

TOWN OF RYE – BOARD OF SELECTMEN
Monday, July 27, 2020
6:00 p.m. – Rye Town Hall

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

Others Present: Town Administrator Becky Bergeron

6:00 p.m.

I. CALL TO ORDER

Chair Winslow called the meeting to order at 6:00 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (a) Personnel
(2) per RSA 91-A:3, II (l) Legal Advice**

At 6:00 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 6:10 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Epperson – Yes

At 6:10 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3 II (l) Legal Advice. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.

At 6:31 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Keriann Roman. Roll Call: Winslow – 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 7:00 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: 984593 or by clicking on the following website address: www.zoom.com ID #875-6129-9485

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 Board of Selectmen:

- 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

Fire Chief Mark Cotreau announced that Firefighter/Paramedic Mike Rivet has been accepted to the National Fire Academy School in Emmitsburg, MD. Chief Cotreau explained that only about 2% of the firefighters in the Nation get to go to the National Fire Academy. People from all over the world attend the Academy. Officer Rivet applied for the Managing Officer's Program. It's a two-year program, two weeks per year at the Academy. There is also a Cap Stone Project that Chief Cotreau will work out with Officer Rivet and his mentors.

V. PUBLIC COMMENTS – (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.)

- **NONE**

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

A. Rye Mosquito Control Commission - 3 Year Term

1. James Farrelly: Request appointment as member, letter rec'd 06/17/2020
2. Recommendation email rec'd 07/23/2020 from Tim Sanborn, Chair

B. Accept Donation of a Roof Ventilation Training Prop for the Fire Department

Chair Winslow asked Chief Cotreau if the roof ventilation training prop would interfere with the garage or carport for the senior van.

Chief Cotreau responded that they are planning to place it on the dirt lot at the edge of the parking lot. If it does interfere, it can be moved. The donation was from Don Cook and is valued at approximately \$4,000.

Police Chief Kevin Walsh does not have a problem with the location.

Chair Winslow asked that a letter of thanks be send to Mr. Cook from the Board of Selectmen.

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

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

Vice Chair Roman thanked Mr. Farrelly for donating his time to the Mosquito Control Commission. It is an important Commission.

VII. DISCUSSION ITEMS

A) PUBLIC HEARING – Conservation Acquisition of 81 West Road

The purpose of the hearing is to discuss acquisition of a conservation purchase of 79+/- acres of land at 81 West Road, Map 6, Lot 9 and North Hampton parcels, Map 16, Lots 5,6,7,8, owned by Patricia Brown.

Sally King, representing the Conservation Commission, told the Board this project has been a long time coming. It was started almost seven years ago. The project for the property on 81 West Road is for the protection of roughly 79 acres. They have an easement handler, NRCS, that is ready to sign the documents tomorrow. National Resource Conservation Services is coming up with the majority of the funding for the project. Ms. King explained that there have been several public meetings. This meeting is to review the A through Q process with the Selectmen and to answer any questions.

Tracy Degan, Senior Project Manager of Rockingham County Conservation District, gave the background of the property. She explained that the Conservation Commission, through Jim Raynes, started talking to the Browns around 2014 about protecting this land. In 2014, the Browns carved off a small piece of their frontage and went before the Planning Board with the proposal. They had approximately 81 +/- acres left. The Conservation Commission worked with the Browns

and helped them through the NRCS Wetland Reserve Easement Process. They had to wait until the property got to the top of the State priority list. Once it got to the top of the list, the funding for the 2014 Farm Bill weaned. Then the following years other priorities came up, until now. The property owners have been very patient. Now, 75% of the value of the land is being funded by NRCS. In the end, when the property is closed on, it will cost the Conservation Commission \$80,000.

Ms. Degnan addressed a couple of questions that came up at the last Board of Selectmen's meeting:

1. Hunting will be allowed on the land. It is considered undeveloped recreational use. If conflicts arise with the easement priorities, the property can be posted by the Conservation Commission, as the land owners. But it is allowed in the easement.
2. The property falls in the Rye Well Head Protection area. Exhibit D in the Conservation easement allows Rye Water District to evaluate and do testing; and if an appropriate place is identified, and approved by NRCS, it could be used for the expansion of wells.

Maps of the area show approximately 200 acres of adjoining conservation land and three vernal pools. They also went out with the Wildlife Fish and Game recently and found a "smooth green snake", which is very rare. So, the property is a great wildlife habitat and corridor.

Ms. King explained that the Conservation Commission is still working on getting the Planning Board subdivision for the property and getting a variance for a shed from the Zoning Board. It is a minor two-lot subdivision and the application is already in. The shed is on the parcel that the Browns are retaining, but it is too close to the subdivision line. The Conservation Commission is just helping the Browns through the process.

Suzanne McFarland commended Tracy and Sally for their work. She pointed out that they were able to leverage 87% and the Town only has to come up with 13% of the cost of this project.

Ms. Degnan stated that the land is connected to 100 acres called the Rand Memorial Forest. The walking paths connect to the Forest. So, there are paths going from South Road to West Road.

Ms. King recommended putting in a bog bridge to connect the two properties. She added that they have not talked to NRCS about this yet.

Chair Winslow opened the public hearing on the Brown property acquisition at 6:58 p.m. There being no comments from the public, Chair Winslow closed the Public Hearing at 6:59.

Motion by Keriann Roman to approve the acquisition of a Conservation purchase of 79 +/- acres at 81 West Road, Map 6, Lot 9 and North Hampton parcels, Map 16, Lots 5,6,7,8, owned by Patricia Brown. Seconded by Phil Winslow.

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

B) NHMA Legislative Policy Update

- **Tabled until the next Selectmen's Meeting**

C) Financial Update

Due to audio difficulties during this section of the meeting, Town Administrator Becky Bergeron could not be heard on Town Hall streaming. However, she could be heard by the Board of Selectmen and she proceeded to give them an update on the Town's Financial status.

Fire Chief Cotreau talked about the EMS budget at the sixth month mark. He pointed out that the budget had very little surge capacity to start with, not to mention the COVID-19 effects. He had felt that the overtime budget would reflect that, in extra time used for sanitizing the ambulance and other related issues; however, he is not really seeing that. What is being reflected is recalls/call backs. He explained that typically when the ambulance goes out, historically the department would average a 1.74-member response on a call back. Currently, the department is experiencing a 2.68-member response on call backs. Chief Cotreau felt that this is due to vacations not being taken, time is not being taken off, and spouses being at home (relieving child care issues). So, the department is experiencing better call-back response. Chief Cotreau reported that he put out a directive regarding service calls. These calls are where the members could stay in service and break from that. In response to a call where someone is having cardiac arrest, this would not be covered. A recall would not go out for that. Beyond that Chief Cotreau stated that he has not changed the way re-calls are done. The reasons being:

1. About 11% of the calls are overlapping so 1 in 10 calls will have a second call coming in, while the ambulance is out. He gave examples of one last week with three calls and another one where there were six calls.

Chief Cotreau explained that the department needs the call department and they do not do per-diem. He added that the reason they don't just use the call department is because of two reasons. One is contractual, the overtime must be offered to the full-time staff before it is offered to the call staff. Also, the call staff does not have the same predictable response as the full-time staff. There is only one that is a full-time qualified person that can drive the trucks. There are five that are EMTs and another five that are firefighters, as support people. That is important, but you can not be sure who is going to respond. Chief Cotreau referring to the increase in responders, stated that the increase is large but he doesn't feel that it is excessive, as recalls go.

Chief Cotreau talked about several control measures that he has implemented on both the Fire Department and EMS budgets;

1. Pushing off purchases of equipment and other things that can be pushed off.
2. There is one shift where the third person is not being covered.
3. Not recalling off duty personnel for service calls, unless there is a safety issue.
4. Off duty training has been reduced. The Jet-ski certified training was canceled. (To be done next year)
5. Any purchase over \$50.00 needs the Chief's approval.

Chief Cotreau predicted that the overtime will keep going up; however, where vacations are not being used, it could help offset the overtime expense. Hard goods such as PPEs are unpredictable; however, there are only 20 cases of hospitalized COVID in the State. If this continues, the department will be in good shape in this regard. The masks that have been purchased for the election and all the departments has come out of the EMS budget. Chief Cotreau reported that as being responsible for supplying the whole town with masks, he has taken a long look at the PPE situation. If there is an uptick, that will create a supply chain vacuum. It could be worse than it was originally. He has set a standard of 3,500 surgical masks in inventory. If the election takes 1,500 from the inventory, the department will be pro-active and place an order for 1,500 prior to the election. They are using the same principal with the 95s and KN95s, where they have 1,000 in inventory. He called it taking a preventive posture.

Chief Cotreau stated that he has been a Fire Chief for twelve years and has never gone over on his budgets; however, he has never faced a pandemic either. He stated that he is working diligently to not go over this year and is not going to give in easily.

Due to audio difficulties, Town Administrator Bergeron could not be heard on Town Hall streaming but could be heard by the Board of Selectmen. She updated the Board on the Tax Anticipation Note.

D) Karen Stewart for Town Center Committee to Address Selectmen on a Proposed Future of Rye Town Center Committee

- Tabled until the Selectmen's meeting on August 10th.

E) Phase III Reopening of the Transfer Station

Public Works Director, Dennis McCarthy, gave a summary of Phase III reopening of the Transfer Station. He reported that they anticipate a large backlog of material being disposed of. Residents have been calling stating that they have been holding bulk, demo and white goods, so there will be a large surge of materials coming in. The challenge will be dealing with people in a confined area. The plan is to not do the processing from the office. It will be done by putting a tent at the bypass lane. Anyone bringing in an item that requires an exchange of money will use the bypass lane. They will pay at the tent and will then be directed where to dispose of the items. Mr. McCarthy has arranged for an extra employee to work that area for the first couple of weeks, until they can get a handle on the process.

VIII. CORRESPONDENCE

- None

IX. NEW BUSINESS

Due to audio difficulties, Town Administrator Bergeron could not be heard on Town Hall streaming; however, she could be heard by the Board of Selectmen. She reviewed an abatement request for the Board of Selectmen.

Motion by Keriann Roman to approve the abatement request for the 2020 tax bill in the amount \$4,068.37, plus any accrued interest on property at 81 West Road, Map 6, Lot 9. Seconded by Bill Epperson.

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

X. OLD BUSINESS

A. Letter rec'd from Barbara Kennedy re: No Parking Signs on Old Beach Road
Tabled from meeting 7/13

B. Anonymous Letter rec'd re: No Parking on Route 1A
Tabled from meeting 7/13

Police Chief Walsh reported that he reviewed the request for Old Beach Road. He also reviewed some other records that he has regarding the parking on Old Beach Road. He stated that the documented history does not support what Ms. Kennedy is asking. That doesn't mean that they shouldn't take another look at it after the 2020 beach season. This has been done a number of times, since he has been Chief. The documentation has been pretty consistent. Parking spaces for beach permits are available Monday through Friday. On Saturday and Sunday, particularly the last two weeks of July and the first two weeks of August during good weather, the permitted spaces are limited and hard to come by. As far as the safety concerns go, if there is permit parking on the side of the road, the conditions will still exist. People will still be walking in the road. Chief Walsh recommended making sure that the officers are out there and are visible; making sure that people are driving slower and making sure that both drivers and pedestrians are both moving without distractions such as cell phones. Chief Walsh recommended that he take another look at Old Beach Road after the summer season.

Vice Chair Roman noted that the access on Old Beach Road has been improved. This was headed up by Jeff LaPorte who did the lion's share of the work and then enlisted some neighbors to help. The path has been cleared, the rocks have been moved out of the way, sand was brought in and packed down. It makes it a lot easier for the elderly, families with young children, and the handicap to access the beach.

Chair Winslow recommended that the Board send Mr. LaPorte a letter thanking him for his efforts.

Chair Winslow stated that he feels that the Board should not address the Anonymous Letter rec'd re: No Parking on Route 1A. Instead he and Chief Walsh will take the letter to the Thursday meeting with Tom Sherman and the State DOT.

Other discussion:

Police Chief Walsh asked the Board to approve a \$500 fine for the violation of the town ordinance that prohibits private property owners from charging for parking on their property. He reported that he has found out that there is a property owner on Oak Ave that is doing this. One of the vehicles was sticking out into the public way. Chief Walsh wrote a parking ticket. The vehicle owner called today and stated that she had been scammed. She got a parking ticket and paid \$20.00 to park there. Chief Walsh agreed with the woman and voided the ticket. He is now in the process of locating the property owner to explain that this is against town ordinances and request that they stop. However, if they continue to violate the ordinance, Chief Walsh feels that a fine should be in place. There will be a verbal warning first, prior to the fine.

Vice Chair Roman pointed out that there must be a public hearing before the Board can impose a fine.

Chief Walsh stated that he can wait until the next meeting. In the meantime, he will be managing this issue. He believes that people need to know that the Board is serious about this. Part of the rationale behind opening the beaches and following the Governor's Task Force is to limit the number of people that can come to the beach at one time. There is a lot of volunteer compliance happening, but this is an area where there is no compliance. The Town needs to step in to prevent more people from coming than should, which will enable the Town to keep the beaches open. People need the beaches open and need to get out to live their lives as normally as possible. However, it needs to be planned out, so that it is fair to everyone. By being extra cautious and moderate in how things are managed, and by limiting the parking and continuing to get educational awareness out to the people, the Town can survive this thing and get back to normal. Chief Walsh is optimistic that he can get everyone to comply.

Other Discussion:

Vice Chair Roman announced that there are negotiations and discussions still going on between the Town Attorney, Dan Philbrick, the Library Trustees and Town Administrator Bergeron regarding the terms on the building exchange between the TD Bank building and the Parsonage. The Board of Selectmen are in support of any agreement the Library Trustees and Mr. Philbrick can come to, as long as it conforms to the town vote in terms of the exchange.

The other Members of the Board agreed. The Board does not want to encumber the Town with paying any money.

Vice Chair Roman stated that she does not know if they have gotten that far yet. If it gets that far, they may be able to involve the Conservation Commission. She pointed out that there is a Planning Board deadline on August 11th for the subdivision. The Board is still under the obligation to fulfill the vote as best they can, if Mr. Philbrick and the Library Trustees can't come to an agreement. Any agreement needs to be done as expeditiously as possible, probably by the first part of August.

Chair Winslow asked Town Administrator Bergeron to contact both Mr. Philbrick and the Library Trustees to remind them of the time constraints.

XI. OTHER BUSINESS

A) Minutes

1) Meeting, Monday, June 22, 2020, 5:30 p.m. via ZOOM

The following corrections were noted:

- Page 5; The Census is safe.
The answers are all confidential. Lawsuits against the Census to get the information have failed. The confidentiality has never been ~~breach~~
It should read: The Census is safe.
The answers are all confidential. Lawsuits against the Census to get the information have failed. The confidentiality has never been breached.
- Page 8; It has an eight-thousand-pound ~~wench~~, the Department does not currently have a wench in its fleet.
It should read: It has an eight-thousand-pound winch, the Department does not currently have a winch in its fleet.

Motion by Phil Winslow to approve the meeting minutes of Monday, June 22, 2020 as amended. Seconded by Keriann Roman.

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

Motion Passed

2) Meeting, Monday, June 29, 2020, 5:00 p.m. via ZOOM

Motion by Phil Winslow to approve the meeting minutes of Monday, June 29, 2020 as resented. Seconded by Keriann Roman.

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

Motion Passed

ADJOURNMENT

Motion by Bill Epperson to Adjourn at 7:59 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

07-13 Corres. Item A

June 15, 2020

To the Selectmen of Rye NH

My is Barbara Kennedy and I live at 18 East Atlantic Ave. It is a short street from 1A to Old Beach Rd. Old Beach Rd. has had No Parking Signs since the shutdown. I like having the no parking signs there. This road is narrow and when cars park on it you must walk in the street or on people's grass.

If you could keep it No Parking or as least have for Permit parking to only to those who paid \$25. for a Resident Parking Sticker. Many of those stickers are sold every year, but not enough parking places are set aside. The two right on ways on Old Beach Road can park 5 or 6 cars at the most and there is no other parking until Sawyers Beach, which you must climb the rocky dunes. You can not count on Cable Road as most of the parking spaces the resident use.

I hope that you will give this suggestion some thought.

Sincerely,

Barbara Kennedy

Barbara Kennedy

