

TOWN OF RYE – BOARD OF SELECTMEN
Monday, June 29, 2020
5:00 p.m. – Rye Town Hall

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

Others Present: Town Administrator Becky Bergeron

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow called the meeting to order 5:00 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: 168740 or by clicking on the following website address: www.zoom.com ID #841-5165-5202.

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

- Bill Epperson
- Keriann Roman

Note: The Selectmen stated where they were located and confirmed that they were the only ones in the room for the meeting.

II. ANNOUNCEMENTS - None

III. 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:** Mr. Borne stated that the Civic News is going out this evening and he asked for the link to the information on the Parsonage, so that he could include it in this issue. If there is anything else the Selectmen want included, he asked that they get it to him tonight.

Mr. Borne asked about the meeting on June 11th; there was an agenda for a public session but no minutes.

Mr. Borne reminded the Board that he talked about moving the driveway at 1215 Ocean Blvd. at the last meeting. He stated that he has a diagram, but the Selectmen didn't talk about it at their 22nd meeting. He does not have an update to include about this issue.

Mr. Borne also reminded the Board that he talked about the Big Brother Policy and still has not seen an update on this issue as well.

- **Steven Borne, 431 Wallis Road; Rye Resident:** Mr. Borne spoke about the high-water truck. He stressed that “Free” isn't “Free”. He pointed out that the Seacoast area is over saturated with fire trucks and equipment. The real issue is how the Town could be working with other communities. Twice before, the select board has tried to talk to other communities. When the select board talked to Portsmouth, what came out of that meeting was a span of control issues. Meaning that because of the size of the departments, people's promotions and career paths, it is not wise to mix different size fire departments. Then Rye talked to North Hampton. Mr. Borne said that he heard that the reason that didn't go anywhere was because there was a select board member that no one wanted to work with. So, the bigger issue is, and what should be on the agenda of all the communities is, how can we do to better use the equipment in the area. If another community has a piece of equipment, it is silly for Rye to add one to its fleet.

Mr. Borne said that while he understands the public comment section was put into place in order to help the meetings go faster and to cut down on the monologues; however, he doesn't feel that it is working. He explained that whenever he brings up issues, they never get discussed and they fall through the cracks. There is no reason for someone to attend a meeting because they can bring up their concerns at the beginning of the meeting and then they are never talked about again.

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

A) Accept Donation of 1,000 N95 Masks to Rye Fire Department from Storbridge Global, Inc.

B) Accept and Expand \$1,600 from The Nature Conservancy for Rye Conservation Commission

Motion by Phil Winslow to accept Consent agenda items A and B. Seconded by Keriann Roman.

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

Motion: Passed

V. DISCUSSION ITEMS

A) Chief Walsh – 2020 Beach Permit Applications

Chief Walsh explained the details of each application as follows:

1. Gyrotonic – Kathryn Londoff

- Location: Foss Beach
- August and September
- Days: Saturdays and Sundays only
- Time: 7 a.m. to 8:15 a.m.
- Dates are lined up to coincided with the low tides
- Insurance documentation is in order

Chief Walsh suggested that that early in the morning Ragged Neck would be available for parking.

Vice Chair Roman presented the Board with a waiver. She explained to the applicants that this waiver is COVID-19 specific. This came about because the International Lawyers' Municipals Association recommended nationally, that all towns and cities have something like this because it is unclear what the insurance companies will or will not do if there is any kind of a COVID-19 claim. This is that same thing that other towns are using through out the State.

Motion by Phil Winslow to accept the Assumption of Risks of Liability waiver related to COVID-19. Seconded by Bill Epperson.

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

Motion: Passed

Motion by Phil Winslow to accept and approve the application for a 2020 Beach Permit for Gyrotonic – Kathryn Londoff.

Seconded by Bill Epperson.

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

Motion: Passed

2. Common Roots – Robin Wehbe

Chief Walsh had a couple of concerns regarding the application as follows:

- The time is listed as 7:00 a.m. to 10:00 a.m.
 - Last year was 6:00 a.m. to 9:00 a.m. 10:00 a.m. is too late and will interfere with beachgoers
- The access point is listed as H Street it should be E Street

Both of these adjustments were acceptable to Mr. Wehbe.

Chief Walsh described other details as follows:

- Participants: 20 People
- Social Distancing of six feet will be followed – the only challenge will be the tide
- New to the application: Surf lessons between 7:00 a.m. and 12:00 p.m.
 - The groups consist of 6 to 7 participants, with a maximum of 20 (3 groups maximum)
 - Rentals 7 days a week
- Insurance document lists the Town as additional insured; however, it does not refer to Surf Lessons or Yoga.
 - Mr. Wehbe agreed to have the insurance binder updated
- Parking will be at Mr. Wehbe's business across the Street from E Street
- CDC guidelines – contact free surf boards
 - After the surf boards are cleaned, they are placed in a rack – where the customers pick them up
 - After the surf boards are used, the customers drop them off at the cleaning station in the back
 - There will be no wetsuit rentals

The select board had additional discussion regarding the CDC guidelines. Chair Winslow recommended that the waiver include language that the applicant is responsible to stay current and follow all CDC regulations relative to their line of business. If not, the Board has the right to pull the permit.

Motion by Phil Winslow to accept the Assumption of Risks of Liability waiver related to COVID-19 as amended. Seconded by Bill Epperson.

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

Motion: Passed

Chief Walsh recommended that the approval of this application be conditioned upon the update of the insurance document to include the surf lessons, board rentals and yoga; and that Mr. Wehbe sign the COVID-19 waiver that the Town will provide and follow the CDC guidelines as related to their line of business.

Motion by Phil Winslow to accept and approve the application for a 2020 Beach Permit for Common Roots for Robin Wehbe with the conditions as outlined by Chief Walsh. Seconded by Keriann Roman.

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

Motion: Passed

3. Stand Up Guys LLC DBA Kooks Café – Giorgia Nagle

Chief Walsh pointed out that the applicants are not present at the meeting. Also, their insurance has expired. He recommended that the Board table the application at this time and he will reach out to the applicants.

4. Summer Sessions – Ryan & Tyler McGill

Chief Walsh explained that Ryan & Tyler have decided to do rentals and lessons only and no kids camps.

- Lessons: 7 days a week
- Time: 7 a.m. to 5 p.m.
- Participates: 12 students per hour, 4 students per instructor, 3 groups
- Parking and check in: at Summer Sessions crossing at Jenness and walking south to the beach (about 2-3 houses down)
- Insurance documentation is in order, except it doesn't list the surf lessons

Chief Walsh recommended that the approval of this application be conditioned upon the update of the insurance document to include the surf lessons and that Mr. McGill sign the COVID-19 wavier that the Town will provide and follow the CDC guidelines as related to their line of business.

Motion by Phil Winslow to accept and approve the application for a 2020 Beach Permit for Summer Sessions for Ryan & Tyler McGill with the conditions as outlined by Chief Walsh. Seconded by Keriann Roman.

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

Motion: Passed

VI. CORRESPONDENCE - None

VII. NEW BUSINESS

Chief Walsh reported that he has had a contractor approach him regarding putting in a sewer line on Big Rock Road by Cable Road and Tower Ave. The Road will be closed for two days; however, at the end of each day the construction will be covered up so that the road will be passable. Chief Cotreau and Dennis McCarthy have both reviewed this project. The neighbors in the area will be notified that the road will be under construction and not passable. The contractor will have two employees at that end of the road to help direct local traffic.

Motion by Phil Winslow to accept and approve the road closure for two days as presented by Chief. Seconded by Keriann Roman.

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

Motion: Passed

VIII. OLD BUSINESS

Chief Cotreau reported that upon revisiting the high-water vehicle transaction, he discovered a miscommunication. It turns out that in order for Greenwood to make the transaction work and recover their costs, because the truck that the Town was looking at is of higher value than the truck that they would trade in, they would need the scrap cost of the truck, which would be around \$3,000. Chief Cotreau stated that he still feels that this is a great deal but he stressed that he is not looking to add another truck to the fleet. The truck will not be certified as a fire truck. Addressing Mr. Borne's concerns regarding other high-water vehicles in neighboring communities; Chief Cotreau reported that there are two others in the area. One in Newington and one in Hampton (a military vehicle owned by the police department.) Chief Cotreau explained that he agreed with the concept of regionalization in certain situations; however, this is not one of them. If there is a situation where there is salt water flooding it would be a regional situation. It would not be a situation where if the Town needed to borrow another town's vehicle, it could be brought in.

Vice Chair Roman clarified that she understands that the Town would not have to pay \$3,000, but that it would be just losing the benefit of the \$3,000 from an auction or scrap.

Chief Cotreau confirmed; and added that other than that: it is the exact transaction as outlined in his memo from last week.

Motion by Phil Winslow to use the old ladder truck as compensation for receipt of the high-water vehicle. Seconded by Keriann Roman.

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

Motion: Passed

Chief Cotreau addressed the Board regarding beach fire permits. He reported that as things are starting to open up, he is getting a fair number of requests for beach fire permits, which are only given to residents. Originally, Emergency Management and the police and fire departments agreed to restrict the beach fire permits, due to the high restrictions of the number of people allowed to congregate together and also because of the transitory nature of the beach. Both of those rules have now gone away. There is now no minimum number of people that can get together. Chief Cotreau proposed that it is fair to reinstate the beach fire permit process. However, he would like to issue a one-page flyer with the permits; encouraging social distancing, wearing a mask, and following CDC guidelines.

Vice Chair Roman recommended putting a limit on the number of permits issued at a time. The Chief agreed.

Motion by Keriann Roman to allow beach fire permits with a maximum of six per night issued. Seconded by Phil Winslow.

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

Motion: Passed

Chief Walsh reported that Director Bryce for the State Parks Division called to give him an update. Director Bryce has been talking with Governor Sununu and the Opening Task Force about the reviews on opening up more of beaches and parking. Chief Walsh reported the deals as follows:

- Route 1-A will remain closed
 - The Town will follow suit in keeping town roads closed also
- The State will increase the parking inside area at the boat launch on Pioneer Road
- The State will increase the parking inside Odiorne State Park
- The State will not increase the parking at Wallis State Park, due to the beach area being smaller than the other state beaches
- Ragged Neck State Park will be opened up to 100%
- Jenness State Park will be opened to 100%

These openings will be effective starting the July 4th weekend.

IX. OTHER BUSINESS

Chair Winslow asked if there was any information that could be sent to Mr. Borne for the Civic League News regarding the current standing on the Parsonage/TD Bank transaction.

Vice Chair Roman stated that she sent Mr. Borne the earlier select board statement about how the deal fell through but the Board was going to continue to work on it.

Mr. Borne said that the Heritage minutes got posted and he was planning to provide a link to that because Vice Chair Roman had a detailed discussion on the issue, which should be helpful.

ADJOURNMENT

Motion by Bill Epperson to Adjourn at 6:01 p.m. Seconded by Keriann Roman. Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman – Aye
Motion passed

Respectfully Submitted
Dyana F. Ledger