boat events, beach permits and a Memorial Day Celebration coming up soon. He requested the select board's permission to cancel all road events, (specifically Andy's Angels which is scheduled for May), beach permit events and the Memorial Day Parade immediately. Letters would be sent out to each of the organizations explaining the cancellation and asking them to reschedule for a later date. The letter will also make the organizations aware that the event may not be able to take place in 2020. Chief Walsh also updated the select board regarding the parking issues and challenges along Route 1A.

Motion by Keriann Roman to revoke the event permit for Andy's Angels. Seconded by Bill Epperson.

Roll Call: Bill Epperson – Aye, Keriann Roman – Aye; Phil Winslow – Aye

Motion passed.

Recreation Director Lee Arthur asked that the Memorial Day Ceremony also be cancelled, along with the parade. She also asked that the select board look at the July 4th Celebration at their next meeting, as fireworks are ordered and purchased weeks in advance.

The Selectmen discussed the Memorial Day Celebration and the possibility of holding a virtual ceremony. Selectman Epperson and Lee Arthur will discuss feasible options and report back to the board.

The Selectmen discussed Chief Walsh's request to postpone all beach permit events and road events with them being considered in July, depending upon the situation at that time.

Chair Winslow suggested looking at the events again at the June 22nd meeting, as the meeting after that will be July 13th.

Motion by Keriann Roman to postpone all road events and beach permit events and revisit the issue at the June 22nd meeting. Seconded by Bill Epperson.

Roll Call: Bill Epperson – Aye; Keriann Roman – Aye; Phil Winslow – Aye

Motion passed.

F) Changes at the Transfer Station

Public Works Director McCarthy gave an update on the operations of the Transfer Station. The station continues to operate as it has for the past few weeks and will continue until at least May 5th. The department is following the Governor's Task Force to see what their recommendations will be in terms of reopening to the public. He is looking to bring the full operation of the Transfer Station back gradually. He will have some recommendations to bring to the select board at the May 11th meeting.

G) Town Forest Update

Police Chief Walsh stated that things are going well in the Town Forest. The Animal Control Officer has been monitoring the forest and has not seen too many dogs not under control. There has been an increase in foot traffic of people in the forest without dogs. Since the ACO has been monitoring the trails, people with dogs have been following the rules as far as which trails the dogs should be leashed.

Vice-Chair Roman stated that the impacts on wildlife with dogs off leash in certain areas of the forest is being looked at closely. She had a meeting with Mr. Joyce, Mr. Tilton and two members of the Conservation Commission and there will be another in the near future. The RCC is having a public hearing in May on the Forest Management Plan with the forester who prepared it. She is hoping that the wildlife biologist who participated in the plan is there as well. This will be a chance for the public to ask questions. After that meeting, the group is going to meet again to discuss a compromise between folks who want to walk their dog off leash and folks who want to protect the wildlife. She thinks there is some good buy-in from everyone, including the Conservation Commission, that they might be able to reach a good compromise for part of the Town Forest, in terms of preservation of wildlife. She will keep the board updated.

H) Trolley Barn Appraisal RFP

Town Administrator Bergeron presented the Trolley Barn RFP to the select board for their review.

The Selectmen agreed to move forward with the RFP.

I) Parsonage Update

Vice-Chair Roman explained there is a deadline in the Purchase and Sale Agreement with Mr. Philbrick to have the parcel subdivision completed by May 31st. It requires the Town to submit a subdivision application to the Planning Board, which has to be in by May 1st in order to be heard at the May meeting. She pointed out that the property lines will need to be drawn out and shown on the plan, which brings into discussion where the property lines are going to be. At the meeting at TD Bank on March 4th, there was some discussion about a possible easement or protection on the boundary between the Library and the owner of the Parsonage, Mr. Philbrick, or an owner in the future, so the front entrance of the Library is visually protected. She met with the Library Trustees and walked the property recently. They have come up with some ideas and she has spoken with Mr. Philbrick. She will continue to work with Mr. Philbrick and the Library to come up with an agreement in terms of the boundary for that property.

VII. CORRESPONDENCE

❖ None

VIII. APPOINTMENTS: BOARDS, COMMITTEES, COMMISSIONS

A) Heritage Commission – 3 Year Term expiring 03/31/2023

- 1) Mae Bradshaw – reappointment as member, letter rec'd 03/12/2020
- 2) Gail Hughes – reappointment as member, letter rec'd 04/13/2020
- 3) Elizabeth Sanborn – reappointment as alternate, letter rec'd 03/12/2020
- 4) Recommendation letter rec'd 04/16/2020 from Phil Walsh, Chair

Motion by Phil Winslow to accept the reappointments of Mae Bradshaw, Gail Hughes and Elizabeth Sanborn to the Heritage Commission. Seconded by Keriann Roman.

Roll Call: Bill Epperson – Aye; Keriann Roman – Aye; Phil Winslow – Aye

Motion passed.

B) Historic District Commission – 3 Year Term expiring 03/31/2023

- 1) Charles Hoyt – reappointment as member, letter rec'd 03/19/2020
- 2) James Tegeder – reappointment as member, letter rec'd 03/18/2020
- 3) Kaitlyn Coffey – reappointment as alternate, letter rec'd 03/18/2020
- 4) Katharine Brown – reappointment as alternate, letter rec'd 04/18/2020
- 5) Recommendation email rec'd 04/21/2020 from Mae Bradshaw, Chair

Motion by Phil Winslow to accept the reappointments of Charles Hoyt, James Tegeder, Kaitlyn Coffey and Katharine Brown to the Historic District Commission. Seconded by Bill Epperson.

Roll Call: Bill Epperson – Aye; Keriann Roman – Aye; Phil Winslow – Aye

Motion passed.

IX. NEW BUSINESS

❖ None

X. OLD BUSINESS

❖ None

XI. OTHER BUSINESS

❖ None

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:25 p.m. Seconded by Keriann Roman.

Roll Call: Bill Epperson – Aye; Keriann Roman – Aye; Phil Winslow – Aye

Motion passed.

Respectfully Submitted, Dyana F. Ledger