

TOWN OF RYE – BOARD OF SELECTMEN
Monday, July 9, 2018
6:00 p.m. – Rye Town Hall

Present: Chairman Priscilla Jenness, Vice-Chair Phil Winslow and Selectman Keriann Roman

Others Present: Town Administrator Michael Magnant

6:00 p.m.

I. CALL TO ORDER

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

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

At 6:32 p.m., Keri Roman made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Phil Winslow. Roll Call: Jenness – Yes, Winslow – Yes, Roman - Yes.

At 6:52 p.m., Keri Roman made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Jenness – Yes, Winslow – Yes, Roman - Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Jenness reconvened the public meeting at 6:55 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

Vice-Chair Winslow thanked Recreation Director, Lee Arthur, and her staff, along with the Fire and Police Departments for a very successful Fourth of July celebration, which was enjoyed by all.

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.)

Peter Crawford, 171 Brackett Road, expressed his concern in regards to the number of non-public meetings being held by the select board.

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

Items A and B were removed from the Consent Agenda for discussion.

- A.** Chief Walsh – Event Permit Application: Save One Life – Wheels for the World Memorial Bike Ride and Picnic, Sunday, 8/12/18, 3:00 – 7:00 p.m.

Chairman Jenness asked Chief Walsh for clarification on the route for the race.

Police Chief Kevin Walsh reviewed the route for the Selectmen.

Motion by Keriann Roman to approve the event permit application for ‘Save One Life’ for their event on August 12, 2018. Seconded by Phil Winslow. All in favor.

- B.** Appointment: Energy Committee – Unlimited Term
1. David Helfrich: Requests appointment as a member, letter rec'd 6/26/18
 2. Recommendation letter rec'd 7/3/18 from Danna Truslow, chair

David Helfrich, 415 Brackett Road, introduced himself to the Selectmen. Mr. Helfrich is an attorney who is involved with startup initiatives in the energy sector. He looks forward to volunteering for his community and serving on the committee.

Speaking to Danna Truslow, Vice-Chair Winslow commented that recent members who have been added to the committee have a lot of experience in this industry. He congratulated her on building a strong committee.

Mrs. Truslow noted that the committee has a full complement of members now and is a solid team. She submitted a list of initiatives the committee is working on to the Selectmen.

Motion by Phil Winslow to appoint David Helfrich as a member to the Energy Committee. Seconded by Keriann Roman. All in favor.

VII. DISCUSSION ITEMS

A. Meeting Minutes

1. Meeting, Monday, June 25, 2018, 6:00 p.m., Town Hall

Motion by Phil Winslow to approve the minutes of June 25, 2018 as written. Seconded by Keriann Roman. Vote: 2-0-1 Abstained: Priscilla Jenness

2. Non-Public Session, Monday, June 25, 2018 (1) per RSA 91-A:3, II (c) Reputation

Motion by Phil Winslow to accept the minutes of June 25, 2018 as written. Seconded by Keriann Roman. Vote: 2-0-1 Abstained: Priscilla Jenness

B. Grove Road Landfill PFAs Groundwater Results from CMA Engineers

Craig Musselman, CMA Engineers, gave an update on the recent groundwater results for the Breakfast Hill and Grove Road Landfills. Based on Polyflourinated Compound sampling that has been done at the Breakfast Hill Landfill over the past two years, he is recommending that the Selectmen renew the DES Groundwater Management Permit with sampling being done on two of the wells, with the higher numbers, every other year. He feels the site has been well characterized by the data and there are institutional controls downgradient such that it is not impacting water supplies. The Grove Road Landfill became an issue in 2017. At that time, Rye stepped forward and did four rounds of sampling. The testing has shown relatively low background levels. The Rye Water District continues to monitor the Garland Well for PFAC's on a quarterly basis which is showing low levels. In his view, the contamination from this site is reasonably well characterized. He suggests that the Town renew the DES Groundwater Permit for this site and continue monitoring every other year, which is reasonable from a waste site monitoring perspective. He recommends that the PFAC's monitoring become a function of the Rye Water District, not the Town of Rye. This site needs to be monitored from a water supply perspective and less regularly as a waste site. It would be more appropriate for the Town to give the Water District access to the town's monitoring wells and have them take the samples and review the data.

Mr. Musselman also gave an overview on the Environmental Protection Agency meeting he attended recently in Exeter. The meeting addressed Polyflourinated Compounds and the EPA's regulations. The sources of PFAC contaminants are largely found in firefighting foam, atmosphere deposition from manufacturing facilities and waste water. EPA has committed to set drinking water contaminant maximum levels, designate PFAC's as a hazardous substance, develop groundwater cleanup recommendation for contaminated sites and collaborate with federal and state agencies to develop toxicity values. In terms of PFAC issues as it effects Rye, there is the Grove Road Landfill and the Rye Water District Garland Well, which has relatively low levels to date. Aquarion Water supply data is showing relatively the same levels. In regards

to the Coakley Landfill, there is no indication of any impact to the Rye drinking water sources at this time. He recommends that the Board of Selectmen continue to monitor the drinking water standards and what is happening at the Coakley Landfill. He also recommends that the Town evaluate the fire department's firefighting foam and dispose of any old Class B foam inventory, along with evaluating the firefighting gear which has been known to contain PFAC's.

The Selectmen agreed that monitoring of the sites should continue and the recommendations presented by Mr. Musselman should be acted upon at a future meeting.

C. Rye Harbor Dredging

Don Blouin, 665 Central Road, spoke to the Selectmen in regards to his work in seeking funding from government agencies to cover the costs of dredging Rye Harbor. The Harbor is on the Army Corps of Engineers schedule to be dredged every 20 years; however, has not been done in 28 years. He noted that the dredging would more cost effective if it could be done while the off-shore dump site at Duck Island is still open and timing is critical. The economic life of the Harbor is being affected because of the decrease in commercial boating, due to the shallow depths, and will continue to diminish if the situation is not addressed.

Selectman Winslow commented that the Harbor is a source of income for a lot of people in Rye. He would like to invite Geno Marconi, and representatives for Senator Shaheen and Senator Hassin to a future meeting to present the documentation and citizen's petition to them officially to see if they can get some assistance from government agencies.

D. Engagement of Auditors for Reconciliation of the General Ledger

Town Administrator Michael Magnant presented the estimate to the Selectmen from the town's auditors for the reconciliation of the general ledger accounts to address the retirement of the current Finance Director, Cynthia Gillespie.

Motion by Phil Winslow to approve the hiring of the town's financial auditors to conduct a verification and reconciliation of the general ledger accounts the Finance Director is responsible for. Seconded by Keriann Roman. All in favor.

E. Tax deeding – Properties with unpaid 2015 property taxes/2016 lien, will be deeded to the Town if taxes remain unpaid.

1. 100 West Road, Patricia L. Brown

Donna Decotis, Tax Collector, met with the Selectmen regarding tax deeding for three properties in Rye.

Referring to 100 West Road, Town Administrator Magnant noted that a letter was received from Patricia Brown who is the Executor Trustee of her mother's estate. The property is currently being held in estate. It is the intention to have the estate completed within the next sixty days. At that point in time, the funds will be available to pay the remaining taxes that are due on this property. It would be the recommendation from the Tax Clerk to hold off and give them the opportunity to close the estate

Motion by Keriann Roman to defer the tax lien on 100 West Road for ninety (90) days. Seconded by Phil Winslow. All in favor.

2. 981 Washington Road, Susan Dunfey

Town Administrator Magnant explained that multiple notices for taxes due have been sent to the owner of this property. The property owner has not responded and certified notices have not been accepted.

The Selectmen agreed to have Attorney Donovan review the Tax Clerk's records showing the process that was followed to contact the property owner regarding the overdue taxes.

Selectman Roman stated that as a town they are statutorily required to go through a tax deeding process for properties that have not paid taxes, unless there is a liability. The Town has a little bit of leeway in terms of payment plans; however, there is no real discretion to not tax deed properties.

Motion by Keriann Roman to defer tax deeding for thirty (30) days to allow Attorney Donovan to review the records for this property. Seconded by Phil Winslow. All in favor.

3. 8 Maple Avenue, Thomas L. Morgenstern

Town Administrator Magnant stated a letter was received from an Attorney representing the lender on this property stating that they are going to foreclose on July 31st. At that point, the property will be sold and it is their intent to make sure that all back taxes are paid. He suggested that they give them the opportunity to do that.

Motion by Keriann Roman to defer tax deeding on 8 Maple Avenue until September 1st. Seconded by Phil Winslow. All in favor.

VIII. CORRESPONDENCE

A. Memo rec'd from NHMA re: The 2019-2020 NHMA Legislative Policy Process

- The Selectmen agreed to hold a work session at a later date to review the Legislative Policy Process.

IX. NEW BUSINESS

- Hiring of Michael Rivet - Firefighter paramedic

Motion by Phil Winslow to accept Michael Rivet as the new firefighter paramedic as a new hire and welcome him to Rye. Seconded by Keriann Roman. All in favor.

X. OLD BUSINESS

- A.** Alex Herlihy requests a link to the Rye Civic League website be added to the Community Resources page on the Town website.

- The Selectmen agreed to postpone the discussion until Mr. Herlihy is present.

- B.** Plan NH – Charrette

Steve Borne, 431 Wallis Road, explained that Plan NH does not want to move forward with the charrette process without the key town bodies in support. Part of the process is a letter of recommendation for the application from the Selectmen and the Planning Board. At the September 13th meeting with Plan NH it was discussed that once the application was drafted, the Selectmen would review it, and if they were in agreement with how it was structured, they would be willing to create a letter to go along with the application.

Selectman Roman stated that her understanding is that Mr. Borne is looking to hear that the Selectmen like the idea of Plan NH. This would not be committing the Selectmen to anything at this time. Once the application is prepared, it would be presented to the select board and they can decide if they would be willing to write a letter.

Chairman Jenness stated that the last charrette that she went to was regional with about 200 people in attendance. That charrette focused on conservation. She continued that there should be some discussion about having a charrette to address the rise in the ocean. There are huge problems with rising tides along New Hampshire's coast. She can see a charrette dealing with the issues and the getting the problems before the minds of people near the coast. State groups, such as Rockingham Planning, are discussing the raising of Ocean Boulevard. If that is done, Rye's infrastructure will have to meet it and the town's roads that meet the boulevard will have to be raised. She would like to know what the plans are for the charrette before she will approve.

Vice-Chair Winslow explained that at the meeting, the scope of the charrette was discussed and it was everything from one building to the entire Historic District. The intention is to refine that to determine what the scope of the charrette is going to be.

Chairman Jenness stated that if it is done for Rye's center, it has to also address the Parsonage with regard to Workforce and senior housing. Where will it be if it is not going to be there? That has to be part of the scope. She would like to know what the scope of the charrette is before she can give support.

Mr. Borne stated that the work that goes into the application is not going to be done if the Selectmen are not going to approve anything that is put forward. The discussion with Robin LeBlanc, Plan NH, was about focusing around town center. He further explained that as part of the process, Ms. LeBlanc will give guidance as to what Plan NH can do. He noted that there has already been discussion with the chairs of all the boards and commissions who have agreed to be part of a group that will define the scope of the application. The outline of the charrette needs to be around the town center. He stated that the Parsonage Committee came to the conclusion that a recommendation needed to be made in context to a bigger picture. The idea of the charrette came about to help derive future decisions. His sense from meeting with Robin LeBlanc is that Plan NH would look at both schools, the recreation building, the old trolley barn, town hall, safety building and the Parsonage.

Selectman Roman stated that part of the problem is that this is usually town government driven. This is being done by citizens because of the article being voted down at town vote. It was felt that the citizens were not necessarily saying they were not interested in the idea but they did not want to spend the money. She continued that there were a lot of ideas mentioned and discussed at the work session. She is not sure how a proposal could be presented at this time because it had not even gotten to that point.

Mr. Borne stated that as an individual he wouldn't want to write a proposal. He would want to have the representatives from the boards and commissions with different perspectives and viewpoints.

Selectman Roman stated that her personal view is that she is comfortable, as a select board member, saying she supports the idea, not knowing what the parameters are, understanding that they would work with the citizen's group and Plan NH to put together an application that everyone could support. The Selectmen could then write a letter of support, along with the Planning Board. The letter of support does not lock the Town into anything, other than telling Plan NH they are committed to hearing what they have to say and are taking it seriously. The letter shows that the Town is committed to being part of the process.

Vice-Chair Winslow stated that he supports the process. He thinks it needs to be defined as to what Plan NH is going to look at. Speaking to Mr. Borne, he suggested that they get the scope first and bring that back to the Selectmen before starting the application process.

After discussion, Mr. Borne agreed to write an outline of the scope and bring it back to the Board.

Motion by Phil Winslow to ask Steve Borne and his committee to come back to the Board of Selectmen with an outline for the scope of the application. Seconded by Priscilla Jenness. All in favor.

XI. OTHER BUSINESS

- **Public Works Director, Dennis McCarthy**, presented the bids for paving to the Selectmen. The bid is being awarded to Pike Industries, who is the low bidder so no motion from the Selectmen is needed.
- Mr. McCarthy presented the bid that was received for road mowing. One bid was received from the person who has done the work for the Town over the past few years.
- Vice-Chair Winslow gave an update on the Dogs at Large Committee. The committee is finalizing their recommendations and it is expected to have something to present to the Selectmen by the end of July or the beginning of August.

ADJOURNMENT

Motion by Phil Winslow to adjourn at 9:06 p.m. Seconded by Keriann Roman. All in favor.

Respectfully Submitted,
Dyana F. Ledger