

**TOWN OF RYE  
BOARD OF SELECTMEN  
Monday, November 25, 2019  
6:00 p.m. – Rye Town Hall**

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

*Others Present: Town Administrator Becky Bergeron*

**6:00 p.m.**

**I. CALL TO ORDER**

Chair Winslow called the meeting to order at 6:02 p.m.

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

**At 6:02 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3, II (a) Personnel. Seconded by Bill Epperson. Roll Call: Winslow – Yes Roman – Yes Epperson – Yes**

**At 6:31 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Winslow – Yes Roman – Yes Epperson – Yes**

**6:30 p.m. RECONVENE PUBLIC MEETING**

**III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Winslow called the meeting to order and led the pledge of allegiance at 6:36 p.m.

**IV. ANNOUNCEMENTS**

Chair Winslow thanked Chief Walsh for his support during the junior high school play. The play was the “Wizard of Oz” which ran for three nights. The play was a great success.

**V. PUBLIC COMMENT – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Request time limit, up to 5 minutes each person.)**

- **NONE**

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

- **NONE**

**VII. DISCUSSION ITEMS**

**A. Presentation of the Capital Improvements Plan 2020-2025 for acceptance**

**Mae Bradshaw, Chair of the CIP Committee**, presented the Board with the 2020-2025 Capital Improvements Plan. She explained that the charge from the Board of Selectmen is to prepare and recommend a program of non-reoccurring municipal capital improvement projects for the cost of \$15,000 or more for the period of 2020 to 2025.

The first twenty-seven pages are the narratives from the department heads, along with an overview of the capital assets and any ongoing projects and the impact on taxes, if the expenditure is funded. Table nine sums up all of the projects/expenditures for the six years. Table nine is guided by the principles of prioritizing the projects as follows:

1. Safety
2. Maintenance
3. Something from the Master Plan but is not priority

The largest projects/expenditures are listed on page three:

1. Conservation Commission = \$3 million bond for land acquisition
2. Public Works = Culverts and Paving over the 6-year period \$2.5 million
3. Fire Department = \$2.5 million
4. Rye Water District = \$11 million

The 2020 projects that have been presented total \$1.9 million.

Chair Winslow inquired about the matching funds from the State for the Harbor Bridge.

PWD McCarthy stated that he has not heard anything from the State yet. He anticipates that this will not happen for a while because it is not rated high enough. He added that it will be at least ten years because the funding is falling further behind.

Chair Winslow thanked Ms. Bradshaw for the update and the great work.

**B. Rye Telecommunications Infrastructure Committee Presentation** *15 minutes*

**Howard Kalet, Chair of the Rye Telecommunications Infrastructure Committee**, updated the Board of Selectmen. The committee is in the process of updating the whole 305 Section of the Zoning Ordinance. That section was originally drafted in 1999. During which time, there have been quite a few changes in Federal and State laws. The new proposal is dramatically different and has some new clauses.

The work is being done back David Maxson. It has been tabled and now the committee is reviewing it. The proposed warrant amendments will be ready and available for the December 3<sup>rd</sup> Planning Board meeting for their review.

Mr. Kalet went on to say that the legal descriptions for the Overlay District are changing to go with the present known within the Planning Board. They are also planning to add the Rye Recreation area. Mr. Maxson is also completing a report for the Board of Selectmen. Mr. Maxson has suggested that the Town do a balloon test, which will cost \$1,900.

Lang's Corner is already included in the Zoning Overlay District. The committee is working diligently on this change in order to proceed with the warrant article to make the zoning changes. The plan is to have David Maxson and Attorney Donovan review the changes this week. Then it will go to the Planning Board for the first public hearing. If there are any changes, a second public hearing will be held in January.

Selectmen Epperson stated that the balloon test will be critical for the residents.

Chair Winslow asked if the Conservation Commission has been consulted on this process yet.

Vice-Chair Roman stated that she could update the Conservation Commission. She explained that she will be on the next Conservation Commission's agenda. She asked to have a copy of the map that Mr. Maxson developed. She added that they are operating under the understanding that none of this will interfere or be on conservation land.

Mr. Kalet offered to attend the Conservation meeting as well. He clarified the Rye Recreation land is fourteen acres at the end of the Town Forest. There is an agreement that before any trees can be cut on the rec land, there is a committee that must be consulted.

Vice-Chair Roman explained the process. She stated that this phase is to get the recreation land into the Overlay District. The next step would be to charge this committee to move forward or create a new committee. Then they will need to decide if the Board wants to start encouraging providers to come into town. Vice-Chair Roman stated that the balloon test idea came up at the last meeting. They want to get support from the voters, with the idea of putting the recreation land into the Overlay District. There have been some residents in that area that have been very outspoken against the proposal. Doing the balloon test showing the benefits would be very helpful.

Selectman Epperson suggested doing an animation.

Chair Winslow stated that the committee's efforts have produced exactly what the Board was looking for. The mapping of the potential sites and the dead zones are important information. He recommended that instead of the balloon test, doing something electronically in order to move forward. He also asked that Vice-Chair Roman and Mr. Kalet follow-up with the Conservation Commission.

**C. Rye Energy Committee Solar Presentation**    *15 minutes*

Presented by: Howard Kalet, Tom Pfau and Carl Nicolino.

Mr. Pfau stated that the RFP for solar was sent out in August. There were eight companies that expressed interest with six attending the site walk. One of the issues was that this is not a big enough project for many of these companies. The company the Energy Committee felt was the best fit was ReVision Energy. Mr. Pfau presented the Board with the proposal from ReVision and promised to forward the electronic copy to them. He highlighted some of the key information in the report to the Board.

Some of the proposed places suggested by the Energy Committee for possible solar panel sites are:

1. The Transfer Station
2. The Public Safety Building
3. Both the schools
4. The Garland Road pumping station

The Energy Committee spoke to the School Board and the Rye Water District and they both agreed that they want to be a part of this process.

The proposal from ReVision has panels in each of those locations using a power purchase agreement. ReVision fronts the money for the installation and the Town becomes a customer for the power that is produced. This proposal will produce approximately 80% of the total municipal electric use. The garage and the public safety building will only receive a portion of the power from the installation and the Library and the Town Hall will not receive any. The Water District would have a very large ground-mount array that would produce far more than they need. Also, the Transfer Station garage will be producing more than it needs. There will be excess power coming from those two locations. All the excess power goes on the grid and is credited back to the Town. Those funds could be used to off-set the Library and Town Hall electrical costs.

Chair Winslow asked how much of the funding is supported by the State and Federal government. If the Town didn't have any funding, could this stand on its own, price-wise?

Mr. Pfau explained that the investors would not be interested in that process. The Town is able to take advantage of this because it is a nonprofit. The investors are putting the money up with the expectations that they will be receiving the tax incentives.

Mr. Kalet reported that the federal government incentive is a 30% tax credit the first year and then it drops each year after that.

Chair Winslow stated that there had been talk about the Town buying back the whole project sometime in the future. He asked if that made sense.

Mr. Pfau replies yes and that is part of the proposal. The proposal is a twenty-five-year power purchase agreement. After six years, if the Town wanted to buy the project, the cost would be \$930,000. The piece that is the Town's portion, from the Transfer Station and the Public Safety Building, is approximately \$167,000.

Selectman Epperson stated that the panels have a life span. So, if they become obsolete and need to be replaced the Town will be spending \$930,000 on something that can't be used.

Mr. Pfau stated that the panels have a lifespan of 40 years. Also, the proposal shows that if the Town buys the project at year six, it will have paid for itself by year twenty.

Mr. Kalet further explained that each year the efficiency of the panels drops. So, it is not saying that it just stops. It just losses a few percentages each year.

Vice-Chair Roman stated that there will have to be a lease or license established in order for the panels to be on town owned buildings.

Selectman Epperson stated that there are different levels of efficiency based on where the panels are located. He suggested that it may be better to find a piece of land to create an array on. It would be a more consistent flow of electricity.

Mr. Pfau agreed and pointed out that that was where the committee started on this project three years ago; however, they were not able to make that work. There is a piece of land south of the Breakfast Hill Landfill that would be ideal; however, the Town does not own it. In order to do this, it would take about three acres of land and there are six acres on the parcel at Breakfast Hill.

Mr. Kalet pointed out that it is also the transmission of the power. The way the proposal is set up, there will be no transmission charge, so there is a savings up front. Transmission costs are extremely variable on a commercial basis. The counter argument is that a larger array has lower installation costs, which offsets to some degree the transmission costs.

Mr. Pfau referred back to the proposal. The rate that is proposed is .095 per kilowatt hour for two years. Each year after that it will increase 2%. The total projected savings is about \$7,800 per year for the first 6 years.

There was further discussion regarding the aesthetics of the panels. Mr. Pfau suggested doing an animation.

Chair Winslow thought that would be a good idea, and if possible, put up a one to two-foot-high false skirting so it would look like part of the building.

Mr. Kalet suggested that the roofs are too steep for skirting to be effective.

Mr. Pfau stated that the Town, School and Water District spends around \$164,000 per year total for electricity. The savings is projected at 5%.

Mr. Kalet pointed out that it is totally renewable power and it is locally produced.

Mr. Pfau stated that when the Town takes ownership of the system, it will need to hire someone like ReVision to maintain it. A service contract for maintenance is estimated at about \$5,000 per year.

Vice-Chair Roman asked if the Board could get a copy of the Power Purchase Agreement to review. She added that the lease and the Power Purchase Agreement would have to go to Town meeting.

Mr. Pfau asked if each entity, Water District, School and Town, would have to have separate Power Purchase Agreements.

Chair Winslow confirmed that would be the case. He suggested that there are three factors to consider; clean energy; the cost savings and the visional impact on the Historic District. He asked if the Junior High and the Safety building were taken out of the proposal, how much of a cost savings would be realized. Would this company still consider moving forward?

Mr. Pfau added that the company stated that yes, they could make that work.

Mr. Kalet stated that the Power Purchase Agreement rate would increase some, because it will be a smaller project. Also, there would probably not be costs savings. The three largest consuming locations are the Public Safety Building, and the two schools. Then there is the Water District, and with the new treatment plant, the demands on the Water District will be increasing substantially. So, the extra power that is produced will be consumed. So, that is where the committee's focus has been.

Mr. Kalet proceeded to explain alternative options.

1. The Town could go to a local consolidator of power supplies for green energy. The energy would be from purchasing energy credits from Texas produced wind generation. The cost would be about .01 per kilowatt hour over what the Town currently pays. This is a consolidation of all the purchasing of all the entities under a similar plan. The penny on the kilowatt hour is roughly 5%. However, the Town would be totally on grid.
2. Senate Bill 286 took effect October 1<sup>st</sup>. This law enables local governments, cities, towns and counties, to create a community power program to supply energy to residents and businesses in those communities. It allows a municipality to authorize an entity to negotiate an electric rate. The residents and commercial businesses would automatically be put into the program, unless they opt-out. This develops increased leverage. The Town would be able to specify where the power is coming from.
3. There are three companies that the committee has been referred to that are aggregators to put this program together. The bills would still come from Eversource. The supply section on the bill would show the different sources and rates of the suppliers. There would also be a small fee for the management of the program. The expectation is that the cost of the power would be less and the Town would have control over where it comes from. This would be negotiated by the third-party aggregator management company.

Mr. Kalet stated that the committee has communicated with one company and they have also communicated with the Assistant Mayor of Lebanon. The Assistant Mayor of Lebanon has been on the PUC and is very much up on this program. He is pursuing a program like this at this time.

Mr. Kalet further explained that with either of these alternatives, there are no long term commitments. The commitments can be as little as one to two years.

The committee is looking to engage a consultant to evaluate the PPA and to potentially negotiate municipal removable grids and to explore the aggregation program. The costs of the consultant would be intergraded into the cost (as an add-on) of the negotiated cost. The company that has already been communicated with will evaluate the Town's PPA and the three options for free, with the expectations that the Town would move forward with using their services. That company is Freedom Energy of Manchester, NH. This is the same company that is working with Lebanon. They have been doing these programs in Massachusetts for some time. The aggregation program has been in California for about ten years. There are only about ten states that currently offer it.

Selectman Epperson praised the committee for the amazing amount of work that they have put into this endeavor. He added that he is 100% in support of total renewable energy.

Chair Winslow expressed his interest in pursuing option three.

The Board agreed that the Energy Committee should continue by reaching out to the three companies and to communicate the information back to the Board.

#### **D. National and NH Historic Registries Applications, Professional Consultant RFP Results**

**Mae Bradshaw, Chair of the Historic District Commission**, explained that the officers of the Historic District Commission met to select the consultant. There were three responses to the RFP. One was for \$3,000 more than the grant. One was within the grant amount, but they could not start until 2020. The last one was for below the grant. The grant was for \$8,000 and the proposal came in at \$5,500. The Commission is planning to have the project completed by June 2020.

### **VIII. CORRESPONDENCE**

- **NONE**

### **IX. NEW BUSINESS**

- **None**

### **X. OLD BUSINESS**

1. Vice-Chair Roman asked who is responsible for reviewing the RFP for the Route 1A study.

Town Administrator Bergeron stated that she would look at it and forward it onto the Town Attorney.

2. Vice-Chair Roman also stated that the Town Moderator is extremely concerned about having the deliberative session on February 8<sup>th</sup>. The Primary is on the 11<sup>th</sup> and there are 12 days less to get the absentee ballots out, which means that the voters using absentee ballots will have 12 days less. The results of the deliberative session are used to craft the ballot. The Secretary of State has to

approve it and then the moderator approves them. Then the ballots are printed, stuffed and mailed. Having the deliberative session on the 8<sup>th</sup> does not allow for a snow date. In that situation, the Deliberative Session would have to be held on Monday the 10<sup>th</sup>, which would be next to impossible with the Primary on Tuesday the 11<sup>th</sup>.

The Board agreed that the Deliberative Session will be moved to February 1<sup>st</sup> with the snow date on February 8<sup>th</sup>.

## **XI. SELECTMEN'S 2020 BUDGET WORK SESSION**

### **A. Capital Outlay**

#### **▪ Recreation**

- Assessment of the current building needs and goals for future development.  
\$10,000

The Board will approve this request based on having additional information and explanation from Lee Arthur as to what will be included in the assessment.

**Motion by Phil Winslow to accept the request of the Capital Outlay appropriation in the amount of \$10,000 provided that the Recreation Department provides satisfactory additional information and explanation as to what will be included in the assessment. Seconded by Keriann Roman. All in Favor.**

### **B. Revenues – Not Ready – to be discussed at next meeting**

### **C. Departmental Budgets**

#### **○ Historic Commission**

- Whole new budget – with additional funds for mailing and a \$10,000 request for grant matching. Ms. Bergeron does not have all of the details and Ms. Bradshaw is not present.

The Board agreed to place this on the next meeting agenda.

#### **○ Executive Budget**

- Adjustments to Salary, FICA and Retirement \$ 84,473.00

**Motion by Phil Keriann Roman to accept the Executive Budget in the amount of \$84,473. Seconded by Bill Epperson. All in Favor.**

### **D. Meeting Minutes**

**Motion by Keriann Roman to seal the minutes of the non-public session of Thursday, November 21<sup>st</sup> per RSA 91-A:3,11 (a) Personnel and Reputation. Seconded by Phil Winslow. All in favor.**

1. Meeting, Monday, October 28, 2019, 5:30 p.m., Town Hall

The following correction was noted:

Page 7, 1<sup>st</sup> paragraph reads: There are 230 parcels that have not been ~~pump~~ and inspected.  
It should read: There are 230 parcels that have not been pumped and inspected.

**Motion by Phil Winslow to accept the minutes of October 28<sup>th</sup> as amended. Seconded by Keriann Roman. All in favor.**

2. Non-Public Session, Monday October 28, 2019 (1) Per RSA 91-A:3, II (d) Acquisition

**Motion by Keriann Roman to approve the Non-Public minutes of Monday, October 28, 2019 Per RSA 91-A:3, II (d) Acquisition as presented. Seconded by Phil Winslow. All in Favor.**

3. Non-Public Session, Monday October 28, 2019 (2) Per RSA 91-A:3, II (a) Personnel

**Motion by Phil Winslow to approve the Non-Public minutes of Monday, October 28, 2019 Per RSA 91-A:3, II (b) Personnel as presented. Seconded by Keriann Roman. All in Favor.**

4. Meeting, Monday, November 11, 2019, 6:30 p.m., Town Hall

The following addition was noted:

- Page 4, 3<sup>rd</sup> paragraph from the bottom: **The comment was made by Joe Tucker, 960 Washington Road.**
- Page 4, last paragraph from the bottom: **The questions were asked by Julie Tucker, 960 Washington Road.**
- Page 5, 4<sup>th</sup> paragraph from the top: **The comment was made by Joe Tucker.**
- Page 7, last paragraph: **The comment was made by Joe Tucker.**
- Page 13: Vice-Chair Roman noted a discrepancy in the Highway Capital Reserve request. The Board ~~did not~~ vote on \$50,000 for the traffic engineer study on Perkins Road.  
To Clarify: **The Board voted on \$50,000 for the traffic engineer study on Perkins Road, which will now bring the total to \$175,000.**

**Motion by Keriann Roman to approve the minutes of Monday, November 11, 2019 as amended. Seconded by Phil Winslow. All in Favor.**

**ADJOURNMENT**

**Motion by Keriann Roman to adjourn the meeting at 8:32 p.m. Seconded by Bill Epperson. All in Favor.**

Respectfully Submitted,  
Dyana F Ledger