TOWN OF RYE – BOARD OF SELECTMEN

Monday, July 23, 2018 6:30 p.m. – Rye Town Hall

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

Others Present: Assistant Town Administrator/Finance Director Cyndi Gillespie

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Jenness called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

II. ANNOUNCEMENTS

- Chairman Jenness stated that she was saddened to hear about Robert Brown's death this past week. Bob was on the Planning Board for a number of years and was chairman from 2001 to 2006. He was also president of the Historical Society for a time. Mr. Brown will be greatly missed throughout the community.
- Vice-Chair Winslow noted that Coastal Living Magazine announced the '20 Most Charming Beach Towns in the United States' with Rye being listed as number 13. Chatham, MA, was number 1 with York and Ogunquit being listed as well.
- Vice-Chair Winslow stated that he spoke with Eric Eby who's the City of Portsmouth's Parks and Road Engineer. Portsmouth has hired Tighe and Bond Engineers to do a study for the intersection at Lang Road and US Route 1/Lafayette Road. They will be meeting with NH DOT within a week to determine what the process will be moving forward. It is the hope that the project will be moving ahead in 2019. He explained that the project will reroute Lang Road over to the traffic light at Ocean Road.
- **III. PUBLIC COMMENT -** (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to 5 minutes each person.)

Peter Crawford, 171 Brackett Road, spoke in regards to RSA 74:4 which addresses an inventory and talks about residents providing the names and ages of the occupants in their homes. He expressed his opinion about how an inventory would be useful for the schools to use for student enrollment planning.

- IV. **CONSENT AGENDA ITEMS** (to be discussed at the meeting only if pulled of the consent agenda by one of the three Selectmen.)
 - **A.** Letter rec'd 7/12/18 from James Tegeder re: his resignation from the Heritage Commission.

Motion by Phil Winslow to send a letter to James Tegeder thanking him for his services. Seconded by Keriann Roman. All in favor.

V. DISCUSSION ITEMS

- **A.** Meeting Minutes
 - 1. Meeting, Monday, July 9, 2018, 6:00 p.m., Town Hall

The following corrections were noted:

- Page 4, 1st paragraph, 3rd sentence should read: **He noted that the dredging would** <u>be</u> more cost effective if it could be done while the off-shore dump site at Duck Island is still open and timing is critical.
- Page 6, 2nd paragraph from bottom, 2nd sentence should read: She continued that, <u>as an example</u>, there should be some discussion about having a charrette to address the rise in the ocean.
- Page 7, 2nd paragraph, 4th sentence from bottom should read: **He stated that the Parsonage Committee came to the conclusion that a recommendation needed to made within the context of a bigger picture.**
- Page 7, 3rd paragraph, 2nd sentenced should read: **This is being done by citizens** because of the article being voted down at town vote.

Motion by Phil Winslow to approve the minutes of July 9, 2018 as amended. Seconded by Keriann Roman. All in favor.

2. Non-Public Session, Monday, July 9, 2018 (1) per RSA 91-A:3, II (b) Hiring

Motion by Phil Winslow to approve the minutes of the non-public session of July 9, 2018 as written. Seconded by Keriann Roman. All in favor.

3. Meeting, Tuesday, July 17, 2018, 12:30 p.m., Town Hall

Motion by Phil Winslow to approve the minutes of July 17, 2018 as written. Seconded by Keriann Roman. All in favor.

- 4. Non-Public Session, Tuesday, July 17, 2018
 - (1) Per RSA 91-A:3, II (a) Hiring
 - (2) Per RSA 91-A:3, II (1) Consideration of Legal Advice

Motion by Phil Winslow to approve the minutes of the non-public session per RSA 91-A:3: II (a) Hiring, of July 17, 2018, as written. Seconded by Keriann Roman. All in favor.

Motion by Keriann Roman to approve the minutes of the non-public session per RSA 91-A:3, II (l) Consideration of Legal Advice, of July 17, 2018, as written. Seconded by Phil Winslow. All in favor.

B. Chief Mark Cotreau – Appointment of Full Time Firefighter/Paramedic Michael Rivet

Fire Chief Mark Cotreau invited Michael Rivet, and his wife Maureen, to join him before the Board of Selectmen.

Chief Cotreau stated that the department has had an existing vacancy for most of this year. The reason is because the department has an arduous hiring process. The process includes resume review, written exams and oral boards with an external panel of interviewers. After that process, the applicant goes through skill review, a second interview and an extensive background check. He continued that Mike really rose to the top in a competitive process. Mike comes to Rye from the Portsmouth Fire Department. During his background check, people who know and have worked with Mike all said that he is friendly, a competent firefighter and team player. The Chief stated he is really excited to present Michael Rivet to the town, Board of Selectmen and the Town Clerk for his swearing in to bring him on board with 'Rye Fire and Rescue'.

Michael Rivet was sworn in for the position of Rye Firefighter/Paramedic by Town Clerk Donna Decotis. The Selectmen welcomed Mr. Rivet to Rye.

C. Chief Mark Cotreau – Firefighting Foam in Rye

Fire Chief Mark Cotreau reviewed the history of Class A and Class B firefighting foam use in Rye for the past several years. Class A structural firefighting foam is markedly better than Class B foam. The Class A foam does not have the PFOAs and PFOSs to any increasable amount as the Class B foam. He noted that Chief Sullivan, past fire chief, recalls training with a small amount of foam years ago at the fire station and doesn't remember any other usage. Chief O'Brien didn't remember training with foam, as it is very expensive to replace. There is only one possible Class B usage, which involved a construction equipment fire off Garland Road. He believes from his research that it was Class A foam; however, there is one dissenting memory that thinks it might have been Class B. He noted that there has not been a lot of product use in any of those situations. The amount of Class A product the department has on-hand is sixty gallons and Class B is thirty-five gallons. The reason the fire department would even carry Class B foam is for rescue. He noted that Rye has limited quantities of Class B foam and use very little. The industry is now very cautious about how it is used; however, he is not sure this was

the case years ago. There was a time when it had to be used and more was better. He noted that he issued a standard operating guideline to his department staff in regards to the use of foam, which was reviewed and discussed at roll call. The department needs to strike a balance on how they are going to responsibly make a decision on whether they are going to use foam in any situation. There is no reason to use either type of foam if there is not going to be a marked benefit.

Selectman Winslow stated that as he understands it, Class B foam that is produced after 2015 is certified as not having any perceivable PFOAs or PFOSs in it. He asked if the thirty-five gallons of foam on-hand at the department has PFOAs and PFOSs.

Chief Cotreau stated that the department has one five gallon jug that is pre-2008. That is not guaranteed to have less than one part per million, which is the standard from the New York Department of Environmental Services. This is the only real standard that has been followed for Class B foam between 2008 and 2015. He continued that the five gallons has been set aside at the station and it has been marked "do not use". He is researching how the department can get rid of this foam. The rest of the department's foam is within the 2008-2015 timeframe, where it is less than one part per million.

Referring to the Class B foam, Chairman Jenness asked how long a life the toxins have if the foam was used in the past.

Chief Cotreau replied that he is not sure but it is a good long time, which is being confirmed because of the issues with the drinking water.

Selectman Roman commented that she believes Dr. Sherman had said that the toxins never break down.

Chairman Jenness commented that it was said that Class A is better than Class B; however, it still has some PFOAs. She asked what makes a firefighter choice one type of foam over the other.

Chief Cotreau explained that it is determined by the type of fire they are fighting. Class A foam is used for ordinary combustibles and is used for house fires. The foam blankets the area and makes the water more effective on the fire. If half of a house was on fire and there was a chance to contain and stop the fire, the firefighters would use Class A foam. The foam will be more effective and put the fire out faster. The choice of whether or not to use structural foam (Class A) is straight forward. If a house is already fully engulfed and there will be no benefit in using the foam, the firefighters would use the regular defensive attack which is straight water. Class B foam would be used for flammable liquids, such as gasoline, diesel and fuel oil. In the case of flammable liquids, the choice on whether to use Class B foam, or just let the fire burn out, is what the benefit will be if it is used. He continued that the firefighters know when they are near a marsh or the wells. Especially in those areas, the equation of whether or not to use the foam

has to be balanced very carefully. He noted that if foam is used the department now has a log to record the usage.

Selectman Roman commended Chief Cotreau on his policy regarding foam use by the department.

Chief Cotreau confirmed that he will return to the Selectmen with information regarding the disposal of the pre-2008 Class B foam that is in the fire department's possession.

D. Rye Land Development Regulations Update Agreement with the Rockingham Planning Commission

The Selectmen reviewed the agreement regarding the Land Development Regulations (LDR) update with Rockingham Planning Commission (RPC). The original agreement was contracted with a staff person who no longer works at RPC, therefore, a new contract had to be renegotiated. The funds for the LDR update were set aside and approved by the Budget Committee and Selectmen last year. The cost of the update in the new agreement is less than what was originally budgeted.

Referring to task #7, conducting a public workshop for the LDR, Vice-Chair Winslow stated that the town's people should be brought into this process so they can be aware of what is being reviewed.

Selectman Roman agreed. She stated that she was reviewing the list of issues that they were going to cover. It might be a good idea to look at whether impact fees would be appropriate for the town. She commented that it might not be appropriate as part of the LDR review but maybe they should be asked to consider it.

Vice-Chair Winslow noted that he discussed this with the Planning Administrator. She had stated that the substantial follow up and record keeping would be ominous. However, he thinks it would be appropriate to consider this again.

Selectman Roman explained that when it is done properly and done correctly, it provides income to the town to help cover costs. She reiterated that she would just like it to be considered.

The Selectman agreed to ask the Planning Administrator and the chair of the Planning Board if it would be appropriate to look at the impact fee as part of the update agreement.

Motion by Keriann Roman to approve the agreement for professional planning assistance with Rockingham Planning Commission to include up to \$2,000 for public outreach and a workshop, as well as requesting the Planning Board to consider adding to this agreement an impact fee provision if appropriate. Seconded by Phil Winslow. All in favor.

VI. CORRESPONDENCE

None

VII. NEW BUSINESS

• Vice-Chair Winslow noted that the Budget Committee met over the past week to review the second quarter budget. The actual income for property taxes has increased by 6.3% over last year, which resulted in an additional \$660,871. In total, the income has increased by 8.8% over last year. One of the major issues over budget is the legal expenses; other than that, the budget seems to be in line.

VIII. OLD BUSINESS

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

Referring to the town's policy on the website links and information, Vice-Chair Winslow stated that it is very specific about the fact that the town, at its sole discretion, may add or remove links at any time without the consent of the links sponsor. It is really important that if this is considered, it should be clear that any dispersions, either written or verbal, or degradation that challenges the credibility of any employee of the town, contractors or consultants, is not going to be acceptable. Also, any editorial comments about facts that are provided should be minimized.

Speaking to Mr. Herlihy, Chairman Jenness stated that when the Civic League started up again, some information was sent to her. She sent out an email correcting some of the information she received because there were a few errors. There was also an article that appeared to be an opinion. Off and on there have been opinions expressed in the Rye Civic League News on a variety of things, which is a problem for her.

Alex Herlihy stated that since 2012, in terms of advocacy, the RCL has realized that they have to be clearer; such as, not writing letters from the Civic League to the BOS or taking positions on issues in town. Advocacy is something that happened in the league early on.

Vice-Chair Winslow stated that RCL is a great resource for people. If it becomes editorialized or questions the town's boards, committees, people, contractors, or the positions the town is taking, he would like them to consider taking the link off. If so, he thinks they should be willing to try it.

Selectman Roman noted that a disclaimer should be added to the community resources page. She continued she would like to see a link to RCL on the website. She does think that in the past there has been advocacy. However, RCL provides a great service and a lot of residents go to them for information. She thinks it is important to add it to the town's webpage. There just needs to be an understanding that advocacy, and the things that Vice-Chair Winslow pointed out,

will be avoided. She thinks that they can work together and be cooperative to resolve any issues that might come up.

Motion by Keriann Roman to approve Alex Herlihy's request to put the Rye Civic League on the community resources page, with a disclaimer being added to that page that will apply to all organizations listed. Seconded by Phil Winslow. All in favor.

- Mr. Herlihy noted that the Rye Historical Society has a new committee called 'Rye 1623'. The first gathering/listening session is being held at the library on July 30th, 6:30. The public is welcome to attend.
- Steve Borne, President of the Rye Civic League, stated that the Civic League meets the last Wednesday of every month at the library. The public is welcome. The first half hour is RCL business and it then turns into a public discussion. The meetings that have the most people in attendance is when residents are impacted; such as, developments or the cell tower. People will show up asking what they can do and how they can get information. RCL tries to provide them with guidance.
- Plan N.H. (not on posted agenda but added by Selectmen)

Motion by Keriann Roman to hear the summation by Steven Borne on Plan N.H. Seconded by Phil Winslow. All in favor.

The Selectmen reviewed the outline for a Plan NH application submitted by Steven Borne. They discussed some of their concerns with Mr. Borne.

Vice-Chair Winslow stated that until the Selectmen see the final application he cannot provide unequivocal support. There may be some things in the process the select board might take exception to. He would like to reserve the right to do that until they see the final application.

Chairman Jenness commented that if the application is written along the guidelines that are outlined, the letter of support would follow.

The Selectmen agreed that they want to support the process with the exception of looking at the final document to be sure they are all in agreement.

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

Chairman Jenness explained this is a very large document of issues that will go before the NHMA Conference. A delegate from the town is sent to vote on each policy.

The Selectmen agreed to review each policy.

#1 - Funding for the Police Standards in Training Counsel

The Selectmen support the policy.

#2 - To see if NHMA will support absentee voting without requiring a reason.

Chairman Jenness expressed her concerns on the amount of time that it now takes to count the absentee ballots. If people could vote absentee for any reason, the poll workers could be counting for hours after the polls close. This may require a whole different process.

Selectman Roman noted that a lot of people do not vote because they can't get to the polls. Anything to allow folks to vote and weigh-in is positive and the town should try to figure out how it can be done. To her, this is not a reason to not support this policy.

Vice-Chair Winslow agreed that they should encourage more people to vote.

It was the consensus of the select board to support the policy.

#3 – Electronic Pollbook

The Selectman agreed to abstain as they are not certain what an electronic pollbook is.

#4 – Building Plans under RSA 91-A

Selectman Roman explained that this is stating that building plans submitted by someone are not subject to the Right-to-Know Laws.

The Select Board supports this policy.

#5 – Municipal Regulations of Firearms:

To allow for a limited local authority regarding possession and use of firearms on municipal property.

- (1) Legislation will allow municipalities to regulate or limit the use of firearms on municipal property.
- (2) Legislation will allow municipalities to regulate the carrying of firearms by employees while their performing the functions of their office or employment.

Selectman Roman explained that right now, towns and cities have no authority over regulating firearms as it is preempted by the State. For example, a town that does not want hunting on a piece of conservation land is not able to say that because the State regulates firearms. This is saying that towns and cities should have the ability, in certain circumstances, to adopt their own regulations. She would support this policy because it would give the town some control.

Vice-Chair Winslow stated that he would be more comfortable if Chief Walsh looked at the policy and provided a recommendation.

Chairman Jenness agreed.

Police Chief Kevin Walsh stated that there are instances when the select board should hear from the people and department heads on how to maintain and regulate certain areas.

Selectman Winslow stated that if the policy is restricted to just the two points presented he would support it. If it goes beyond that, he would want to understand it more.

After discussion, it was the consensus of the select board to support the policy if it is restricted to the two points.

#6 – Welfare Lien Priority

The Selectmen support the policy.

#7 – Municipal Departments and Motor Vehicle Information

The Selectmen support the policy.

#8 – Standing Policy Recommendations: (1) – SB2 adoption process – (amendment to RSA 40:14)

The Selectmen agreed to abstain on this policy as it does not really affect the Town of Rye.

#9 – Allowing towns to adopt ordinances under city statutes

Vice-Chair Winslow asked what additional authority would be given to the towns.

Selectman Roman noted that there are things that city councils are allowed to do without going to the ballot. While she likes the idea of being able to do what cities do, she does not like the idea of doing it without it going to the voters.

Chairman Jenness stated that the way it is now, the Selectmen can put in an ordinance on an emergency basis with it going on the ballot at the next town vote.

The Selectmen agreed to not support the policy.

#10 - Public Area – No smoking as a local option

To authorize the designation of 'no smoking zones' in public areas by local option.

The Selectmen agreed to support the policy.

#11 – Public Notice Requirements

To amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public notification.

The Selectmen support the policy.

#12 – Appointment of Town Clerks or Town Clerk/Tax Collectors

To allow a legislative body to authorize the governing body to appoint
a town clerks and town clerk/tax collectors.

Selectman Roman stated that this policy would allow the legislative body to decide. If the Town of Rye wants the select board to appoint, they can authorize that. If not, then it will not pass. This gives the town the option to put it to the voters. She would be in favor of this policy because it would be up to the voters to decide.

Vice-Chair Winslow commented that anything that allows the voters to decide is beneficial.

The Selectmen support the policy.

#13 – Consolidated Policy on Collective Bargaining Items

The Selectmen support the policy.

#14 - Maintenance and Policing of State owned property

To support legislation requiring the State to maintain and adequately support operations on State properties so those properties do not place undue burdens on the host municipalities.

The Selectmen support the policy.

#15 – Independent Redistricting Commission

To support the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive counsel and congressional districts.

The Selectmen support the policy.

IX. OTHER BUSINESS

- Vice-Chair Winslow requested that the Town Administrator contact representatives from Senator Shaheen's and Senator Hassan's office, NH DES and the Governor's office to ask them to attend a future BOS meeting to discuss the dredging at Rye Harbor.
- Vice-Chair Winslow noted that the Dogs at Large Committee report will be presented to the Selectmen the first part of September.

ADJOURNMENT

Motion by Phil Winslow to adjourn at 9:00 p.m. Seconded by Keriann Roman. All in favor.

Respectfully Submitted, Dyana F. Ledger