

TOWN OF RYE – BOARD OF SELECTMEN
Monday, August 10, 2020
6:00 p.m. – via ZOOM

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

Others Present: Town Administrator Becky Bergeron

6:00 p.m.

I. CALL TO ORDER

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

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

At 6:27 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Phil Winslow. 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 6:30 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: 863-5853-3456 and Password: 685706 or by clicking on the following website address: www.zoom.com ID #883-5853-3456

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.

IV. ANNOUNCEMENTS

Chair Winslow congratulated Firefighter/Paramedic Michael Rivet who used his rescue swimmer training to aid a distressed swimmer off Bass Beach. He also congratulated Jake MacGlashing and Peter Anania for rescuing five people that had a capsized boat outside of Rye Harbor. They used the jet ski in this rescue. They also used the jet ski when they spotted an empty canoe floating off shore. They were able to assess the area to make sure there was no one in distress and then was able to get the canoe back to its owner. Chair Winslow pointed out the value of the jet ski in these events. He thanked Chief Cotreau for his leadership in purchasing the jet ski. He recalled that the Board was not enthused with the idea of the purchase, but it has turned out to be a valuable piece of equipment for the department. He congratulated Chief Cotreau for his foresight.

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.)

John McNair, 35 Brackett Road, asked for an update on the cell tower application at 120 Brackett Road. He pointed out that through different meetings and agendas, he has been getting some conflicting information on the status and would like to get some clarification.

Chair Winslow explained that the public comment process is that the Board does not normally respond to comments; however, in this case, they will respond during the ‘Old Business’ section of this meeting.

Kathleen McCabe, 135 Brackett Road, stated that she also had similar questions regarding both the Port Way application and the Brackett Road withdrawal, so they will eagerly await the Board’s response later in the meeting.

Steven Borne, 431 Wallis Road, noted that the State is advertising and encouraging people who live in the State to come to the seacoast. He suggested that if the Board is working with the people from the State, they should open more of Ocean Blvd for New Hampshire plates. He feels that it is a little disingenuous to tell people to come to the seacoast when there is inadequate parking for them.

Mr. Borne stated that this next statement is solely from him and is not from the Civic League. He agreed that the Town Hall employees need more space. He voted for the TD Bank building transaction. He added that it would be nice if the upstairs of the Town Hall was opened up for more use. Also, the Trolley Barn has been sitting there deteriorating for over sixteen years. The Parsonage was leased out to the Housing Partnership and is now in disrepair. He advised the Board not to go back to the voters to ask for money to purchase something that was supposed to be free and to buy property that the Town already owns. He said that he doesn’t think this is going to go over well. He suggested that there could even be a lawsuit over this.

Diane Mason, 115 Brackett Road, expressed concerns about the Brackett Road cell tower. She added that it is way too close to her house. She stated that she is hoping the Board will give them some answers.

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

- A) Email rec’d from Michael Joyce re: His Resignation from the Rye Energy Committee

Chair Winslow asked for a letter to be sent to Mr. Joyce to thank him for his time and service.

Selectman Epperson stated that Mr. Joyce has done a lot of work with the Energy Committee and his resignation will be a great loss to the Town.

VII. DISCUSSION ITEMS

- A) **Public Hearing – CLG Grant**

The purpose of the hearing is to hear public comment on acceptance of a Certified Local Government (CLG) Grant in the amount of \$20,000 with the full \$20,000 to come from federal funds. These funds are to be expended between October 1, 2020 and September 30, 2021 for the

development of the Historic District Guidelines for the district which encompasses the town center, four (4) New Hampshire islands of the Isles of Shoals, as well as the Cable House and Brackett Road Massacre site.

Mae Bradshaw of the Rye Historic District Commission led the discussion. She recalled that two years ago they applied to become a member of the Certified Local Government group. Preservation through Partnership is the goal of the CLG. The Historic District and Heritage Commissions were joint applicants and they qualified. As a member, it qualified the Town to apply for grants, which they have and received each year since becoming a member. This year's grant is a 60% - 40% grant to do the design guidelines for the Historic District (which also includes the Isles of Shoals). She explained that they negotiated with the Budget Committee and the Board of Selectmen and lowered their asking amount, in order to have everyone working together. It turned out that when they sent in the application, the CLG liked the application so much that they decided to pay for 100% of the project. They had applied for \$8,000 and are receiving \$20,000. The contract for the design guidelines is for \$20,000.

Chair Winslow complimented Ms. Bradshaw for her persistence in this process. She brought this before the Budget Committee as a \$12,000 expense and the Budget Committee pushed back at very hard. She then brought it to the Selectmen and they negotiated it down from \$12,000 to \$8,000. Now, Ms. Bradshaw pulls this off to get the \$20,000 project covered 100% and it be free of charge for the Town.

Chair Winslow opened the discussion to the Public at 6:46 p.m.

Selectman Epperson pointed out that originally there were individuals that just wanted to copy some guidelines from Exeter or other towns. That would have been the easy way out. But through Ms. Bradshaw's persistence, she made a case for the Town to write its own and finance it. So, coming up with the \$20,000 is greatly appreciated. He thanked Ms. Bradshaw.

Scott Marion congratulated Ms. Bradshaw. He reminded her that he was one of those grouchy budget committee members, but he did support this venture. He also thanked Ms. Bradshaw.

Hearing no other comments Chair Winslow closed the Public Hearing at 6:48 p.m.

**Motion by Phil Winslow to accept and expend the Certified Local Government (CLG) Grant in the amount of \$20,000 with the full \$20,000 to come from federal funds, for the purpose of writing the Historic District design guidelines. Seconded by Bill Epperson. Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman – Aye
Motion Passed**

B) Public Hearing – Paid Parking Fines

The purpose of the hearing is to set fines to coincide with a Selectmen's temporary emergency parking ban on pay for parking on private and business property during the pandemic. If a

property was not already zoned for paid parking, an individual is not allowed to now offer it during the pandemic. Any violation of the temporary emergency parking ban will result in a \$500 fine.

Chair Winslow explained that this ordinance is strictly on property where an individual allows parking in their yard to beachgoers at a fee.

Police Chief Kevin Walsh explained that there has been violation of this already. Individuals have been standing in the road holding up signs for parking on private properties. One was for a property where the property owners were not even in the State at the time. There was also a property that is under development where this was happening. He and the building inspector visited the site and put a stop to it. He explained that the normal protocol is for the officer to address the issue first. If there is no voluntary compliance and there is a second offense, this is when the officer would issue the fine. He explained that the individual can plead the fine and take it to court.

Chief Walsh stated that as part of the Governor's Beach Management Operation Plan, the goal in reopening the beaches is to allow beach access, but limit the number of people on the beaches at one time by preventing excess parking.

Chair Winslow opened the Public Hearing at 6:52 p.m.

Hearing no other comments Chair Winslow closed the Public Hearing at 6:53 p.m.

Motion by Bill Epperson that any violation of the temporary emergency parking ban will result in a \$500 fine, for parking on private and business property. Seconded by Keriann Roman.

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman – Aye
Motion Passed**

Selectman Epperson asked Chief Walsh for a review of the parking at the beaches from this past weekend.

Chief Walsh responded that it was challenging because there were a lot of out of state vehicles illegally parked. There were four vehicles that had to be towed from Sawyer's Beach on Sunday. At the same time, there was also some underage drinking that had to be dealt with. It was extremely busy from 10:00 a.m. through 3:00 p.m. The Beach Management Operation Plan is working, but nothing is perfect. There are a lot of people coming to the area on bikes and mopeds and drop-offs are huge.

C) Rockingham Planning Presentation on Shoulder Widening Study (20 minutes)

During this section of the meeting Town Administrator Bergeron could not be heard by the public. However, she gave a quick update as to the charter that the Board gave to Rockingham Planning Preservation for this study.

Scott Bogle, Senior Transportation Planner with Rockingham Planning Commission, spoke to the Board regarding the shoulder widening study. He reminded the Board that Mike Magnant approached RPC about undertaking this study in late 2018 and they began the work in the spring of 2019. The project had a fairly limited scope that included, a review of existing regional and local plans that address bicycle accommodations and shoulder widening in town, mapping of a number of different data sets, which included; lane width, shoulder width, crash locations, trip volume, bicycle trip volume as measured by Strava trip volume, level of traffic stress, and student concentrations. Using this information, RPC was to develop draft recommendations for segments of roads that would be prioritized for shoulder widening. RPC would then do a community survey to gather feedback on those recommendations and to identify other areas of community concern, after which, a development of a final report listing the community's priorities would be drafted. He explained that the community survey was developed and was going to go out this past winter, but with the onset of COVID, a decision was made to wait until things settled out with that. He added that that remaining step of the survey should be done sometime this fall.

There were three local and regional plans that were looked at:

- Rye Safe Routes to School Travel Plan 2009
 - Was funded by a grant from the Department of Transportation
 - It was overseen by an advisory committee that consist of:
 - Town Staff
 - School Board Members
 - Reps from the PTA
 - Reps from the Rye Education Foundation
 - Parents, Teachers and other Citizens
 - It included series of recommendations for both infrastructure and non-infrastructure strategies that the Town could pursue to encourage more students, grades K through 8, to bike or walk to school and to do so safely.
 - There were a number of recommendations for widening shoulders in the school zone, which show up in this study.
- NH Coastal Byway Corridor Management Plan 2015
 - This project also had an advisory committee:
 - Reps from Rye and each of the other corridor communities
 - Reps from NH Department of Transportation
 - Reps from NH State Parks
 - Reps from Chambers of Commerce
 - Wendy Lull from the Seacoast Science Center
 - Public input through a forum and a community survey

- It included a range of recommendations; some in transportation; some in resource management
- It included a recommendation to create a minimum shoulder width of four feet along the whole Route 1A/1B corridor
- It also tried to address safety at several pinch-points along the corridor:
 - Pirate's Cove Area
 - Jenness Beach Area
 - Areas where there are wide shoulders that are covered by on-street parking during the summer season where pedestrians and people riding bikes end up in the travel lanes.
- Routes 1A and 1B are designated as one of the twenty state designed scenic by-ways.
- Routes 1A and 1B are also state designated bicycle routes:
 - US Bike Route 1
 - On road route for the East Coast Green Way route of New Hampshire
- Master Plan Transportation Chapter 2017
 - Included a series of recommendations for shoulder widening
 - Implementing recommendations from the Scenic By-way Study
 - Implementing recommendations from the Town's 2005 Shoulder Policy:
 - The 2005, shoulder policy provided for an eleven and one-half foot lane width and eighteen-inch shoulders. The lane width is excessive for local roads, unless they are intended to support a high volume of truck traffic or speeds over 45 mph. Federal standards from the federal highway administration states that ten-foot lanes are acceptable, where truck traffic is less than 10% of total traffic volume and speed limit is below 40 mph. These federal standards play into the recommendations.

Mr. Bogle went on to explain the lane widths of the roads in Rye, based on the Department of Transportation GIS maps.

- Most local roads have lane widths of less than or equal to 10-feet.
- Roads with 11-foot and 12-foot width include:
 - Sagamore
 - Wallis
 - Washington
 - Portions of Brackett and Central Road
 - Much of Ocean Blvd.

Mr. Bogle noted the key factor in thinking about lane widths is the impact of lane width on travel speed and the impact of travel speed on safety. Statistics show that a pedestrian or cyclist has a 5% chance of death if being hit by a car going 20mph, a 45% chance of death if the car is going 30 mph and an 85% chance at 40 mph. So more narrowly striped lanes can have a traffic calming effect that is helpful in addition to creating additional width for the shoulder.

The federal standard for a shouldered bicycle route is to have 4 feet to the right of the bike lane. In cases where it is adjacent to a curb or a guardrail, the recommendation is 5 feet. The Department of Transportation GIS map shows that there are very few roads that have 4 feet or greater. The ones that do have 4 feet or greater include:

- Ocean Blvd from Odiorne Point south to Jenness Beach
- Wallis Road from Sagamore to Washington
- The short section of Sagamore North of Foyes Corner

Other roads that have shoulders between 2 feet and 4 feet include:

- Sections of Washington and Central
- Pioneer Road
- Ocean Blvd, South of Jenness Beach towards the Beach Club

Mr. Bogle talked about crash location hot spots, which include:

- Foyes Corner area (43)
- US Route 1 at Washington (37)
- Ocean Blvd. at Rye Harbor State Park (16)
- Washington Road at Lang Road (10)
- Ocean Blvd. at Wallis Road (9)
- Ocean Blvd. at Sea Road by Rye Beach Club (9)

He explained that this data was drawn from the DOT crash data inventory for a fifteen-year period from 2002 to 2017. There were 8 crashes that involved people walking and 14 crashes involving people bicycling during the same period. There is some uncertainty of locations for these based on the way the data is processed in the database at the DOT. Most vehicle crashes are located at intersections. However, in the past fifteen years, the data is showing more bicycle and pedestrian accidents happen on straight-a-ways. This could be an effect of increased distracted drivers.

The next map that Mr. Bogle showed the Board outlined bicyclist volume from Strava Metro for 2018. He explained that for the past six years the DOT has purchased data from Strava Metro, which is data compiled from the Strava Smartphone app. Bicyclist are using this app to log their ride speeds, distances and locations. Strava aggregates and anonymizes the data, in order to sell the data set to transportation agencies for planning purposes. Strava riders tend to be sport riders rather than casual riders, so there is a limited population of which habits are being viewed. However, it is interesting and useful to look at in order to identify commonly used roads in Rye and ridership patterns. According to this map, Ocean Road, Route 1A and Pioneer Road are the most heavily traveled cyclist routes in New Hampshire, followed by Route 1B. There is also relatively high volume along the Washington, Wallis and Sagamore corridors with some splitting off and going down Central Road.

The next map shows bicycle level traffic stress. This shows the measure of the suitability of the road for bicycling, recognizing that people have different comfort levels riding in proximity to traffic. This model takes into consideration the number of traffic lanes, traffic volume, posted and prevailing traffic speeds, availability of bicycle lanes, and presence of on-street parking.

- Level One: Comfortable for all ages eight to eighty
- Level Two: Low to Moderate, mostly adults
- Level Three: Moderate to High, experienced riders
- Level Four: High, Fearless riders

A lot of roads in Rye are defined as Level two because of relatively low traffic volumes and speeds. Level three is seen on much of Ocean Blvd and on portions of Sagamore, Washington, Pioneer Road and Brackett.

The last map is an update to the student address map that was developed for the 2009 Safe Routes to School Plan. The School District provided anonymized data to show concentrations of student's home locations within a quarter-mile, half-mile, one-mile and two-mile ratio of the two public schools in town. They recognize that individual students age out of their current schools within a given number of years. However, neighborhoods with concentrations of kids tend to be family neighborhoods that will continue to have kids in years to come. Currently, within half a mile of the Junior High School, there are 42 students with concentrations in Alehson and Tehias, also along Central and Washington Road. There are an additional 26 students that live between a half mile and one mile away. Within a half mile of the elementary school, there are 43 students with concentrations along Wallis and Sagamore, Victory Lane and Liberty Commons.

Recommendations:

The draft report sets an overarching recommendation that the Town set a target of having ten-foot lanes and four-foot shoulders on the major north, south, east and west corridors through town. North and south means Sagamore, Wallis and Washington. East and west means Wallis, Washington, Central and Grove. The draft report contains a detailed data table with information on each of these road segments, including existing lane and shoulder widths, rights-of-way, crash history, existing sidewalks, sight line issues, potential need to reset utility poles, etc.

The recommendations have been broken out into three groupings:

1. Safe access to the schools and town center
2. Beach access on town roads
3. Safety on Ocean Blvd.

The Town lacks survey information of rights-of-way widths on many of these roads. The best information available is from the UNH Technology Transfer Center, which indicates that there is adequate rights-of way on all these roads to widen the shoulders, as recommended. There will be cases, because of some circumstances such as heritage trees or historic stone walls, where it may not be feasible or preferable to go out to four-feet. In those instances, going out to two and a half to three feet is recommended if possible.

Schools and Town Center

- Sagamore Road from Lang's Corner to Morgan's Court
 - In the immediate school zone for the elementary school
 - High concentration of students
 - Less than a two-foot shoulder – with the exception of a short area north of Lang corner
 - Twelve-foot lane width – encouraging high speeds
- Central Road from Washington to Locke Road
 - Narrow lanes and shoulders of less than two-feet
 - Medium to high concentration of students
- Washington Road from Central to Grove Road
 - Eleven-foot lanes
 - Two to three feet of shoulder
 - High concentration of students
- Sagamore Road from Morgan Court to Foyes Corner
 - Within a mile of the elementary school
 - Less than one foot of shoulder
 - Twelve-foot lanes
- Washington Road from Wallis to Ocean Blvd.
 - Narrow lanes
 - Two to Three feet of shoulder
 - Medium to high concentration of students
- Washington Road from Grove Road to Lafayette Road
 - Within the two-mile radius of the Junior High School
 - High concentration of students
 - Included with thought of establishing a safe bicycle connection from the Town Center out to the Rail Trail. The trail should be completed by late 2022 or 2023. Having this connection will allow Rye residents to take advantage of that trail.

Beach Access on Town Roads

- Wallis Road from Brackett Road to Ocean Blvd.
 - Connects Parkridge, Ocean View and Appledore neighborhoods to the beach at Pirates' Cove
 - Less than a foot of shoulder
- Perkins Road from Big Rock Road to Ocean Blvd.

- Connects the neighborhoods of Perkins and Big Rock to Jenness Beach
- Narrow Lanes
- Little to no shoulder
- On street parking
- Perkins and Big Rock Roads from Central Road to Cable
 - Narrow residential street – has a traffic calming effect
 - Ten-foot travel lanes
 - No shoulder
- Cable Road from Big Rock Road to Ocean Blvd.
 - The only beach access area with existing sidewalks
 - The sidewalk is narrow and should be widen

Safety on State Highway – Route 1A

Route 1A is under the control of the State Department of Transportation. Any sort of safety improvement would require advocacy by the Route 1A corridor communities. Rye did this sort of advocacy several years ago, working with New Castle to widen shoulders on Route 1B. That project is scheduled to be done in 2028, with engineering to begin in 2023.

- Pioneer Road from Foye's Corner to Seavey Creek
 - DOT did outreach to the abutters in 2007-2008 to try to gain additional shoulder width
 - They were not able to get the four feet, due to the right-of-way, ledge and other obstacles
 - They narrowed the lane width and went out to about three feet of shoulder
 - When the road was repaved several years ago the lane widths were replaced wider
 - The Town should go on record with the DOT that the next time they resurface or re-stripe, the Town would want them to get back to the three-foot shoulder
- Ocean Blvd past Pirate's Cove and down Locke Road to Perkins Road
 - This area has wide shoulders but the shoulders are used by on street parking during the summer months.
 - The recommendation is to look to see if there is any additional shoulder width that could be obtained to allow parked cars to be further from the travel lane.
- Ocean Blvd. from Jenness Beach to Causeway Road
 - Mostly one to two-foot shoulders
 - The sidewalk on the ocean side from the Beach Club south would not allow for four-foot shoulders from the current center line. If the center line was

shifted inland several feet, it would accommodate for four feet on both sides.

- DOT will be repaving Route 1A from an area in North Hampton north to Harbor Road in Rye in the summer of 2021.
- There may be the potential to gain some additional shoulder width

Additional Concerns include:

- Right-of-ways
 - It appears that there are adequate rights-of-way
 - With any project development there would need to be a survey
- Physical Barriers
 - There are a number of utility poles that would have to be relocated
 - The Town can work proactively with the utility companies, as the poles come up for replacement, to move them further back from the pavement
- Safety Signage
 - Three-foot minimum passing bicycles sign can be purchased with state money
- Funding Sources
- NHDOT Maintenance Repaving
- Supplemental Public Input

Chair Winslow pointed out that implementing these recommendations involves costs that would have to be paid for by taxpayer's money or grants. He added that it is his understanding that the second phase of this is to put out a survey to the residents as to their priorities.

Mr. Bogle agreed that having the residents' input is important because there are quite a few segments identified in the first cut of recommendations. Identifying which ones are important to the residents will help to prioritize limited resources.

Chair Winslow stated that it was an excellent presentation and a great opportunity to set some direction to enhance safety for school kids and bicyclists.

Steve Borne pointed out two changes. The fifth grade has moved to the junior high school. Many more kids ride and walk to school than they did back when the Safe Routes to School study was done. He stated that the presentation talked about the road width but he was interested if the report also looked at the road conditions. He suggested that it would be nice to pull in both issues, the road condition along with the width.

Chair Winslow asked Mr. Bogle what the next step would be.

Mr. Bogle explained the survey should go out in September after the beginning of the school year. Town Administrator Bergeron has forwarded the draft report to Dennis McCarthy, Chief Walsh, and the Board of Selectmen. He welcomed any edits and input on the draft.

Vice Chair Roman expressed concern regarding the timing of the survey. She pointed out that due to the fact that more people have been working from home, and will be in the unforeseeable future, and that children are doing remote schooling, some people's priorities are not what their normal priorities would be. This could affect the way resources are used in the short term for the long-term results.

Mr. Bogle stated that they will certainly follow the Town's lead. When the Town is ready, they will work on it. One thing to point out is there has been significant increase in walking and bicycling in communities because more people are working from home and the gyms being closed. In some respects, people have had more of an opportunity lately to think about safety on local roads.

Public Works Director Dennis McCarthy pointed out that currently the Town is not funding the repaving of roads at an adequate level. He feels this is a little remiss to be looking at widening and paving additional bike lanes. He did applaud the fact that they are looking at roads that should have bike lanes. The previous Board established that every road should be widened and have bike lanes, which is technically and physically not feasible. So, there is still the issue of how to fund this. At the very least that component should be put into the report. What is it going to cost? Is the Town going to fund the road improvements at the levels that they should be funding at, which they have not done to date?

Chair Winslow said that Mr. McCarthy's points are very well taken. He explained that the intention was to develop a survey to get a priority list, pick a couple of locations and put it together in a warrant article for the taxpayers to see if they want to proceed.

Mr. McCarthy stated that he appreciated that. They have gone from 45 miles of road to 8. It will be good to know how serious the residents are and if they are willing to fund it.

Chief Walsh reported that he and Lt. Blaisdell will be attending a webinar tomorrow with AAA regarding pedestrian and bike safety. He stated that he has several questions in regards to unintended consequences of the pandemic. They have already seen a huge increase of bike travel along Ocean Blvd. Managing this has become a huge challenge.

Chair Winslow recommended that the Board put further discussion on this off until the first week in September. He agreed that they will get better results if they time it properly.

D) School Re-Opening Presentation (30 minutes)

Scott Marion, Member of the Rye School Board, led the presentation. Also, in attendance was Superintendent Sal Petralia, Principal of Rye Elementary School Suzanne Lull and Principal of Rye Junior High School Marie Soucy.

The goal is to get the students back in school. The problem of declining enrollment and lots of space has turned out to be an advantage. They have plenty of space and resources. They have great staff, administration and parents that are fully engaged.

The issues are:

- Community transmission
- Workforce Issues
 - Teachers that live in surrounding areas that have decided to stay with remote schooling, may have child care issues.
- Parent Concerns
- Teachers Concerns
- Testing availability and turnaround time
 - There is no point in testing students on a weekly basis if it takes three weeks to get the results back.
- Winter flu season

Regardless of the issues, the School Board is committed to moving forward. This cannot be done without the whole community. Safe reopening has only occurred in communities with transmission rates less than 1.0. Every member of the community, not just parents, have the responsibility to help keep the transmission rate down by following social distancing and wearing masks. Parents that do have to travel for work may have to self-quarantine for ten to fourteen days on returning home.

The planning for the reopening has been structured with the work of the school board, school administration and teachers. They have also received tremendous responses and feedback from the parents and the community. Due to parent's feedback, it was decided that while in the building facemasks will be worn at all times by the students and faculty. Outside the building, if there is enough space, the masks can be taken off. The School Board is also staying abreast of emerging science, along with state and other guidance and recommendations.

While they are focused on having the students come back to school, they are aware that there are a lot of reasons the parents will choose not to send their children back. Therefore, they are offering a remote option for those students. They are still working on the specifics of the remote option. There is a deadline to decide if the student will be in school or remote. They currently have 249 responses out of 376 students. So far, 91.6% responses are that the student will be in school.

The Key Issues are:

- Focus on social distancing, masks, screening, cleaning and outdoor education
- Students will remain in pods for an entire day; teachers will rotate
- In school education will be Monday – Thursday
- Friday is dedicated to remote instruction
 - Teacher planning time
 - Project-based learning
 - Unified arts
 - Deep cleaning of buildings – the protocol for daily cleaning has also been ramped up
 - Allows us to “flip the switch” if necessary – By engaging in remote instruction on Fridays, should they have to close, they will be ready to go. Kids will know the routine, and the teachers will have a plan in place.

The School Board is planning to buy four tents for the students to be outside, undercover for as long as possible. They are hoping to use the tents in to November. The start of school will be September 9th. Visitors will not be allowed.

The Plan also addresses details as follows:

- Health & Operational Logistics
 - Cleaning, communication, and related protocols
- Daily Operations for Return
 - Visitors (no!), screening, lunch, recess, buses, arrival/departure
- Social & Emotional Support
- Instruction, assessment, curriculum
 - Very detailed protocols to accommodate in person and remote
- COVID Exposure Protocols-the toughest issue
- Staff Support

Chair Winslow stated that the email that the Board of Selectmen received had a thirty-eight-page attachment outlining the reopening plan. It is a very comprehensive program. He asked if the SAU is looking at what other school districts are doing for best practices and what could be added to Rye’s program if something was found to work well.

Mr. Marion pointed out that the problem is that right now there are no local best practices. The best practices are international.

Vice Chair Roman said that the reopening plan was well thought out. There was no question as a parent, that has gone unanswered. She asked if a child is in school and has a parent that travels, or must be out for a period of time, if that child would then go to a remote session.

Superintendent Petralia confirmed that the student would be assigned to the remote learning session. Mr. Petralia also added that he needs to commend the work of the administrative team,

along with Principals Lull and Soucy. He also thanked Chief Walsh and Chief Cotreau, Dr. Gail Snow and Administrator Bergeron for their valuable input on this plan.

Vice Chair Roman asked how the Board of Selectmen could help.

Mr. Marion stated that they are still working out the logistics of the outdoor learning. But there may be a need to use Parsons Field or the Rye Town Forest during those occasions. The School Board will certainly keep the Board of Selectmen apprised of that. He also pointed out that all the music classes will be held outside. As they have more students engaged in outdoor education, he does not know how that will affect the security issues and readiness issues for active shooter drills, etc. He told Chief Walsh they will need to get together with administration to talk this through.

Selectman Epperson commended the group for the incredible detailed work that went into the plan. This is going to take an enormous amount of cooperation from everyone. If the School Board can get 75% to 60% of this plan done, it will be an A+. The select board will support the School Board 100%.

The select board agreed to get the message out on all their social media networks and on the Town website.

D) NHMA Legislative Policy Update

New Hampshire Retirement System (NHRS)

NHMA supports the continuing existence of a retirement system for the state, municipal, school, and county government employees that is secure, solvent, fiscally healthy, and financially sustainable, and that both employees and employers can rely on to provide retirement benefits for the foreseeable future.

NHMA supports:

- Restoration of the state's 35% share of employer costs for police, teachers, and firefighters in current defined benefit plan and any successor plan;
- Inclusion of participation by a municipal official designed by NHMA on any legislative study committee or commission formed to research alternative retirement system benefits plans or designs;
- Performance of an actuarial analysis of any legislation proposing benefits changes or other plan changes that may affect employer contribution rates.

NHMA opposes:

- Legislation expanding benefits that increase current or future employer contribution costs;

- Legislation that assesses additional charges on employers beyond NHRS board-approval rate changes;
- Legislation that expands the eligibility of NHRS membership to positions not currently covered by the plan;
- Legislation further restricting a municipality's ability to employ NHRS retirees in part-time positions or the imposition of any fees or penalties associated with such employment.

The Board of Selectmen is in favor of supporting this policy as presented by NHMA.

Education Funding

NHMA supports a revenue structure for funding an adequate education to meet the state's responsibilities as defined by the constitution, statutes and the common law with revenue sources that are predictable, stable, and sustainable.

NHMA supports:

- A revenue structure that is not disruptive to the long-term economic health of the state;
- A revenue structure that is efficient in its administration;
- A revenue structure that is fair to citizens with lower to moderate incomes.

NHMA opposes:

- Retroactive changes to the adequate education funding distribution formula after the notice of grant amounts has been provided to local governments.

The Board of Selectmen is in favor of supporting this policy as presented by NHMA.

Infrastructure, Development, and Land Use

Energy, Environment, and Sustainability

NHMA supports preservation and enhancement of municipal energy, climate, and sustainability planning for communities, protection of the natural environment, and implementation of clean and renewable energy, while recognizing the need for municipalities to manage their resources and the natural environment without undue cost.

NHMA supports:

- Legislation that broadens municipalities' ability to install and use renewable energy sources, including higher caps or elimination of caps on net energy metering;

- Legislation that provides financial and other assistance to municipalities for conservation techniques and installation and maintenance of renewable energy sources;
- Legislation that allows municipalities to adopt local environmental regulations that are no less stringent than those implemented by the state;
- Legislation that enables municipalities to enact measures that promote local energy and land use systems that are both economically and environmentally sustainable;
- Legislation that protects and preserves local natural resources and public infrastructure, builds community resilience, and fosters adaptation to climate change and mitigates its risks;
- Policies that support customer and community choice in energy supply and use competitive market-based mechanisms to promote innovation, cost effectiveness, and sustainability; and
- Legislation that provides state or federal assistance to municipalities to mitigate environmental inequity faced by their residents, and drive early local engagement in decision processes.

NHMA opposes:

- Legislation that overrides local determinations of appropriate energy sources and regulations.

Selectman Epperson stated that he agrees with this on the surface; however, there is significant depth to this particular statement.

The Board of Selectmen is in favor of supporting this policy as presented by NHMA.

Water Resources Protection, Control, and Management

NHMA supports measures enabling municipalities to protect, control, and manage efficiently and safely water and its resources, treatment, and movement, with a focus on management and infrastructure. NHMA believes any new mandates that impose additional costs on municipalities must be funded by the state or federal government.

NHMA supports:

- Legislation that provides state or federal investment in maintaining and making improvements to the state's critical water infrastructure, including, but not limited to, public drinking water, wastewater, and stormwater systems, and dams;
- Legislation that encourages regional and innovative solutions to drinking water, wastewater, stormwater, and groundwater issues;
- Regulation of emerging contaminants at feasibly achievable levels when supported by relevant scientific and technical standards that are broadly accepted by peer review and cost-benefit analysis, when coupled with appropriate state and federal funding.

NHMA opposes:

- Enactment of stricter drinking water, wastewater, or stormwater regulations for municipalities unless any costs of compliance are funded by the state or federal government.

Chair Winslow pointed out that as it currently stands with the increased restrictions on the PFAs and PFOAs, he is concerned that the Town will be forced into putting in a treatment plant, which will be well over \$10 million. There is a need to balance the safety, but to also look at the cost side.

Vice Chair Roman pointed out that if the state is successful with its lawsuit there will be money there, as well.

Chair Winslow stated that he talked to Senator Sherman and he also believes that the lawsuit will bring in additional funding. However, looking at over seventy communities requiring money, it wouldn't go all the way around, but some of it will be protected by the suit.

Vice Chair Roman stated that she will not take a position on this issue because she is conflicted by the money to the taxpayers.

Selectman Epperson stated that if there was a significant issue with the Town's drinking water or waste water it has to be addressed. He added that he is not a big fan of spending \$10 million of anyone's money. But if necessary, it should be a cost shared by the Town, State and Federal government. If the Town has an issue, the issue of pollution is not something that the Town created. It would come from the Coakley Landfill or someplace else. He stated that he agrees with Vice Chair Roman. He read it and understands it but cannot support it.

Chair Winslow asked that Town Administrator Bergeron draft a short paragraph relating the Town's concerns on this issue to be sent to NHMA.

Vice Chair Roman explained that the Town does not have to give a reason for not agreeing with NHMA's position. NHMA is not going to change anything just because the Town doesn't agree. She explained that the Town just has to agree, not agree or take no position. She suggested taking no position because there are parts of the statement that are agreeable and parts that are not.

Chair Winslow stated that he would be on the side of not supporting it.

After further discussion the Board of Selectmen decided to take no position on this policy presented by NHMA.

Solid Waste Management

NHMA recognizes the need for cost-efficient solid waste disposal mechanisms that allow municipalities to protect, control, and manage efficiently and safely solid waste. NHMA

believes any new mandates that impose additional costs on municipalities must be funded by the state and federal government.

NHMA supports:

- Programs that support municipal, regional, and state efforts to handle solid waste disposal through reduction, reuse, recycling, resource recovery, composting, and other measures, while maintaining local control;
- Comprehensive state programs to deal with existing and emerging contaminants at no additional cost to municipalities.

NHMA opposes:

- Increased tipping fees to pay for solid waste programs unless they are fully reimbursed by the state.

The Board of Selectmen is in favor of supporting this policy as presented by NHMA.

F) TAP Grant Discussion – Tabled until the next Selectmen’s meeting

G) Ocean Boulevard Sidewalks at Sea Wall

Public Works Director Dennis McCarthy stated there are three areas on Ocean Blvd where there are issues with the sidewalks and the need for a sidewalk maintenance agreement with the State, which was never needed in the past. One is at the Wallis Road/Ocean Blvd section where they are talking with the Planning Board about a new sidewalk and new crosswalks relative to a private development. The second is the renovation of the existing concrete sidewalk at the Boulevard by Sea Road, which is in the Precinct. The third is the sidewalk that was damaged in the storm on March 13th and 14th of 2018, which FEMA has approved reimbursement for its repair.

The State has notified the Town that they are not responsible for any sidewalk repairs and will not do any repairs. The Precinct has stepped up and said they would be willing to take over the maintenance of the sidewalks within the Precinct. However, the Town still needs approval from the State. The State is requesting a municipal sidewalk agreement. The problem with the agreement is that the State has language in the agreement that states that the Town will do ice and snow removal on those sidewalks. The Town currently does not do any ice and snow removal from any sidewalks in town. Mr. McCarthy pointed out that he has already notified the State of this issue and that the Town is not willing to sign any agreement stating that this is required. The State is now looking for some legal language that will resolve the issues and move this along. The maintenance of the sidewalks will consist of future repairs to sidewalks that get damaged or sidewalk deterioration over time. The big issue is the snow and ice removal, not the normal maintenance of the sidewalks. Mr. McCarthy pointed out that the Town has no equipment to provide the ice and snow removal.

Chair Winslow asked Administrator Bergeron to have the Town's Attorney draft language that will relieve the Town from any responsibilities regarding snow and ice removal.

Mr. McCarthy explained that the State understands the Town's position, but the state's attorney is pushing for some language on the issue.

H) Accounting Policies and Procedures Update – Tabled until the next Selectmen's meeting

VIII. CORRESPONDENCE

A) Letter rec'd from Robert Withington re: The Old Trolley Barn

Chair Winslow noted that the Board has received an unsolicited letter from a gentleman that wants to purchase the old trolley barn. He reminded the Board that the warrant article authorizing the sale of the trolley barn also required an appraisal of the property. He recommended that the Board does not have further discussion on this issue until after an appraisal is done. The appraisal has been held up pending the final decision on the Parsonage/TD Bank transaction. Pending that outcome, the Board could potentially look at middle to late September in order to get an appraisal, after which time they could entertain some offers.

Robert Withington stated that he is patient and will wait to see what the process will be. He explained that he has done an inspection of the outside of the building and has read the 2013 report about the building. He added that he would love to get a tour of the inside. Mr. Withington said that he loved the history of the building and believes that it should be saved. He explained that he owns a shop on Route 1 in York, ME (since the early 1980s). He also opened a shop in Portsmouth about six years ago. He sells garden antiques, architectural things and fine European and American furniture. He believes that the building has more potential than most people think.

Selectman Epperson asked if there is any reason that Mr. Withington could not go see the inside of the building.

Chair Winslow told Mr. Withington to contact Administrator Bergeron and she would make the arrangements.

IX. NEW BUSINESS

Chair Winslow reported that the Board received a letter from DOT committing to the Highway Block Grant. The State will be sending the Town \$133,000 in four separate payments through the end of April.

X. OLD BUSINESS

Chair Winslow explained that on behalf of the cell tower issue the Board of Selectmen have consulted with the Planning Board Administrator, Town Attorney and Verizon representatives.

Selectman Epperson stated that the cell tower has been a long process. They have moved significantly away from the Brackett Road location. They are moving forward as fast as they can with Port Way. That said, the Board asked Attorney Donovan to reach out to the individual parties to make sure there is no issue that will be a surprise to anyone.

Selectman Epperson read the following letter from Attorney Donovan dated August 5, 2020:

Dear Kim,

This summarizes the ZOOM conference that we had today with Attorney Weaver, who represents Verizon and Verizon's Chip Fredette. It is intended to respond to questions posed by the Board of Selectman and others.

- 1. One of the conditions of the Planning Board approval is that Verizon obtain its (NEPA National Environmental Protection Act). Part of the NEPA approval process is to get clearance from the NH Division of Historic Resources (DHR).*
- 2. Verizon uses a consultant CRBE Telecom Advisory Services, to assemble the information needed for Verizon to submit the NEPA application. Part of the NPEA application must be DCR Section 106 clearance.*
- 3. Apparently, CRBE sent a communication to the Rye Heritage Commission in March after the Planning Board approval was received, inquiring about the impact on historic resources. A neighbor got involved and there was an initial communication back indicating some concern about camouflaging the tower. Otherwise, the request stayed with the Heritage Commission until June when it was briefly discussed again.*
- 4. According to Attorney Weaver on July 7, 2020, the Heritage Commission sent a communication indicating that it had no further concerns. On July 13, 2020, the FCC notified Verizon that the DHR had concurred with Verizon's consultant recommended the finding that there were no historic properties affected.*

According to Attorney Weaver and Mr. Fredette, the process of getting the NPEA approval is now moving forward and should take about three weeks, after which they will begin their geotechnical work. They expect to be in a position of applying for a building permit towards the end of the year, with construction in the spring of 2021.

In keeping with our informal agreement, they will not withdraw the Brackett Road application until the building permit is issued.

Selectman Epperson stated that this is consistent with what has been happening all along. There is nothing happening that should prevent the Port Way cell tower from being constructed starting in 2021.

XI. OTHER BUSINESS

Vice Chair Roman announced that she has made the difficult decision to resign from her position as a selectman for the Town of Rye. Her last day will be Monday, August 17, 2020. Vice Chair Roman went on to say that it has not been an easy decision, but with the significant increase in time that has occurred in the last several months, plus her increased work requirements and her family obligations with the children, it is a necessary decision for her and she believes it is what is best for the Town and what the Town needs in terms of a selectman. She added that the Town has two amazing Selectmen with Phil Winslow and Bill Epperson and an amazing Town Administrator in Becky. All three of them only have the best interests of the Town in mind and they work very hard. She remembered that when she was running for Selectman, she was criticized by some for running for the Town's employees and not for the citizens. She stated that although she doesn't feel that it was a fair assessment, she will take that criticism as a compliment because the Town has some of the best employees of any town that she has ever worked with. She added that Rye is a wonderful town and it works so well because of the employees and all the department heads. She asked that the public remember this during these difficult times. She commented that it has been a privilege to be a part of it all.

Chair Winslow thanked Vice Chair Roman for the two and a half years she has dedicated to the Town as a Selectman. He stated that she has brought a tremendous amount of value to the Board with her legal background and hard work. She has taken on a lot of the hard issues that needed resolution. The Board will never be able to repay her for everything that she has done, but they certainly understand her concerns and constraints.

Selectman Epperson remembered that Mrs. Roman's introduction into the municipal dealings of Rye came from a complaint from her. He was the chairman of the planning board and she came to the board with a complaint about some potential development that could happen in her neighborhood. She presented a compelling case and then joined the planning board. She worked with Selectman Epperson for a number of years on the planning board. He stated they will really miss her.

Parsonage:

Chair Winslow announced that there will be no public statement at this time relevant to the Library Trustees and Mr. Philbrick's arrangement with the Parsonage. He added that the Board is hoping to have something to announce within the next five to six days.

Minutes:

- 1) Meeting, Monday, July 6, 2020, 2:00 p.m. via Zoom

The following correction was noted:

- Page 2; Second to last paragraph reads: If there ~~is~~ more than 10 people at a meeting, the courtroom will be too small and the meeting will have to be moved elsewhere.
- It should read: If there are more than 10 people at a meeting, the courtroom will be too small and the meeting will have to be moved elsewhere.

Motion by Phil Winslow to approve the meeting minutes of Monday, July 6, 2020 as amended. Seconded by Bill Epperson.

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman – Aye
Motion Passed**

- 2) Meeting, Monday, July 13, 2020, 6:00 p.m. via Zoom

The following correction was noted:

- Page 8; Fifth paragraph down reads: Ms. Degnan responded that the property has a lot of wetland ~~complexes~~ in it.
- It should read: Ms. Degnan responded that the property has a lot of wetland complexities in it.

Motion by Phil Winslow to approve the meeting minutes of Monday, July 13, 2020 as amended. Seconded by Bill Epperson.

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman – Aye
Motion Passed**

- 3) Site Walk, Friday, July 24, 2020, 10:00 a.m., 81 West Road

Motion by Phil Winslow to approve the Site Walk minutes of Friday, July 24, 2020 as written. Seconded by Bill Epperson.

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Keriann Roman – Aye
Motion Passed**

ADJOURNMENT

**Motion by Bill Epperson to Adjourn at 9:02 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

8-10-20 Corres. Item A

Robert Withington
207 Market St.
Portsmouth, NH 03801

July 22, 2020

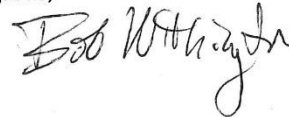
To the Board of Selectmen,

My name is Bob Withington and I am interested in speaking with you about the Old Trolley Barn. I have been an area antique dealer for forty years with shops in York, Maine from 1981-2015, and in Portsmouth from 2015 to the present. I have been following the action on the trolley barn for the past three months as I have been searching for a new location, working with Mark Devins of Keller Williams Real Estate. I would like to make a proposal to you, as representatives of the Town of Rye, and show what would be my plan to make the building an asset to the town with a refurbished interior and a new Greek Revival façade. That façade would be a false front, maintaining the original roof pitch behind.

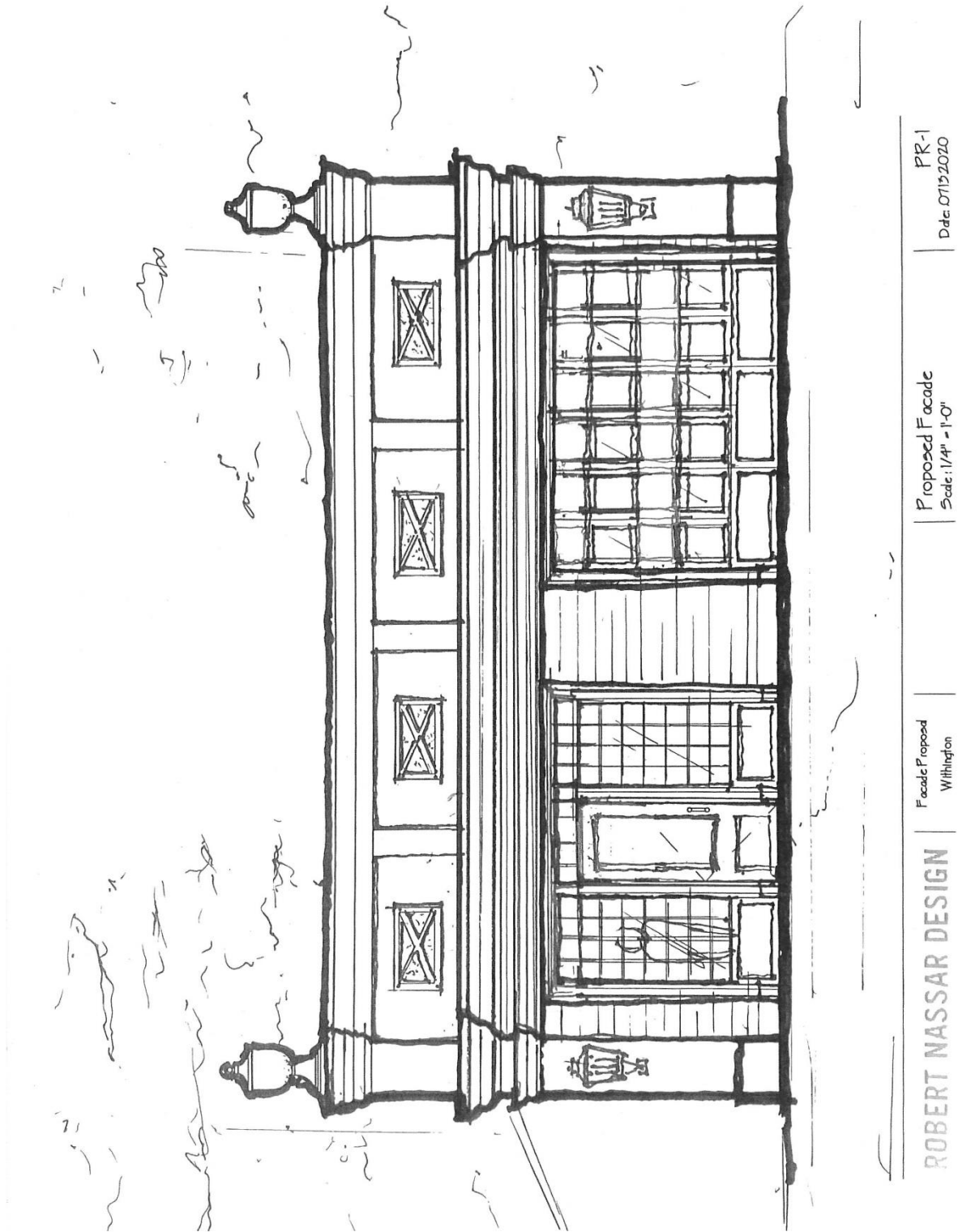
My business is primarily involved with antique garden ornament, architectural pieces and furniture of high quality. As I am often away doing antique shows around the country, I am looking for a warehouse/showroom for a mostly by appointment clientele. To that end I am seeking a 2500+ square foot open space to which I would add radiant heat and appropriate lighting. I have inspected the trolley barn from the exterior and see great potential. Having leased space for the past 21 years, I am now looking to own and improve my own space for the next many years. I have a keen aesthetic and envision a beautiful result that will be a landmark for Rye's downtown. My concentration on home beautification would also be a benefit to the town as I carry antiques that are popular for a home loving community.

I am including a photo of my prior shop in York that was formerly a car dealership's service bays, as well as a proposed plan for the façade of the trolley barn. I believe that saving this historic building is the right thing to do and I would like to be a part of that. Although I haven't done an interior inspection, by reading the 2013 building study, I feel that the building is solid and ready for a new life. Having followed the talk of demolition, and the overwhelming vote of the townspeople to sell and invest in new space for the Rye Town Hall, I have been waiting for the results of the appraisal to make my pitch. Although this may not seem like an optimum time to market a property, perhaps an interested prospective buyer might be your answer. For reference concerning my historic preservation bonafides, you could contact Richard Candee, past President of the Portsmouth Historical Society and renowned local historian. I have restored two homes in the area, a 1730 Colonial and a 1922 Gambrel. I believe I can make the Old Trolley Barn have a curb appeal that is both in keeping with the historic area, and functional for a low impact commercial use. Again, I would like to have that opportunity.

Regards,



603-498-4778
withingtonandcompany@yahoo.com



My old shop at 611 US Route 1, York, Maine
from 1999-2015



DRAFT MINUTES of the BOS Meeting 8/10/20

Town of Rye Board of Selectmen
PUBLIC HEARING
August 10, 2020, 6:30 p.m., via Zoom

The purpose of the hearing is to hear public comment on acceptance of a Certified Legal Government (CLG) grant in the amount of \$20,000 with the full \$20,000 to come from Federal funds. These funds are to be expended between October 1, 2020 and September 30, 2021 for the development of Historic District Guidelines for the District which encompasses the town center, four (4) New Hampshire islands of the Isles of Shoals, as well as the Cable House and Brackett Massacre site.

| Name (please print) | Address | Signature |
|---------------------|---------|-----------|
| Burl Dibble | | |
| John McNair | | |
| Kerin Walsh | | |
| Mark Coteau | | |
| Dennis McCarthy | | |
| Diare Mason | | |
| Steren Borge | | |
| Scott Marion | | |
| Sal Petralia | | |
| Marie Soucy | | |
| Scott Boole | | |
| Kathy McCabe | | |
| Sumanne Lull | | |
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DRAFT MINUTES of the BOS Meeting 8/10/20

Town of Rye Board of Selectmen
PUBLIC HEARING
August 10, 2020, 6:30 p.m., via Zoom

The purpose of the hearing is to set fines to coincide with the Selectman's Temporary Emergency parking ban on **pay for parking** on private and business property during the pandemic. If a property was not already zoned for paid parking, an individual is not allowed to now offer it during the pandemic. Any violation of the Temporary Emergency parking ban will result in a \$500 fine.

Name (please print)

Address

Signature

Burt Dibble

John McNair

Kevin Walsh

Mark Coteau

Dennis McCarthy

Diane Mason

Steve Borre

Scott Marion

Sai Petralia

Marie Soucy

Scott Bogle

Kathy McCabe

Sumanne Lull