

**TOWN OF RYE – BOARD OF SELECTMEN
Monday, September 14, 2020
5:30 p.m. – via ZOOM**

Present: Chair Phil Winslow, Selectman Mae Bradshaw and Selectman Bill Epperson

Others Present: Town Administrator Becky Bergeron

5:30 p.m.

I. CALL TO ORDER

Chairman Winslow called the meeting to order at 5:30 p.m.

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

At 5:30 p.m., Phil Winslow 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, Epperson – Yes, Bradshaw – Yes.

At 5:50 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw – Yes.

At 5:50 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (l) Legal Advice. Seconded by Mae Bradshaw. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw – Yes.

At 6:11 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Mae Bradshaw. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw – Yes.

At 6:11 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (d) Acquisition. Seconded by Mae Bradshaw. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw – Yes.

At 6:41 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw – Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow called the meeting to order at 6:45 p.m. and led the Pledge of Allegiance.

READING of ATTESTATION

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: 460842 or by clicking on the following website address: www.zoom.com ID #890-5235-0701

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
- Mae Bradshaw

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 welcomed Mae Bradshaw to her first meeting as a selectman and thanked her for taking over the remaining time of Keriann Roman's term.

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.)

- **Jeff Ross of 333 West Road and Chair of the Rye Public Library Board of Trustees** asked to make a few comments related to recent articles in the town newsletter that were attempting to explain the latest development in the Parsonage swap and the related agreement. He felt that the Rye Public Library Board paid a significant role in a lot of the events and he wanted to clarify a few things that he had read. The first thing that Mr. Ross wanted to express, as the library chair, is that he is grateful that at the end of the article the Board of Selectmen stated that the negotiations were conducted in good faith and that all the parties had acted in the best interest of the Town of Rye. Throughout the negotiations, the Trustees concerns have always been to protect and promote the present and future health and wellbeing of the Library, which the Town regards as one of the jewels of Rye, while working towards creating other opportunities for a revitalized town center.

Both the Historic District article and the Selectmen's article made reference to concerns that the Trustees had to the property boundaries or property lines between the Library and the Parsonage. Mr. Ross stressed that the Library Trustees had expressed those concerns both before and after the election. The Historic District Commission said that after Rye voted the Trustees expressed their concerns. Mr. Ross stated that is not accurate. They were on record as wondering where the property lines would be prior to the election. They objected both before and after the election, in writing and in person, on several occasions and hoped that would be understood by the voters. They also believe that had the property lines for the Parsonage swap been allowed to exist up to the library walkway, it would have infringed on the property under library control. This is a tricky concept for all to understand because the Library doesn't own the property, but the law allows the Library Trustees to have custody. That custody exists by way of warrant articles that were passed back in 1995 and 1997, when the Library expanded from its original plot of land, which had been given to the Town back in 1911. The Library Trustees do believe that it is important to understand that when that issue was addressed, it was addressed by the Library because it was part of what the Trustees believed to be protecting the library's interest and function and making sure that the Town did not proceed in a way that would in any way endanger the Library and its ability to do its job.

Both the Historic District and the Selectmen's article characterized the lot that the Library was seeking to purchase and subdivide from the Parsonage parcel as "**may be**" used for library purposes for a period of time. The Library is particularly interested in acquiring this parcel because it **will** be used for library programming; as well as, for lots of other town purposes and not just for a period of time but in perpetuity.

- **Karen Oliver Trustee of Rye Public Library** stated that she felt that since there have been a lot of public statements coming out about the negotiations, it makes sense to her that

everyone that was involved, including the Library Trustees, would have an opportunity to weigh-in. She noted that the newsletter information came out without input from the Trustees. It seems that was probably just an oversight. It makes sense if everyone is going to collaborate that they all collaborate on their messaging.

- **Michelle Tyminski, Parsons Road**, read the following statement:

I respectfully request that the Rye Town Boards reconsider camouflaging the Port Way cell tower. Residents assumed the Port Way cell tower would be given the same consideration by Verizon as the Brackett Road proposal and assumed that there would be camouflaging. Now residents are realizing that this has not been provided in the plan and they are unhappy with the lack of accountability by the town boards to protect their interest. I started an online petition so people could collectively express their thoughts about this issue. In two days, I have a total of seventy-eight signatures in support of camouflaging the cell tower. Fifty-five of the signatures are from Rye residents and/or property owners. I would like to share one of the many thoughtful comments from this petition.

“Camouflage for the cell tower serves to maintain the integrity of the Town to preserve its natural beauty and open land. I cannot understand that there would be any question as to disguising the tower. It is a seaside town. Camouflage with a lighthouse disguise; how appropriate and fitting. Also, this proposed tower had an agreement regarding camouflage at its first proposed location on Brackett Road, why would that not simply carry over to the new location. The citizens pay higher taxes for the beauty of the coast. Visitors that support local businesses, and in turn employment, come for the natural beauty of the place. Do not diminish this gem of a town with a raw industrial cell tower. Enhance it with a beautiful lighthouse disguise that serves to provide better cell coverage while maintaining the integrity of the natural beauty that Rye is.”

Many of the people that are signing the petition want the cell tower; however, they want it camouflaged to protect both property values and the natural beauty that their town is known for. There are a few inconsistencies that have been stated along the way of this whole process that I want to address.

1. *In one of the meetings this past spring, Chip Fredette stated that the cell tower would have to be taller if it were to be camouflaged. I can submit to you a photo of a 125-foot Verizon very well camouflaged monopine tower with the antenna at the very top of the pole. This is located in Newark, PA.*
2. *The only camouflage available is the monopine. That is false. There are many variations of camouflage including fake, fiberglass lighthouses. I can forward photos of cell towers from both Staten Island and Dana Point California that look like lighthouses.*
3. *Shawn Crapo once stated in a meeting this past spring that monopine is a nightmare. He doesn't live near a cell tower site. It doesn't affect his property values. He doesn't have to look at it every day. I suggest he defers to the people that have to live with it.*

The town boards bent over backwards to help the people on Brackett Road. There are a greater number of people near the Port Way tower that will have their property values and views negatively affected by this tower; yet, there has been no consideration to remedy this issue. If you want to claim that painting the tower is camouflaging, painting the lower forty feet of a 126-foot tower that rises forty feet above the tree line, is a sad excuse for camouflage.

We want to see the boards to represent all the residents and take a stand to do the right thing and set the standard for future cell towers to come to this town. Give us a lighthouse in the marsh, not a metal scarecrow.

Chair Winslow thanked Ms. Tyminski and stated that Selectman Epperson will be giving an update on the cell tower later in the meeting.

- **Steven Borne of 431 Wallis Road;**

- In regards to the re-opening of the Bulky containers at the recycling center, a number of years ago, the Town Hall was open on Saturdays. Maybe have the Town Hall open every other Saturday to make it easier for people that can't get to town hall during the week.
- There is a lot of back mulch and dirt at the transfer station. It may be a good idea to charge residents and deliver it. Anyone that needed mulch and dirt without a truck would pay to have it delivered.
- He asked for an update on what is happening with the Parsonage and the TD Bank. What are the next steps?
- At the last meeting Selectmen Epperson asked Mr. Borne to send in some suggestions (in writing). Mr. Borne took the time to write it up. He noted that is not on the agenda. Can it be brought up in New Business?

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

- A. Request from Aaron Scogin, RJH PE Teacher to utilize Parsons Field to conduct PR classes in order to help spread the students out. Request use of the field is Monday, 9/14/20 – Sunday, 11/15/20.
- B. Request from Jaci Grote & Kate Murray to stand at the Recycling Center for visibility for their election campaign Saturday, 10/17/20 10:00 a.m. – 2:00 p.m. Rain date, Saturday, 10/24/20.
- C. E-mail rec'd from Stratham resident Barry Bisnett re: Request for town road reopen for public parking.
- D. Heritage Commission Appointment:
 - 1. Anne Arnold – Appointment as a member, email rec'd 09/11/2020, fulfilling Mas Bradshaw's term ending 03/31/2023.
 - 2. Recommendation letter rec'd 09/3/2020, from Chair Philp Walsh.

E. Beach Committee Appointment

1. Brendan Carney – Appointment as member, e-mail rec'd 08/07/2020, 2-year term to expire 03/31/2022.
2. Seana Zelazo – Appointment as member, e-mail rec'd 08/12/2020, 3-year term to expire 03/31/2023.
3. Recommendation letter rec'd 08/19/2020 from Frank Hwang, Chair.

F. Historic District Commission Appointments:

1. Alex Herlihy – Appointment as a member, email rec'd 08/25/20, fulfilling Mae Bradshaw's term ending 03/31/2021.
2. Kaitlyn Coffey – Appointment as a member, transitioning from alternate, fulfilling Charlie Hoyt's term ending 03/31/2023.
3. Lydia Tilsley – Appointment as an alternate, email rec'd 08/18/2020, fulfilling Kaitlyn Coffey's term ending 03/31/2023.
4. Stacey Smith – Appointment as an alternate, e-mail rec'd 08/28/2020, 2-year term to expire 03/31/2022.
5. Recommendation letter rec'd 09/02/2020, from former Chair, Mae Bradshaw.

Chair Winslow asked to take Consent agenda items E and F off for discussion.

Motion by Phil Winslow to approve Consent Agenda Items A, B, C, and D as presented. Seconded by Bill Epperson.

Roll Call Vote: Mae Bradshaw – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.

Motion passed.

Chair Winslow asked Brendan Carney to introduce himself.

Mr. Carney stated that he has been a resident of Rye for three years. He moved to Rye as a surfer and is happy to be of service to the beaches, as they are such a wonderful asset to the community. He has two kids that are starting to surf. He owns a business in town he is an acupuncturist and owns 'Acupuncture North' right across from the transfer station.

Chair Winslow asked Seana Zelazo to introduce herself.

Ms. Zelazo stated that she too is a surfer. She moved to Rye with her family to specifically be near the beaches. She wants to be able to volunteer her time to offer voice to the parts of Rye that she loves the most. It will be an honor to be a part of the committee.

Selectman Epperson asked what the applicants see as the biggest challenges to the beaches.

Mr. Carney stated that every time he is at the beaches, he picks up trash. So, he would like to see more initiative and involvement from the Town in that respect. Also, he knows quite a few people that come to Rye to surf and he also knows there is a lot of resentment from some people that live in Rye about the surfers, so he would like to "keep his ears to the ground" regarding the parking issues.

Ms. Zelazo stated that she is interested in the environmental aspect of the beaches and keeping them in the most pristine condition.

Chair Winslow stated that the Board of Selectmen want to encourage the Committee that when they come to the Board with a problem, to come in with a possible solution as well.

Motion by Phil Winslow to appoint Brendan Carney and Seana Zelazo as members of the Beach Committee. Seconded by Bill Epperson.

Roll Call Vote: Mae Bradshaw – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.

Motion passed.

Chair Winslow asked Kaitlyn Coffey to introduce herself.

Ms. Coffey said that she has served as an alternate on the Historic District Commission for the past two years. She would be honored to serve as a full member, in order to continue the work that they have started. They have been working on projects to improve their by-laws and to continue to grow the district in Rye. They continue to keep people informed as to how to join or get more information on how to do projects at their homes. Ms. Coffey works in commercial insurance.

Chair Winslow pointed out that Kaitlyn lives on the corner of Lang Road and Washington Road within the district, so she has a vested interest in the district.

Selectman Bradshaw said that as an alternate, Ms. Coffey attends every meeting and often sits on the Commission and makes good decisions.

Chair Winslow asked Lydia Tilsley to introduce herself.

Ms. Tilsley stated that she moved to Rye a little over a year ago. She lives at 17 Central Road in a historic home that is not in the district. She has been working with Alex Herlihy to update the documentation on the historic houses in town. She would be honored to serve on the commission to help preserve Historic Rye.

Chair Winslow asked Stacey Smith to introduce herself.

Ms. Smith stated that she has lived in Rye for almost 26 years. She lives at 51 Central Road. She raised her children in Rye and they are now on their own. She is a Senior Partner at Jackson, Jackson and Wagner. They are a public relations and management consulting firm. A lot of their clients are non-profits that work at land use. The firm was instrumental in getting current use in the state. The senior partner wrote the law and got it passed. She added that her professional experience is close to the types of issues the commission is involved with. Ms. Smith has owned many old historic homes over the last forty years.

Motion by Phil Winslow to appoint Lydia Tilsley and Stacey Smith as alternates of the Historic District Commission. Seconded by Bill Epperson.

Roll Call Vote: Mae Bradshaw – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.

Motion passed.

Motion by Mae Bradshaw to appoint Kaitlyn Coffey as full member of the Historic District Commission, fulfilling Charlie Hoyt's term ending 03/31/2023. Seconded by Bill Epperson. Roll Call Vote: Mae Bradshaw – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye. Motion passed.

VII. DISCUSSION ITEMS

A. Plan to find a preparer for the 2020 Annual Report

Chair Winslow pointed out that this would be a paid position.

Town Administrator Bergeron stated that the Town has to produce the report prior to the annual session. They need to find someone to assemble the report. The responsibilities would be to collect the reports from the individual department heads, boards and commissions, then gather and compile all the information, pictures and documentation that is needed. This is a lengthy process that takes three to four weeks. It is then sent to the printer for publication.

Steven Borne said that he will get it into the Civic News.

B. Staged Re-Opening for Parking in Rye

Police Chief Kevin Walsh reported that the Governor has reopened Ocean Blvd to parking effective September 9th. The State DOT and the Town removed some barricades and some of the signs. He asked the Board of Selectmen to keep no parking on the Town roads. He also asked to keep the temporary ordinance in place that expires on October 1st and to extend it to October 13th, the Tuesday after Columbus Day. He asked this because the Governor has stated that they will be in a monitoring phase and he feels that the Town should move slowly on the reopening. Also, the state parks have been understaffed, which has been a challenge with managing the people flow. He is asking for a couple more weeks, because the Governor is leaving the "State of Emergency" in place and will be monitoring. This will allow more access to the beach, but allow the town to monitor the locations where people are entering and exiting. If the permit parking is lifted then anyone can enter the beaches in any area. By keeping it in place it will help self-manage the situation.

Chair Winslow pointed out that there have been 22 cases of Covid-19 in Rye with 5,350 residents, which is 4/10th of 1%. The State has 7,696 cases with a population of a million 360, which is 6/10th of 1%. It is the Board's responsibility to maintain the safety and security of the residents of Rye and he feels that this is a good move. He applauded Chief Walsh for the proposal.

Motion by Phil Winslow to extend the permit parking to Tuesday, October 13, 2020. Seconded by Mae Bradshaw. Roll Call Vote: Mae Bradshaw – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye. Motion passed.

Motion by Phil Winslow to extend the Selectmen's Emergency Temporary Parking and Beach Ordinance to reflect no parking on any road in Rye until Tuesday, October 13, 2020.

Seconded by Bill Epperson.

Roll Call Vote: Mae Bradshaw – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.

Motion passed.

C. Re-Opening of Bulky Containers at Transfer Station

Public Works Director Dennis McCarthy reported that it hasn't gotten a lot better. He has been working with the Town Clerk's Office to get them setup to receive the payments, but they were unable to do anything prior to the elections because they were dealing with the absentee ballots. Now, it is just the volume of what the transfer station deals with that the clerk's office was not aware of. The transfer station issues over 4,000 receipts a year over 65 different categories. So, for them to issue receipts, they would have to deal with that number of people and that number of categories. This is more than the clerk's office can deal with right now. He is looking at just opening the bulky dumpsters, which will tend to about half the volume. If this can't be done, the other thing would be for his people to try to set up something on the lot for an outside area for the payment and receipt exchange. He is hoping to have something in place within the next couple of weeks, either with the clerk's office or on site. The only other way is to not collect money for the disposal. He added that they may be going with an outside cash register and an outside employee on limited days and take just bulky to start.

Chair Winslow asked Mr. McCarthy what needs to be done to get the bulky reopened by Tuesday.

Mr. McCarthy answered that he needs additional staff and to renovate a building. The building is very old and not set up to deal with the public. It is facility and staff. If the Board wants it reopened by Tuesday, just do a general amnesty and not deal with money. That is the fastest way. They don't have the facilities to deal with the public at the transfer station.

Jaci Grote suggested an honor system having a donation box.

Mr. McCarthy agreed that this would work, along with an amnesty.

After further discussion it was decided to go with an honor system and to have a lock box and a poster listing the amounts of disposal.

The date of the reopening will be put on the town website and on the Facebook page.

D. Request from Peter Clark (Central Road) to build a stone wall within the Town right-of-way

Chair Winslow pointed out that it had been done on two properties on South Road, with the understanding that if needed, it would be removed by the property owner. He recommended that there be a site walk with the applicant, Mr. McCarthy and the Board of Selectmen. The property is located at the corner of Sea Road and Central Road.

Mr. McCarthy stated this has never been done with hardscape. It has been done with hedges and brush. He recommended to never allow hardscape in the right-of-way, unless there is mitigating circumstances. It is town property and under the purview of the Board of Selectmen.

After further discussion, it was decided to do a site walk to hear from the applicant if there is any hardship involved, discuss any concerns and to be able to visualize the plan.

E. Salt Shed Site Preparation Plan

Mr. McCarthy reported that the salt shed site work has been completed and it went out to bid a week ago. The bid opening has been scheduled for the first week in October. They sent out the notice to twenty contractors who received quite a bit of information. They are keeping their fingers crossed that they receive a bid within the \$350,000 that they have to spend. They need to be under contract before December 31st, which is doable. The plan is to have a warrant article in March for the construction of the salt shed. It will be \$350,000 for the site work and \$350,000 for the structure.

F. New Castle/Rye bridge Status Update

Chair Winslow gave an update of the Rye/New Castle bridge. The study on the bridge began in 2012. The bridge is currently a bascule bridge, a French word meaning seesaw bridge. The bridge opens to allow boats to go from Little Harbor, to the back channel, and to BG's Boat House. The bridge was opened only seventeen times last year and fewer times than that in previous years. The purpose of the committee is to identify the best proposal for the State of New Hampshire and for the local boat people. In the original proposal, a fixed bridge would cost \$8 million and \$18 million if it was a replaced bascule bridge. After meetings in 2015, 2017, 2018, the DOT proposal was to have a fixed bridge with two lanes and two five-foot wide shoulders and a sidewalk. The DOT held a meeting with the committee of people that are principally interested in the project. This included Rye, New Castle, and the State Harbors and Ports Authority. The State Harbors and Ports Authority said that they wanted it to remain a bascule bridge. Whatever is put in place, they have to take into account the sea level rise. If it is a fixed bridge, it will substantially increase the height of the bridge, which will increase the cost of it as well. The whole process is ongoing. There will be an additional meeting the end of December or the first part of January. If it moves forward, the design development will be during 2021. It would go out to bid 2022 and construction will begin in the fall of 2022. The bridge will be closed completely in the winter of 2022 with construction continuing through the spring and summer of 2023. Chair Winslow went on to say that New Castle has asked Rye to send a letter of support for the fixed bridge to the State. The fixed bridge is important to Rye because it will allow Rye to bring water from New Castle into Wentworth Road. If Rye had to do this from the Rye side, the piping would have to go from the intersection of 1A all the way to the bridge, which would cost the Rye taxpayers one million dollars.

Chair Winslow further explained that in talking with Art Ditto of the Rye Water District, he was informed that there is a need for extra water pressure for fire suppression along that road, as they can't get it with the current main. If they bring a 12-inch line across from New Castle, they can pump sufficient water supply with the pressure they need for fire suppression. This would be a Portsmouth/Rye water collaboration.

Chair Winslow will work with New Castle to draft a letter of support for the fixed bridge.

G. NHMA Legislative Policy Update

Housing

NHMA recognizes the need for diverse and affordable housing in New Hampshire and the responsibility of each municipality to afford reasonable opportunities for the development of diverse and affordable housing. NHMA believes municipalities should have discretion in how to satisfy this responsibility and supports legislation that enables municipalities to find innovative ways to ensure an adequate supply of housing.

NHMA supports:

- Legislation that allows municipalities to require the inclusion of affordable and diverse housing opportunities as part of new housing developments;
- Financial and other incentives to municipalities to encourage development of diverse and affordable housing;
- Statewide efforts to provide housing for those recovering from substance misuse, subject to reasonable municipal regulation;
- Policies that encourage documentation and financial traceability of cash and bartered rental transactions;
- Legislation and policies that encourage creative and flexible approaches to meeting housing needs of current and future demographics in different regions.

NHMA opposes:

- Legislation and policies that allow for or encourage housing practices that exclude people from and decrease the availability of quality, affordable housing;
- Legislation that erodes local control over land use decisions.

Selectmen Epperson expressed concern regarding bullet point number three:

- Statewide efforts to provide housing for those recovering from substance misuse, subject to reasonable municipal regulation;

He stated that he felt the need for significant clarification on this. He didn't feel that they would be wanting to open halfway houses in Rye "willy-nilly" to support people with substance abuse. He would support the statewide effort.

Chair Winslow pointed out that it says "subject to reasonable municipal regulations".

Jaci Grote suggested that this is aimed at areas in the state where whole counties have no facilities for these people. In Rockingham County, there are many facilities to provide for this. There would be no need for a facility in Rye.

After further discussion the Board asked that this be sent over to Patricia Losik to be looked at by the Rules and Regulations Committee.

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

**Motion by Phil Winslow to accept the Housing section as written. Seconded by Bill Epperson.
Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.
Motion passed**

Land Use

NHMA supports the long-standing authority of municipalities to regulate land use matters with minimal interference from the state.

NHMA supports:

- Legislation authorizing municipalities to regulate short-term rentals of residential properties, including licensing requirements and health and safety protections;
- Legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than that current state adopted edition.

NHMA opposes:

- Legislation that limits municipal control in implementing statewide priorities in zoning and land use regulations;
- New state mandates requiring municipalities to allow specific types of housing;
- All other statewide land use mandates.

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

Motion by Phil Winslow to accept the Land Use section as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion passed

Information Technology, Communications, and Cybersecurity

NHMA supports initiatives to make the most current information and communication technology accessible to New Hampshire communities, so long as local authority over land use regulation and safety issues is not compromised.

NHMA supports:

- Legislation that increases the ability of municipalities, especially those in rural and remote areas, to facilitate and advance access to reliable broadband technology to the premises in their communities;

- Legislation that provides flexibility for municipalities in accessing poles and pole attachments, including legislation that directs the New Hampshire Public Utilities Commission to adopt the FCC rule on access to poles called “One- Touch-Make-Ready” in order to facilitate bring high-speed fiber optic cable to service all New Hampshire communities, homes, and businesses by internet service providers (ISPs) in an expedient and cost-effective manner;
- Legislation that provides state and federal investment, including grants, for installation of high-speed fiber optic broadband technology to serve all New Hampshire communities, homes, and businesses;
- Legislation that require or encourages and incentivizes providers to disclose information to local government relative to access and broadband connections provided in the municipality to help municipalities better understand and address the needs of their community;
- State investment in cybersecurity assistance to municipalities to protect data and infrastructure.

NHMA opposes:

- Legislation that limits municipalities’ ability to prevent or regulate deployment of technologies that would impede vehicular or pedestrian passage on roadways or sidewalks;
- Statewide mandates on cybersecurity practices unless any associated costs are funded by the state or federal government.

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

Motion by Phil Winslow to accept the Information Technology, Communications, and Cybersecurity section as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion passed

Transportation

NHMA supports state policies that ensure access to convenient, efficient, reliable, and safe multi-modal transportation in New Hampshire as cost effectively as possible.

NHMA supports:

- Appropriate funding for state and local modes of transportation, including but not limited to roads, culverts, and bridges;
- Continues state and federal investment in public transit projects designed to reduce traffic on New Hampshire’s roads.

NHMA opposes:

- Any action of inaction by the New Hampshire Department of Transportation that results in the downshifting of road, bridge, culvert, or drainage maintenance responsibilities from the state to municipalities.

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

Motion by Phil Winslow to accept the Transportation section as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion passed

Economic Development, Recovery, and Vitality

NHMA supports allowing municipalities to implement measures to foster economic development which allows for the preservation and creation of jobs and vitality within our communities.

NHMA Supports:

- Legislation that allows for local adoption of more options and more flexibility to provide incentives for economic recovery and development;
- Expansion and more flexibility of state tax credit and exemption programs to foster economic recovery, development, and vitality.

NHMA opposes:

- Legislation that makes it more burdensome to implement economic recovery, development, and vitality measures.

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

Motion by Phil Winslow to accept the Economic Development, Recovery, and Vitality section as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion passed

H. Health Trust 2020 Surplus

Administrator Bergeron explained that on August 24th, the Health Trust sent all the benefit administrators a notice stating that they anticipated a surplus, due in part to the Covid pandemic and the reduction of people visiting their health care and dental professionals.

The anticipated amount will be returned to the towns. The anticipated amount for the Town of Rye is \$63,140.66. This number will not be actual until the audit for the Health Trust is complete. In years past, when Health Trust has reported a surplus and returned funds to the towns, Rye has returned a percentage of the refund back to the employees. That number is not known at this time; however, Administrator Bergeron asked the Board to discuss whether or not to return the employees share back to them.

Chair Winslow stated that he would be in favor of returning the employees share back, in proportion to the amount they paid in, as well as the proportion to the percentage received back from the Health Trust.

Motion by Phil Winslow distribute a portion for the returned surplus funds from the Health Trust back to the employees in proportion to the amount they paid in and in proportion of the return from the Health Trust. Seconded by Bill Epperson. Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.
Motion passed

I. Payroll Tax Deferral

On August 8th, the President issued a notice directing the Secretary of the Treasury to defer the withholding of the 6.20% portion of the employee's payroll tax from September 1st through December 31st. The Town would still need to pay their portion. This is just a deferment, so the employees will have to repay the amount by May 1, 2021. The employer becomes liable for the repayment, so if an employee separates from employment prior to the full repayment, then the employer is responsible for the payment.

Motion by Phil Winslow that the Town of Rye does not participate in the tax deferral program for the period of September 1st through December 31st. Seconded by Bill Epperson. Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.
Motion passed

J. Cell Tower Update

Selectman Epperson stated that he felt that they gave a pretty good explanation of what is going on in the Town Newsletter. There has been controversy since then that he does not understand. They have had a significant amount of public input, site walks, and joint sessions with the ZBA and the Planning Board. This was "put to bed" on March 16th by the Planning Board, with a unanimous vote of seven to zero. The ZBA voted on April 15th to approve it, with a unanimous vote of five to zero. The regulatory has been approved and the soil bearings are being done. The geotechnical work has begun. The construction will begin in the spring of 2021.

Selectman Epperson noted that he reviewed all the minutes from the meetings. Back on February 18, 2020, in a joint meeting of the ZBA and the Planning Board, Chairman Jay Lord, who was sitting in for Pat Losik, stated in quote; "there would be no monopine". There was a lot of talk about camouflaging the base station, which has been approved. It is not in the conditions of approval, but it has been stated publicly, that if there are any visibility issues with the base station, they would do more planting. So, he honestly does not know where this controversy came from because this was done along time ago.

Chair Winslow pointed out that this has been approved and there is no going back on it at this time.

Selectman Epperson stated that he has been contacted by Kate Murray and Tom Sherman. He sent Senator Sherman the documentation that he asked for and Senator Sherman is satisfied that the Town has done everything that can be done. Selectman Epperson talked to Kate Murray over the weekend and she didn't want any more documentation other than what Selectman Epperson describe tonight and she had no further questions.

Jaci Grote commented that this is a difficult situation because there has been this ongoing discussion regarding the cell tower. She asked if there was any way to contact Verizon and ask about the monopine. Is that at all a possibility?

Selectman Epperson responded that he spoke with one of the representatives today and he said that this is a done deal.

Joanne Hardin, 32 Shoals View Drive, pointed out that during that meeting in February, Verizon did not show any other options. There was slight dialogue about what they could or would accept. She did not realize there were any other options, until further investigation. She hears what is being said about the process and that it is already closed and in process. She asked if they can look at it again, because now there is new information that wasn't available then. This is Rye's precious resource.

Selectman Epperson responded that he understands. However, he believes that this particular issue, being as old as it is and being as far down the pike as it is, is a done deal.

He also pointed out that both the Planning Board and the ZBA approved it unanimously months ago.

K. Town Administrator, Becky Bergeron – 12 months COLA Average

Motion by Mae Bradshaw to allow all non-union employees the same 2.75% COLA for 2021 as the union employees. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion passed

L. Date for Deliberative Session: Earliest date, Saturday, January 30 – Last day, Saturday, February 6.

Selectmen please vote on the date and snow date.

Motion by Phil Winslow to schedule the Deliberative Session on Saturday, January 30, 2021 with the snow date to be Saturday, February 6, 2021. Seconded by Mae Bradshaw.

Roll Call vote: Bill Epperson – Aye; Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion passed

VIII. CORRESPONDANCE

A. Letter rec'd from Jean Batal-Varney, re: Parking Restrictions – Jenness Beach & surrounding area

An area of 20 feet to the left and 10 feet to the right of the driveways has been blocked off from parking. The town has asked the State to preclude large vehicles such as RVs from parking on Ocean Blvd. The State has responded that they can not preclude parking of large vehicles such as

RVs from parking because they pay taxes and have registered the vehicles and are allowed to park them. They do have to park outside the parking blocks.

Chair Winslow stated that they had met with Senator Shaheen and had five questions that they asked her.

Administrator Bergeron confirmed this and added that the Town has not received a response back from Senator Shaheen.

Chair Winslow recommended that they should reach out to the town's state reps for helps with this.

Jaci Grote asked that a copy of the letter that was sent to Senator Shaheen be sent to her and Senator Tom Sherman and they will pick it up from there.

B. Letter rec'd from Dick Carey, re: Reopening Bulky at Transfer Station – Already discussed earlier in the meeting.

IX. NEW BUSINESS

• Computer (lap top) for the Supervisors of the Checklist for the elections

Town Administrator Bergeron said that she has met with Mike Murray this past Thursday about some communication and infrastructure concerns. They also discussed a replacement plan for some of the old units. So, this is something that is already being addressed.

Chair Winslow asked if this will be ready by the next election.

Administrator Bergeron stated that there are a number of interim solutions. There is a spare laptop that she spoke to Amy about this afternoon, about getting it set up with election net. They are trying to identify all the resources that they have available.

Sally King, Wallis Road, stressed that this has been an incredibly frustrating ongoing problem for years. She has been a supervisor of the checklist for over twelve years and they have never had an adequate computer system. Today she was working on it from 10 to 4:30, they entered one book through scanning. They need a designated, desktop computer with a wide monitor. Trying to enter the registration for the voters is very, very difficult on a small screen. It is almost impossible. She noted that they have to wait for Jane Ireland, or someone else to leave, so that they can use their computer. Mrs. King asked the Board to please fix the problem.

After further discussion, the Board agreed that the problem needs to be addressed. Chair Winslow asked Administrator Bergeron to find a resolution.

Town Administrator Bergeron agreed.

- Selectman Epperson told Seven Borne that the Board did receive his list of recommendations and suggestion. Selectman Epperson told Mr. Borne that there are some good ideas listed. However, right now, the Board is extremely jammed. The Board would appreciate a little time in addressing these ideas.
- Jaci Grote reported that the legislature is now looking at what bills need to be issued for the next session. She told the Board that if there is anything that they need her to address, she will be at the next Selectmen's meeting to discuss it with them.

X. OLD BUSINESS

- Selectman Bradshaw brought up the discussion on the Town having an ordinance for mandatory face coverings in town buildings.

Chair Winslow asked Town Administrator Bergeron to send Selectman Bradshaw the information on this subject from the prior actions taken by the Board.

- Selectman Bradshaw asked if the Board will be considering a mandatory water restriction.

Chair Winslow explained that they are relying on the leadership of the Rye Water District. Currently, they are only asking for volunteer water restrictions; which include, no excessive water use such as watering lawns and washing vehicles.

- **Charge for the Beach Committee.**

Chair Winslow directed Administrator Bergeron to connect with Mr. Hwang and brief him on the Purdy Vs. Rye case concerning ownership and low/high water mark and other obstruction of access to the beach.

- **Rockingham Planning Presentation on Shoulder Widening Study.**

Chair Winslow reminded the Board that the next step in Scott Bogle's presentation on the shoulder widening study would be sending out a survey to town residents, asking them to prioritize areas where they would like to see shoulder widening done. Due to the uncertainty of funding and financing for municipalities, this is not the time to ask the taxpayers for guidance in spending more money at this time. The TAP Grant is still unsupported by the State of New Hampshire at this time.

Selectman Bradshaw suggested that it would be a great benefit to know where all the rights-of-way are in the town. At some point, it would be good to have that information inventoried. There could possibly be grant money available for such a project.

Chair Winslow recommended putting these issues off until January 2021.

XI. OTHER BUSINESS

A. Minutes

1. Non-Public Session, Monday, August 10, 2020, (1) per RSA 91-A3, II (a) Personnel

Motion by Phil Winslow to approve the non-public minutes of August 10, 2020 per RSA 91-A3, II (a) Personnel as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Abstained.

Motion passed

2. Meeting, Monday, August 10, 2020, 6:00 p.m., via Zoom

The following corrections were noted:

- Page 3, first paragraph reads: Chair Winslow explained that the process is that the Board does not respond to public comments, however in this case they will respond during the Old Business section of this meeting.
- It should read: Chair Winslow explained that the process is that the Board does not respond to public comments during the public comment period, however in this case they will respond during the Old Business section of this meeting
- Page 4, third paragraph reads: Chair Winslow complimented Ms. Bradshaw for her persistence in this process. She brought this before the Budget Committee as a ~~\$12,000~~ expense.....
- It should read: Chair Winslow complimented Ms. Bradshaw for her persistence in this process. She brought this before the Budget Committee as a \$12,500 expense.....

Motion by Phil Winslow to approve the meeting minutes of August 10, 2020 as amended. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Abstained.

Motion passed

3. Meeting, Thursday, August 13, 2020, 2:00 p.m., via Zoom

Motion by Phil Winslow to approve the meeting minutes of August 13, 2020 as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Abstained.

Motion passed

4. Non-Public Session, Monday, August 17, 2020, (1) per RSA 91-A:3, II (a) Personnel

Motion by Phil Winslow to approve the non-public minutes of August 17, 2020 per RSA 91-A3, II (a) Personnel as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Abstained.

Motion passed

5. Non-Public Session, Monday, August 17, 2020, (2) per RSA 91-A:3, II (I) Legal

Motion by Phil Winslow to approve the non-public minutes of August 17, 2020 per RSA 91-A3, II (I) Legal Advice as written. Seconded by Bill Epperson.

Roll Call vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Abstained.

Motion passed

6. Meeting, Monday August 17, 2020, 3:00 p.m., via Zoom

Motion by Bill Epperson to approve the meeting minutes of August 17, 2020 as written. Seconded by Phil Winslow.

Roll Call vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Abstained.

Motion passed

ADJOURNMENT

Motion by Bill Epperson to Adjourn at 9:06 p.m. Seconded by Mae Bradshaw.

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

Motion passed

Respectfully Submitted

Dyana F. Ledger

9-14-20 Consent Item C

Janice Ireland

Subject: FW: [Rye NH] Open town roads for parking (Sent by C Barry Bisnett, bisnett@comcast.net)

Message:

To the Board of Selectmen,

As a resident of Stratham I am kindly requesting you reopen your town roads for public parking just as the State has with Route 1. That's the straight to the point part of this.

For the past 26 years I've been parking on Old Beach Road and using the public access roads to get to my favorite beach for evening walks and an occasional beach day. Today, I turned down Old Beach Road and was met with confusing signage. The "Resident Only, Permit Required" sign that normally sits on the dirt portion of Jenness Ave is now facing drivers on Old Beach Road. There are "No Parking" signs along the ocean side of Old Beach Road but they do not reference any town ordinance (makes them appear to be installed by the homeowners as they are next to their property line fences and the shoulder of the road is accessible to park on). My impression from those two things was that the Town of Rye has now claimed that parking on all the town roads is for residents only, permit required. I phoned the town police for clarification. They explained that the Selectmen hadn't opened the town roads to parking.

I know I can pay to park at Jenness beach or across the street. I can also park on Rt 1 and walk a little further. Now that the summer is over, I'm just asking you to make it a little easier for the rest of us to access your stretch of the ocean shore this Fall and Winter.

Thanks
Barry Bisnett

9-14-20 Corres. Item A

August 31, 2020

Re: Parking restrictions – Jenness Beach and surrounding area.

Board of Selectmen:

My husband and I have been seasonal residents of Rye for 30 years and eventually hope to make this our permanent home when we retire.

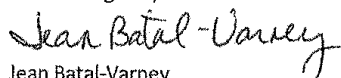
This summer, COVID-19 has cast a dark cloud over every community, including Rye. Without a doubt, the impact of the virus on public health and the economy has been devastating. However, there has been one unexpected silver lining – parking. The parking restrictions implemented due to COVID have returned the beach to years past - little automobile congestion, less crowded but still busy beaches, quiet and safer roads and seemingly more local residents enjoying the coast. While I completely understand these parking restrictions are an extreme that will not continue, the last few years of extremely liberal parking regulations have also been an extreme.

We all look forward to the day, hopefully soon, when we can comfortably resume life the way we knew it before the pandemic. But when that day comes, I hope the Board will consider keeping some of the temporary parking restrictions in the Jenness Beach area. I'm not suggesting a total ban on parking on Route 1A. But there are a number of measures that could be considered:

1. Limiting parking on 1A to one side of the road allowing one shoulder to be used as a safe buffer for beachgoers, walkers, runners and cyclists.
2. Designating more parking spots for Rye residents.
3. Restricting parking on the local side streets providing privacy for homeowners and allowing for 2-way traffic to return to these roads and pedestrians to have more space to walk and bike safely to the beach/local businesses and around their neighborhoods.
4. Revisiting the proximity of the parking spaces on either side of the driveways on Route 1A. As it stands now, for most of us, if a car is parked in a designated spot that abuts our driveways, it is impossible for us to exit our property without sticking the nose of our car into the street. Visibility is even worse if a camper or large SUV is parked in one of these spots. I've attached pictures below showing just how perilous the situation can be. As you can see, I am completely blinded from oncoming traffic and cyclists. This is unfortunately an everyday occurrence for me and many of my neighbors during the busy summer months. It is just a matter of time before someone gets hurt. While limiting these spots to sedans would help, eliminating the spots between driveways altogether would be far safer for everyone involved.

Thank you in advance for your consideration. If you have any questions, please do not hesitate to contact me at the number below.

Kindest Regards,



Jean Batal-Varney
703.505.0505





9-14-20 Corres. item B

Marine Components Inc.

Manufacturers of Submarine Noise Attenuation Devices

8.22.20

TO: TOWN OF RYE SELECTMEN

FROM: DICK CAREY
240 PIONEER RD.

SUBJ: RECYCLING CENTER

I NEED THE WOOD BULKY OPEN
ACCORDING TO ONE OF THE
HELPERS, ITS UP TO THE
SELECTMEN. I HAVE BEEN
DRIVING MY PICKUP TRUCK WITH
WET PARTICLE BOARD IN BACK
FOR 2 MONTHS. I UNDERSTAND
THE COVID PROBLEM, BUT COULD
USE SOME HELP

THANKS
DICK

240 Pioneer Road • Rye, NH 03870

603-436-4098 • Fax 603-436-4097

EMAIL RACAREY@COMCAST.NET