

TOWN OF RYE – BOARD OF SELECTMEN
Tuesday, May 26, 2020
6:00 p.m. – via ZOOM

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

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

6:00 p.m.

I. CALL TO ORDER

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

At 6:02 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3, II (b) Hiring. Seconded by Keriann Roman. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.

At 6:39 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Keriann Roman. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.

At 6:39 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3, II (I) Legal Advice. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.

At 6:54 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Keriann Roman. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

Statement by Phil Winslow:

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 that 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 through dialing the following phone number: 646-558-8656 and Password: 349725 or by clicking on the following website address: www.zoom.com ID #860-2494-6348.

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.

If anyone has a problem accessing the meeting please email the Town Administrator at: BBergeron@town.rye.nh.us

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

(The Selectmen confirmed that they were the only ones in the room for the meeting.)

IV. ANNOUNCEMENTS

1. Chair Winslow thanked Recreation Director Lee Arthur, Selectman Bill Epperson, Priscilla Jenness and Bob Glowacky for the amazing job that they did on the Memorial Day Ceremony. It was a great success. He asked that a letter of thanks be sent to Mr. Glowacky and to Ms. Burnett who did a tremendous job with the singing. The kids also did a great job. The ceremony was picked up by Channel 9.
2. Chair Winslow thanked the staff of the Fire and Police Departments for all of their hard work in keeping the Town safe during these hard times. He acknowledged that they are probably getting a lot of negative feed-back from some of the visitors to the Town.

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.)

- **Steven Borne, 431 Wallis Road; for the Civic League:** The Civic News will be going out by Sunday or Monday. If there is anything that needs to be announced, please get the information to him this weekend and he will get it added to the newsletter.
- **Steven Borne, 431 Wallis Road; Rye resident:** Mr. Borne asked the Board of Selectmen to go onto the Rye Town website and find the public notifications for meetings. His point was that they

are hard to find and sometimes almost impossible. He also pointed out that the codes and ordinances are also extremely hard to find. He acknowledged that the website no longer says “Temporary”, but there are still a lot of issues and problems with the site. He added that the Town needs to do a better job of communicating when the meetings are and that starts with the leadership, which is the Select Board.

Chair Winslow stated that Fire Chief Cotreau has been working to fill a vacancy within his Department and asked Chief Cotreau to address this.

Chief Cotreau explained that the position is a full-time firefighter/advanced EMT position, opened by the well-deserved retirement of Officer Mike Hirtle. He added that they conducted an energetic recruitment process with several oral boards, interviews and EMS assessments.

Chair Winslow stated that the Board of Selectmen interviewed Chief Cotreau’s candidate Peter Anania. He asked Mr. Anania to introduce himself.

Mr. Anania stated that he is currently a full-time firefighter/advanced EMT for the Town of Greenland. He is also a call firefighter for the Town of Rye. Because of his experience with the Rye Fire Department, he became interested in moving his career to Rye. He was born and raised in Portsmouth. He added that the opportunity to become an active member of the Rye Department is very exciting for him, as it has been his vision for a very long time.

Chair Winslow stated that the Board voted unanimously to hire Peter Anania to fill the position of firefighter/advanced EMT. He welcomed Mr. Anania to Rye.

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

- A) RFP requests for Fuel Costs for the Public Works Department.
- B) Accept and Expend US HHS Stimulus Payment \$6,294.72
- C) Sign Request: Rye Jr. High Graduation Parade on 6/4. Locations Requested: Parsons Field, Grange Park, Intersection of Washington and Route 1A, Central Rd & Grove Rd. and Clark Rd and Sagamore Rd.

Chair Winslow stated that Consent Agenda Item C needs to be removed because there were not enough signs.

Motion by Phil Winslow to accept Consent Agenda Items A and B as presented. Seconded by Keriann Roman.

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

Motion passed.

VII. DISCUSSION ITEMS

- A) **Financial Update**

Chair Winslow pointed out that last year at this time, 90% of the Rye Water District's bills had been paid. This year they are at 80% paid. There may be an impact with the property taxes as well.

Town Administrator Bergeron reported that the warrant has been prepared and the property taxes have been mailed out. The initial response is that the payments are rolling in. Motor Vehicle registrations is insanely busy. Motor Vehicle registration is at \$624,000 versus \$652,000 last year at this time. Beach Permits is still lagging behind by about \$20,000. Tax revenue is at \$1.1 million processed this year, versus \$654,000 this time last year. The initial indicators are good. Ms. Bergeron stated that she is more concerned with the second issue tax period. She added that the TAN is almost in place. Overall expenses show that the Town is at 26% of the budget. It should be at 42% spent. There are going to be some deficits with revenue. There are no recycling revenues and the Building Department's revenues are down about \$30,000. Ms. Bergeron pointed out that even with the positive indicators from the Clerk's Office, it is about two months too early to predict the ripple of this crisis.

Ms. Bergeron explained that the TAN is for \$2.5 million. It is long-term debt to bridge the gap between property tax payments. If in the fall there are problems collecting on the second issue of property taxes, the TAN will help to cover the expenditures that need to be funded this year. The interest rate is between 1.9% and 2% and is something that can be reimbursed through the CARES Act. NHMA has put forth to the Governor's Office for consideration on emergency orders to allow municipalities to not fund, or to under fund, expenditures that were approved by voters. So, there may be some discretion as to what warrant articles the Town chooses to fund. Also for consideration, is allowing capital reserve accounts to be used for an entirely different purpose from what it was originally established for, except for off-setting the tax rate.

Ms. Bergeron reported that there are two parts of the CARES Act submission. The one for the June 1st deadline is the reimbursement of \$54,000 and charge for the first responders. The second half of that will be submitted on Thursday. Attorney Donovan's expenses will be available for submission on the second part, which is in September. The Town was allocated \$129,000. The stipend for the first responders is not taken from that amount. There are three pools of money; FEMA, which is for overtime for full-time employees; CARES Act, which is the \$129,000 in expense reimbursement, and then there is the First Responder's stipend reimbursement program.

B) Beach Re-Opening Plans

Chief Walsh stated that he submitted a memo to the Town Administrator this afternoon based on a conference call with Director Harper of Homeland Security and Seacoast Police Chiefs, the State Police, Commissioner of the State Parks and the Commissioner of the Department of Transportation.

Highlights on conference:

- Route 1A will remain no parking until Labor Day.
 - There were a few adjustments in the Town of Hampton's Business District in order to allow for proper traffic flow.
 - The purpose of no parking is to try to manage the amount of people congregating on the beach at one time.
 - There are 132 permit parking spots in Rye.
 - There are no restrictions on people riding their bikes to the beach.
- No parking on any road in Rye.
- State parks will be open; starting at 50% capacity.

- The State has agreed to review the status weekly and make changes as needed.
- There are two signs that will be used.
 - One will be at the State Parks
 - It has the towns' and state parks' logos on it to show the joint effort between the Towns and the State to promote that:
 - The beaches are open
 - Social distancing
 - No sitting on the beach
 - Transitory movement
 - A town sign will be placed at the entrance of each town beach with the same message.

C) Town Hall Re-Opening Plans

Town Administrator Bergeron described the Town Hall re-opening as a two-phase plan. There will be a slow and gradual return of the employees to the building starting June 1st. Each week is outlined as to who will be returning, in order to transition everyone back. Once the Town Hall is up to full-staff, she will be approaching the Board with a plan to open the building to the public starting July 1st.

Vice-Chair Roman commented that if employees share an office where they work within six feet of one another, they should have to wear a mask. An employee that has their own office, not sharing it with anyone, will not have to wear a mask in their office. However, all employees should have to wear a mask when not in their office. She also recommended having lots of hand sanitizer for the employees and the public to use. When the building is open to the public, there should be a limit to the number of people allowed in the building at one time. There should be disposable masks available for the public and they should be encouraged to use them.

Town Administrator Bergeron reported that there will be shields at each customer window. There will also be disinfecting stations at common touch items; such as, the copiers, the mail machine and in common areas such as the bathrooms and kitchens. The employees will have to do the self-assessment each morning; answering the assessment questions and taking their temperature.

D) 4th of July Update

Recreation Director Lee Arthur reported that the Fourth of July Celebration plans are in the conceptional stage. She explained that there are some logistics that she is trying to work out as far as entertainment is concerned with the licensing. She would like to create something electronically and have the community's participation. She also has an idea of having a contest. Ms. Arthur stated that she would like Vice-Chair Roman's help with the plans. Ms. Arthur stated that she will have more information available by the next Selectmen's meeting.

E) Transfer Station Update

Public Works Director Dennis McCarthy stated that he would like to start with phase two of bringing the Transfer Station back on line. Two weeks ago, they started with the cardboard and the plastic. This week they would like to bring the loose paper, newspaper and the cans back on line. This will bring the

recycling program back. He reported that he gets 20 to 50 calls a day from residents asking when recycling will be reinstated. He stated that he thinks its time, as he has enough manpower. However, he feels that the bulky items should be in the next phase. If the Board approves, he will start phase two tomorrow.

The Board agreed, as long as social distancing is practiced as much as possible. The attendants must wear face masks and there needs to be signage recommending that the public wear face masks. These restrictions will be re-evaluated at the end of June.

Chief Cotreau stated that he will get Public Works the PPE that they need.

Vice-Chair Roman stated that she feels it is important for the Board to send the Public Works Department a letter of recognition and thanks for all the work they have done during the pandemic and for putting themselves on the front line. She pointed out that there is no public works appreciation day, like there is for fire and police. She suggested that the Board and the Town Administrator talk about doing something for the staff in the department.

Motion by Keriann Roman that Transfer Station attendants must wear mask while waiting on the public in the Transfer Center area. Seconded by Phil Winslow.

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

Motion passed.

F) Application for Outdoor Dining

Fire Chief Cotreau reported that the Governor through the 2.0 order is very anxious to get businesses going again, including the restaurants. The clear directions are that the towns have to facilitate and try to help these folks to get open again safely. Chief Cotreau stated that he, Chief Walsh, Dr. Snow and the Building Department discussed it and decided to offer a temporary permit to any business that is changing their footprint of their outdoor seating. The idea of the permit is to make sure that the Town has a good sketch of what is going to happen and that it complies with 2.0. The application talks about certificates of insurances, licenses and protection from cars. The permit will be issued by the Fire Department. Chief Cotreau explained that businesses that will be using the same footprint with less seating will not need to get a temporary permit. A letter from Chief Walsh and himself will be provided to these businesses, along with a copy of the 2.0 document and an application for the temporary permit if they change their minds. They are encouraged to contact the Fire Department in that case. The Attorney General's Office has the only real enforcement power on these businesses, so the Town's approach is on a voluntary compliance bases with good education and with a safety focus. Lieutenant DiBartolomeo will be going out to visit these businesses once a week for inspection and education. There are currently about five businesses that may obtain the temporary permit.

VIII. CORRESPONDENCE

**None*

IX. NEW BUSINESS

Town Administrator Bergeron reported that she had received an e-mail from Alan Gould asking the Board's position on a Parsons Field event application for late fall. Mr. Gould is trying to coordinate the Lion's Club Car Show that is scheduled September 20th. In order to engage the sponsors, get the participants and order supplies, he needs to know by the end of June.

Chair Winslow pointed out that the Town has to go by the Governor's guidelines, so at the current time they can't allow more than ten people at any gathering. So, with the current rules and regulations the Board cannot allow it. However, that can change, so the answer is that at this time the Board does not have an answer.

X. OLD BUSINESS

Chief Walsh reported the fine for parking in a permitted space without a permit is \$100 and he asked that the Board add that the vehicle will be towed.

The Board was in favor of adding this to the temporary ordinance.

Motion by Keriann Roman to add that the vehicle will be towed if parked in a permitted space without a permit. Seconded by Phil Winslow.

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

Motion passed.

Chief Walsh asked if residents should be allowed to have parking for a fee on their properties. He expressed his concern that on a 90-degree day in the summer, this will create a situation that will become unenforceable with the rules and regulations that are now in effect. Chief Walsh recommended that the Board of Selectmen issue a temporary ordinance during the health crisis that property owners are not allowed to offer parking for a fee or free to people going to the beach. If they do, it will be a finable offence.

Vice-Chair Roman suggested that this would be a zoning violation. However, the Code Enforcement Officer is extremely busy and probably would not be able to enforce it.

The Board agree to support the recommendation, if it is tied only to paid parking.

Motion by Phil Winslow to preclude paid parking on residential properties in Rye during the pandemic. Seconded by Keriann Roman.

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

Motion passed.

Chair Winslow asked if the other parking areas are being limited to the 50% ruling.

Chief Walsh stated the Governor's orders that came out Friday stated that private business owners do not have to abide by the 50% rule.

Recreation Director Lee Arthur announced that the Recreation Commission voted last Monday to suspend all summer camps sponsored by the Recreation Department this season. There have been no guidelines released to date for summer camp to follow. The current guidelines and ratios for childcare are very difficult to deliver. Ms. Arthur has been meeting with about twenty recreation directors throughout the state for the last four to five weeks and the picture has gotten progressively dimmer. The Commission looked at the numbers of registrations and the numbers were extremely low. It was a hard decision to make, but she was surprised at the support from the parents when she called them. As a matter of fact, some of their situations had changed. Some had signed up in March and have since been laid off. A few are going to continue to work remotely through September. Ms. Arthur added that it was unfortunate, but she was able to redirect some of the parents to other camps that may be able to accommodate their needs; such as, the Seacoast Science Center.

Ms. Arthur also addressed staffing and adjusting it to meet the programming adjustments. Currently, there are no programs so there is no pay. All the program staff has been laid off. Currently, there are only two positions; one being hers. She stated that she sees a decrease in hours coming. However, with the cut backs last week, they have to refund people and re-plan for the fall schedule. She talked about the work being done at the church for the Community Center. She is not sure if it will come about, but she feels it would be a nice come-back if they could open it in the fall. She stated that she will have more of a plan in place by the Board's next meeting.

In regards to the Recreation fields and play grounds, Ms. Arthur stated that nationwide it is still recommended that field and playgrounds remain closed; however, 2.0 has allowed for some skilled based programming in amateur sports to move forward. Ms. Arthur stated that she will be meeting with Chief Walsh to go over the guidelines. She suggested that this may cover Rye's Little League and maybe the non-contact type sports. She will then contact Primex for advice on how to police and/or enforce this. The commission will be meeting Monday night to review this and will make recommendations in terms of the guidelines while working with the EOC.

Vice-Chair Roman announced that even though the Town Hall will be gradually reopening during the month of June, all committees and commissions should still meet remotely. The Board of Selectmen will re-evaluate this at the end of June.

XI. OTHER BUSINESS

A) Meeting Minutes

- 1) Meeting, Friday, March 27, 2020, 4:00 p.m., via Zoom

Motion by Phil Winslow to accept the meeting minutes of March 27, 2020 as written. Seconded by Keriann Roman.

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

Motion passed.

2) Non-Public Session, Monday, May 18, 2020, (1) per RSA 91-A:3, II (I) Legal Advice

Motion by Phil Winslow to accept the non-public minutes of May 18, 2020 as written and to not seal the minutes. Seconded by Keriann Roman.

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

Motion passed.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:35 p.m. Seconded by Keriann Roman.

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

Motion passed.

Respectfully Submitted, Dyana F. Ledger

RYE PUBLIC WORKS
309 Grove Road
Rye, New Hampshire 03870
 Telephone (603) 964-5300
 Fax (603) 964-9708
 dmccarthy@town.rye.nh.us

5-26-20 Consent Item A

Date: May 11, 2020
To: Becky Bergeron, Town Administrator
From: Dennis G. McCarthy, Public Works Director
Subject: Fuel Costs
 Year 2020/2021

Results of the fuel and heating oil bid opening held on this date are as follows:

<u>BIDDER</u>	<u>#2 Heating Oil</u>	<u>#2 Blended Heating Oil</u>	<u>Diesel</u>	<u>Gasoline</u>
Atlantic Fuel Inc. P.O. Box 792 Rye, NH 03870	\$1.69 per gallon	\$1.79 per gallon	\$0.09 over rack Sprague	\$0.16 over rack Sprague
Energy North Inc. 2 International Way Lawrence, MA 01843	\$1.599 per gallon	\$1.699 per gallon	\$0.21 over rack Irving	\$0.27 over rack Irving
Lamprey Brothers, Inc. 63 Atlantic Avenue No. Hampton, NH 03862	\$1.339 per gallon	\$1.499 per gallon	\$1.499 per gallon	No Bid
Irving Energy 190 Commerce Way Portsmouth, NH 03801	\$1.401 per gallon	No Bid	\$0.133 over spot market	No Bid
Broco Oil, Inc. 168 Hale Street Haverhill, MA 01830	\$1.346 per gallon	\$1.446 per gallon	\$0.119 over rack Sprague	\$0.169 over rack Irving

Lamprey Brothers, Inc. is the low bidder for heating oil, and Atlantic Fuel, Inc. is the low bidder for gasoline and diesel.

I am recommending the Town award the contract for heating oil to Lamprey Brothers Inc. and to Atlantic Fuel Inc for gasoline and diesel, based upon their low prices, and prior years of service.

DRAFT MINUTES of the BOS Meeting 5/26/2020

5-26-2020 ZOOM Chat Transcript

00:17:44 Frank Hwang: Thanks Steve for the good flag on the site. It is hard to find links.
00:32:11 Steven Borne: Can we have Low Tide and High Tide rules?
00:39:53 Frank Hwang: talking to my friends who live in York, it has been working overall with
minimal issues.
00:43:52 Steven Borne: Pop the volleyball