

**TOWN OF RYE – BOARD OF SELECTMEN
MEETING**

Monday, August 13, 2018

5:30 p.m. – Site Walk

6:30 p.m. – Reconvene Public Session

Rye Town Hall

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

***Others Present:* Town Administrator Michael Magnant**

5:30 p.m. – Site Walk – Shoals View Drive

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

Also Present: Town Administrator Michael J. Magnant and DPW Director Dennis McCarthy

1. Call to order

At 5:35 p.m., Chairman Jenness called the meeting to order.

2. Site Walk: Shoals View Drive

Chairman Jenness asked Director McCarthy to describe where we are at with the paving project. Mr. McCarthy reviewed the history of the project. The first year, the town did not have the funds to pave the road due to the extensive ledge prevalent throughout the area to be paved. The second year the warrant article failed. He is planning on putting it out to bid in the early fall so as to have a project cost for the 2019 budget season. It will be up to the Board of Selectmen to bring it forward if they so decide. The chair asked about the estimated cost of the project. Mr. McCarthy stated it's a small project and he has concerns about getting contractors to bid. Also, labor and material costs are increasing.

There was a discussion with residents about the width of the right of way the extent of the paving. Mr. McCarthy explained that the ROW is very wide, up to 50'. He pointed out a grading stake and the telephone poles demonstrating the ends of the ROW. The plan is to only pave 20' and stay as close to the centerline as possible.

Selectman Winslow asked about storm water drainage. Mr. McCarthy responded that the goal is to move the storm water from the north side of the road to the south side and then convey the

water within a drainage easement to a pond located to the south. The existing drainage is from north to south.

Joanne Harding of 32 Shoals View Drive voiced her concern that the section of road that she lives on is not plowed and the ruts are not filled by the town. Other taxpayers on Shoals View have this benefit but she does not. She has been told that is because the section she lives on is a private road. Chairman Jenness informed her she was familiar with past discussions on the matter but the other two selectmen were not. They would have to review the matter.

At 5:54 pm Chairman Jenness made a motion to suspend the meeting and reconvene at Town Hall. Seconded by Phil Winslow. All in favor.

6:00 p.m. RECONVENE PUBLIC MEETING

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Selectmen Jenness reconvened the public meeting at 6:33 p.m. and led the Pledge of Allegiance.

II. ANNOUNCEMENTS

- None

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.)

- None

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

- A.** Parsons Field Application – Rye Lions Club Annual Car Show: Sunday, September 16, 2018 (Rain date 9/23/18), 7:00 a.m. to 4:00 p.m. Also: Request waiver of the \$50 fee for use of the field.
- B.** Sign Request – Rye Lions Club requests permission to post a sign at Parsons' Field announcing the Rye Lions Club Annual Car Show. The sign is requested 9/9/18-9/16/18.
- C.** Chief Walsh – Event Permit Application: Amp Surf New England Adaptive Surf Clinic, Saturday, 9/8/18, 7:00 a.m.-1:00 p.m.
- D.** Chief Walsh – Event Permit Application: Granite State Wheelmen, Inc., 2018 Seacoast Century Weekend, Saturday, 9/22/18 & Sunday, 9/23/18, 7:00 a.m.-5:00 p.m. To benefit bicycle safety & education.

E. Chief Walsh – Event Permit Application: Tri Maine: Wallis Sands Triathlon, Sunday, 9/23/18, 7:00-11:00 a.m.

Vice-Chair Winslow commented that he wanted to remind the Rye Lions Club that the sign should be no larger than 2x2; 4sf.

Selectman Roman requested to pull Consent Agenda Items D and E for discussion.

Motion by Phil Winslow to approve Consent Agenda Items A, B and C. Seconded by Keriann Roman. All in favor.

- Granite State Wheelmen, Inc. – Event Permit Application
- Wallis Sands Triathlon – Event Permit Application

Speaking to Police Chief Walsh, Selectman Roman questioned the events as they are scheduled for the same day.

Police Chief Kevin Walsh noted that the Wallis Sands Triathlon is going to start earlier than usual this year at 7:00 a.m. The Granite State Wheelmen starts in Hampton at 7:00 a.m. The triathlon should be done with the swim and bike events by the time the Granite State Wheelmen participants start to enter Rye. He assured the Selectmen that he is going to keep an eye on the event and will not allow that date to be overbooked for next year.

Motion by Phil Winslow to approve items D and E on the Consent Agenda. Seconded by Keriann Roman. All in favor.

V. DISCUSSION ITEMS

A. Meeting Minutes:

1. Meeting, Monday, July 23, 2018, 6:00 p.m., Town Hall

The following corrections were noted:

- Page 3, under item C, 4th sentence should read: **The Class A foam does not have the PFOAs and PFOSs to any appreciable amount as the Class B foam.**
- Page 4, 2nd to last paragraph, last sentence should read: **She asked what makes a firefighter choose one type of foam over the other.**
- Page 7, 2nd bullet, 4th sentence should read: **The meetings that have the most people in attendance are when residents are impacted; such as, developments or the cell tower.**

Motion by Phil Winslow to approve the minutes of July 23, 2018 as amended. Seconded by Keriann Roman. All in favor.

2. Meeting, Friday, July 27, 2018, 11:00 a.m., Town Hall

The following was noted:

- The motion should read: **Motion by Keriann Roman to seal the minutes of the Non-Public just concluded because of reputation.**

Motion by Phil Winslow to approve the minutes of July 27, 2018 as amended. Seconded by Keriann Roman. All in favor.

3. Non-Public Session, Friday, July 27, 2018

(1) Per RSA 91-A:3, II (a) Personnel

Motion by Phil Winslow to approve the minutes of the Non-Public Session of July 27, 2018 as written. Seconded by Keriann Roman. All in favor.

4. Meeting, Wednesday, August 8, 2018, 12:30 p.m., Webster at Rye

Motion by Phil Winslow to approve the minutes of August 8, 2018 as written. Seconded by Keriann Roman. All in favor.

B. Hiring of Rebecca Bergeron for the Finance Director/Assistant Town Administrator Position

Chairman Jenness stated that with Cyndi Gillespie leaving these are really “big shoes” to fill. This is a huge task that the town has been seeking a replacement for. The town hired Municipal Resources, Inc. (MRI) to assist in the hiring process and Rebecca Bergeron was the successful candidate.

Rebecca Bergeron stated that she is pleased to meet everyone. She is flattered to be filling Mrs. Gillespie's position. Mrs. Gillespie is well respected and does fantastic work. She continued that she is very excited for her new position.

Chairman Jenness noted that Ms. Bergeron holds a Bachelor of Science Degree in Business Administration. She graduated magna cum laude. The Selectmen are really pleased to welcome her with her experience and education.

Ms. Bergeron stated that she currently works as the Treasurer for the Town of Eliot. She has five years of municipal experience in a town that has a similar structure as Rye. The transition should be pretty smooth and seamless.

Town Administrator Michael Magnant acknowledged resident Alan Gould from MRI who led the recruitment effort and was very helpful.

Alan Gould, MRI, stated that there was an outstanding pool of candidates for this position, which speaks well of Rye. There were thirty plus candidates and that was cut down to fifteen.

Those candidates were asked to answer an essay. Phone interviews were then conducted with seven candidates and that was narrowed down to three who were interviewed in person. Ms. Bergeron did an outstanding job. He noted that she is the Treasurer in Eliot. The Treasurer in Maine is a little different from N.H. Her equivalent in Maine is Finance Director. The job she has been doing in Eliot is very much equivalent to what she will be doing in Rye but she will have the added responsibilities of assistant town administrator.

The Selectmen thanked Mr. Gould for his work.

Town Administrator Magnant stated that he would like to acknowledge Mrs. Gillespie. She has been his right hand and part of the team for the last nine years. She is incredibly devoted to this town and it has been a joy to work with her. She will be deeply missed.

An appreciation reception is being held for Mrs. Gillespie at the Public Safety Building on August 29th, from 3:00 to 5:00 p.m. All are invited to stop by and wish her well.

C. Historic Structure Report Presentation

Scott Stevens and Steven Mallory, Groundroot Preservation Group, along with **Nancy Barba, Barba and Wheelock Architects**, presented a summary of their draft Historic Structures Report on the Town Hall. The building has great historic character with a lot that is valuable to preserve. Structurally, it was found that the building is in really good condition and can withstand use into the future. Most of the issues that it presents as a preservation project for the town are largely cosmetic, such as painting and clapboards. From a code perspective there are some challenges. The costliest issue is the need for an elevator and a lift to the town administrator's floor. Also, in order to achieve handicap clearances, certain walls will need to be moved. In terms of egress, the stairs are adequate but the historic stairs in the front are not permitted by code to go into an office and will need to be changed. There are other tweaks that need to be made for handicap accessibility, such as counters being lowered for wheelchair access.

There was discussion on painting the building with minimal clapboard replacement with removal of the temporary spray foam insulation and proper sealing of the wood. A long-term solution for the exterior would include grade changes to promote better drainage and the replacement of the siding, from the window sills down, with historically accurate clapboard, during a larger renovation project in the future. The existing clapboards can serve for another five to ten years; however, they will not hold paint as well as new siding.

Mae Bradshaw, Historic District Commission Chair and Heritage Commission Member, encouraged the Selectmen to replace the bottom clapboards on the building before the painting. She also spoke in regards to doing the work in phases over the next few years in order to obtain additional grant funding.

Francis Erlebacher, Brackett Road, spoke in support of painting the building.

There was discussion on documenting the existing shutters which are not original and were replacements within the past twenty years. The shutters need minor repairs but are in good shape

and can continue to be used on the building. The existing windows are in sound condition; however, some need re-glazing which can be done by a competent painter. The sashes are not at a point that requires a major restoration.

After discussion, the Selectmen agreed to put out an RFP to address replacement of the siding to see if the work can be completed without holding back the painting project. It was agreed that the painting should move forward as scheduled.

A final report will be submitted to the Selectmen once L-Chip has reviewed the draft and any revisions needed are made to the documents.

D. Chief Cotreau – Fire Department Capital Plan

Fire Chief Cotreau presented a six year apparatus and equipment capital plan for the Fire Department, along with an assessment of the current fleet. The plan was submitted to the CIP Committee for updates to the town's capital plan. A public forum will be planned for the near future to present the Fire Department's plan to the residents.

E. Dennis McCarthy, Public Works Director – Designation of Authorities for Clean Water State Revolving Fund Loan

Dennis McCarthy, Public Works Director, submitted the updated authorization form for the Selectmen's review.

**Designation of Authorities for
Clean Water State Revolving Fund Loan**

WHEREAS, under the authority of the State of New Hampshire Revised Statue Annotated; Chapter 47, Section 17, Subsections I thru XIX; authoring the Board of Selectmen to enact actions and ordinances,

AND WHEREAS, the Town of Rye, known as the applicant hereafter, through consideration of its water pollution problem, hereby determines that the construction of certain works, generally described as: Stormwater Asset Management Plan, known as the Project hereafter, is desirable and in the public interest, and to that end it is desired to apply for assistance from the State Revolving Fund (SRF); and

AND WHEREAS, the Applicant has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter ENV-Wq 500, which relate to loans from the Clean Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith;

NOW THEREFORE BE IT ORDAINED, that the Town of Rye, by its Selectmen in meeting assembled on this date:

1. That the person holding the position of Director of Public Works, currently held by Dennis McCarthy, is hereby designated as the Authorized Representative of the Applicant for the purpose of filing an application for a loan in accordance with new Hampshire Code of Administrative Rules Chapter Env-Wq 500, furnishing such information, data, and documents pertaining to the applicant for a loan as may be required.
2. That is such loan be made, the following position(s), currently held by the following individual(s), is/are the Authorized Representative(s) of the Applicant for the purpose of signing any documents pertaining to the disbursement of funds to the loan recipient.

Dennis McCarthy, Public Works Director
Michael Magnant, Town Administrator
Rebecca Bergeron, Finance Director

3. That is such loan be made, the Applicant agrees to repay the loan as stipulated in the loan agreement.
4. That a certified copy of this resolution be included as part of the application to be submitted for a loan.
5. That persons holding the following position(s) at the time of loan execution are authorized to sign the loan agreement binding the Applicant to the terms and conditions of the loan.
6. That if such loan be made, the Applicant agrees to make provision for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

This ordinance is hereby adopted this 13th day of August, 2018 having been adopted by a majority vote of the Board of Selectmen and shall be effective immediately upon its adoption.

Further, I certify that said vote has not been amended or repealed and remains in full force and effective the date of this certification.

**So moved by Keriann Roman. Seconded by Phil Winslow.
All in favor.**

F. Dennis McCarthy, Public Works Director – Harbor Road Bridge

Director McCarthy spoke with the Selectmen in regards to the Harbor Road Bridge project. The town received one bid for \$125,000., which is \$50,000 more than was budgeted for the work. There will also be engineering expenses incurred with the project. He encouraged the board to move forward with the project as the work should not be postponed and the contractor is ready to start construction. Mr. McCarthy is confident with Kahn Construction who will be doing the work.

There was discussion on where the additional funds could be drawn from within the budget.

Motion by Keriann Roman to use the Highway Block Grant Funds for the excess construction costs for the Harbor Road Bridge Project. Seconded by Priscilla Jenness.

Vote: 2-0

Phil Winslow recused himself from the vote.

G. Chief Walsh – No Parking Boxes on Central Road

Police Chief Kevin Walsh spoke to the selectmen in regards to the parking issues in front of St. Theresa's Church on Central Road. He suggested banning parking in this area on Saturdays and Sundays only, as these are the days when there are problems because the church is having services. The cars parking on Central Road have caused safety concerns for the residents who live in that location as they are not able to have a clear site pulling out of their driveways. He also spoke in regards to having officers present during times when a large amount of people are expected at a service to help control the traffic. He will submit a draft ordinance to be reviewed at the next Selectmen's meeting.

VI. CORRESPONDENCE

A. Letter rec'd from the Rye Public Library Trustees re: Draft 2-18 Compensation Policy

Vice-Chair Winslow noted that last year the Library Trustees talked about additional compensation of 5% that would be allocated to people for exceptional performance. The Selectmen talked them down to 3% to keep the salaries between the town and library staff somewhat equitable. He continued that he did a comparison between the town and the proposed library compensation. Over a ten to twenty year period, the library employee is substantially overpaid in comparison to the town employee. He noted that there will be a 5% difference at the end of ten years and a 15% difference at the end of ten years. He pointed out that he would like more information on their municipal adjustments, market data adjustment, performance paid adjustments and bonus payments.

The Selectmen agreed that further information on the compensation plan is needed, especially before budget season begins. Selectman Winslow's comparison will be sent to the trustees for their review with a notice of the Selectmen's concerns. They also requested a meeting with the Library Trustees to discuss the plan before it is adopted by the trustees.

VII. NEW BUSINESS

- **Mae Bradshaw, Historic District Commission Chair**, submitted the application for the Certified Local Government (CLG) Program for a signature from the select board chair. Chairman Jenness will sign the application within the next few days once the select board has reviewed the material.

VIII. OLD BUSINESS

- A. Tax deeding – Properties with unpaid 2015 property taxes/2016 lien, will be deeded to the Town if taxes remain unpaid.**
1. 981 Washington Road, Susan Dunfey

Town Administrator Michael Magnant noted that since this was last discussed the owner has made a payment on the 2015 taxes; however, it was short by just under \$40 for outstanding interest.

Selectman Roman stated that if the 2015 taxes were paid in full the property cannot be deeded. The taxes have been paid, except for \$37. However, she feels that a good faith effort was made to pay off the tax lien. She is not in favor of deeding the property at this time.

Vice-Chair Winslow agreed. He commented that the owner should be asked to clear up the outstanding balance to clear up this matter.

Chairman Jenness agreed.

B. Outer Marker Site

Town Administrator Magnant noted that in 2017 the Board voted to remove the fence, put up a sign, clear the brush in the parking and demolish the shed on the outer marker site. He has been speaking with the Public Works Director about removing the building. He asked the Selectmen if they would like to proceed.

There was some discussion on using the building for storage. It was agreed that the town administrator should contact other department heads, such as recreation, to see if they are able to use the building.

C. CIP Committee – The attendance of member Randy Crapo

Town Administrator Magnant stated that in the fall of 2017, the chair of the CIP Committee asked the Selectmen to remove Mr. Crapo from the committee for not attending approximately a year's worth of meetings. He has spoken with Mr. Crapo and he explained that he had an ongoing conflict with the CIP meetings. Mr. Crapo felt that his schedule would be such that he could join the committee once again in 2018. Mr. Magnant noted that he reached out to Mr. Crapo when the committee started again this past June but has not heard back from him.

Vice-Chair Winslow pointed out that when he was on the CIP Committee they were struggling to get a quorum. The fact that Mr. Crapo was unable to be there caused the committee to not have a quorum at several meetings. There should be a member on the committee that is going to give it

full attention. He noted that CIP members should be appointed for a certain time period to prevent this from happening again.

Town Administrator Magnant stated that Attorney Donovan suggested that the Board of Selectmen follow the Planning Board process for removing a member, which requires a public hearing.

The Selectmen agreed to have Town Administrator Magnant reach out to Mr. Crapo and schedule a public hearing for the next meeting if he is not successful.

- Request from Firefighter Chuck Gallant to hold the 13th Annual Muscular Dystrophy Boot Drive on August 25th at the Transfer Station.

Motion by Keriann Roman to approve the request to have a boot drive on August 25th at the Transfer Station. Seconded by Phil Winslow. All in favor.

IX. OTHER BUSINESS

- None

ADJOURNMENT

Motion by Phil Winslow to adjourn at 9:55 p.m. Seconded by Keriann Roman. All in favor.

Respectfully Submitted,
Dyana F. Ledger