

**TOWN OF RYE – BOARD OF SELECTMEN**  
**Monday, January 13, 2020**  
**5:30 p.m. – Rye Town Hall**

*Present: Chair Phil Winslow, Vice-Chair Keriann Roman, 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 (1) per RSA 91-A:2, I (b) Collective Bargaining  
(2) per RSA 91-A:3, II (c) Reputation**

**At 5:30 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:2, I (b) Collective Bargaining. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.**

**At 6:11 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.**

**At 6:11 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3, II (c) Reputation. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Roman – Yes, Epperson – Yes.**

**At 7:04 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.**

**7:00 p.m. RECONVENE PUBLIC MEETING**

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

Chair Winslow called the meeting to order at 7:10 p.m. and led the Pledge of Allegiance

**IV. ANNOUNCEMENTS**

**A.** The Town Offices will be closed Monday, January 20, 2020, for Martin Luther King, Jr Day.

**B.** Deliberative Session will be held on Saturday, February 1, 2020, at Rye Junior High, starting at 9:00 a.m.

**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.)

- **Susan Shepcaro, 45 Recreation Road**, asked for clarification on the proposed Wireless Overlay District that would affect the Recreation area. She pointed out that at four different meetings it has been stated that the Selectmen would not proceed with the proposed expansion of the Overlay District to include the Recreation area if the Recreation Commission was not in agreement and yet it is still being pursued and will be heard again tomorrow. Both the Recreation and Conservation Commissions are not in favor of the proposal. She asked why this is happening and what can be done about it.

Chair Winslow noted that this will be discussed later on the agenda.

- **Stephen King, Member of the Recreation Commission**, confirmed that the Recreation Commission voted unanimously that they are against the recreation property being placed in the Wireless Overlay District. They also voted unanimously against placing a tower in the gravel parking lot, so, they are in opposition to a cell tower on all the land at recreation.
- **Karen Allen, 81 Grove Road and Library Trustee**, presented the Selectmen with a handout on the statistics regarding the programing at the Library. The report shows how Rye Public Library is doing compared to other libraries in the State. The research shows that the Rye Public Library is much busier than even some of the libraries in larger communities. Ms. Allen stated that it is because Rye offers such a variety of programing. Some of the programs at the library include, the knitting group, coloring club, senior trivia, meditation groups, yoga, movies and special presentations every month.

Ms. Allen announced that Benjamin Kilham of Lyme, NH will be doing a presentation on Wednesday January 15<sup>th</sup>, from 6:30-7:30. Mr. Kilham is a world-renowned Black Bear Rehabilitator.

In the children's room, in the month of December, there were ten morning story times for the younger children. There were 117 children that attended. There were also nine afternoon and evening events for the junior high and high school students with 87 attendees. Other programs for the youth included movies, book clubs, crafting and an escape room.

Ms. Allen read brief statement:

*I am sad to announce that I will not be running for trustee for the Rye Library in 2020. I have family commitments, currently and upcoming, that wouldn't allow me to give the necessary attention to the exciting things that we have happening at the library. It has been a true honor to serve for the past six years, and I am so proud of the strategic planning and research that has gone into the decision to renovate our building. The project is much bigger than just the library, the staff and patrons. This project is going to benefit the entire Town of Rye and each of its organizations. I am confident that Karen, Victor and Jeff will continue the project with outstanding efforts from the RPL Director Andy Richmond and Consultant Janet Clarkson-Davis and future RPL Trustees.*

*I love our library and our community and I'll continue to support Rye's on-going role at the cultural heart of Rye by facilitating the flow of ideas and information to all members of our community.*

Chair Winslow stated that this is not just a lost for the Library but also a lost to the Town of Rye. He thanked Ms. Allen for the excellent job she has done.

- **Karen Oliver, 1159 Washington Road and Library Trustee**, stated that this is the time of year for the filling of seats of all the Boards. She announced that not only will Karen Allen not be running this year, but also Dr. Brian Klinger will not be running.

Ms. Oliver read a letter from Dr. Klinger:

*Dear friends and colleagues,*

*March 2020, will make the end of my tenth year as a Trustee of the RPL. I have given this serious consideration and have decided that I will not be a candidate for reelection this time around. The Library and the Board will certainly benefit from some fresh thinking and from a fresh perspective from a new trustee. It has been a deep privilege and great pleasure working with all of you, as well as past trustees. I thank each of you for the courtesy and respect you have shown me and to my sometimes radical opinions and thoughts. I'll miss the close involvement with all of you, but I will certainly remain concerned and active with our wonderful library.*

Trustee Oliver read the following statement:

*I want to thank Brian for his thoughtful, earnest and committed approach to all things that come before the RPL Board. Brian is a good listener and often asked a question or offered an alternative that we might have otherwise missed. Our meetings and mission were enhanced by his insight, grammatical acumens and sense of humor.*

*I also want to give a shoutout to Karen Allen. Karen asked questions and looked for the answers by doing whatever was needed to find them. When Karen got a project, you could be sure that it would be done properly and done thoroughly and competently. RPL benefited greatly from her empathy, diligence and dedication. I would say that she will be greatly missed, but I have a feeling that she will not stay away from the library that she has served and been so passionate about during her tenure as a Board of Trustee Member.*

- **Cory Belden, 146 Clark Road and Member of the Recreation Commission**, spoke out against the Rye Recreation land being placed in the Wireless Overlay District. He reported that the Recreation Commission voted in opposition to the proposal at the January 6<sup>th</sup> Recreation meeting. He stated that there seems to be a misconception that Recreation has a lot more land then they actually do. He stated that he hopes that the Board of Selectmen understands and respects the Recreation Commission's decision.
- **Steven Borne, Rye Civic League**, told the Board that they are still trying to work out the details of filming and recording the deliberative session. Mr. Borne also stated that they are trying to get a second January Civic News out in order to promote the vacant board positions. He has the information needed to reach out to people to see if they are running again. He also asked for a draft of the warrant articles and budget information in order to get ready for the Civic League budget presentation on the 29<sup>th</sup> of January.

He also stated that they have been talking to Bob Eaton the Town Moderator regarding being able to set up a table at the presidential election. If they get permission, they are thinking about doing a survey. The plan would be to get the chairs of the boards to list some town issues. The Civic League would put those on an index card and hand them out at the deliberative session and have the voters choose what they feel are the top three issues in Town.

Mr. Borne reminded the Board of the Rye Presidential Primary Tavern on January 26<sup>th</sup>.

- **Gregg Mikolaities, 1 Willow Lane and Chair of the Recreation Commission**, stated that the Recreation Commission is against any non-recreational structure on Recreation Lane. They have taken two votes; one in November and one in January. He stated that he does not understand the process and thought that the issue had been settled. He stated that he does not know if he has to go before the Planning Board tomorrow night to speak against it. He doesn't know how far this is going. Does he have to keep tacking this issue or will it go away tonight?

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

- A. Public Works – Amendment to the Waste Disposal Agreement Contract Extension & Revised Fees
- B. Appointment: Rye Energy Committee – Unlimited Team
  1. Lisa Sweet: Requests appointment as a member, email rec'd 12/20/19
  2. Recommendation letter rec'd 12/23/19 from Howard Kalet, co-chair
- C. Letter rec'd from Attorney Bernard Pelech on behalf of Martha Leary re: Ocean Blvd Safety Issues
- D. E-mail rec'd from Rich Davis re: His resignation from the Heritage Commission
- E. Mileage Reimbursement Rate Change: The IRS announced effective January 1, 2020 the standard mileage rate for transportation expenses was set at 57.5 cents per mile

Chair Winslow asked to pull Consent Items A and C for discussion. He also asked that a thank you letter be sent on behalf of the Board of Selectmen to Rich Davis.

**Motion by Phil Winslow to accept items B, D, and E as written. Seconded by Keriann Roman. All in Favor.**

- **Public Works – Amendment to the Waste Disposal Agreement Contract Extension & Revised Fees**

**Public Works Director Dennis McCarthy:** The Town of Rye is a part of a six town waste management district. All of the tonnage from the six towns is added together so when they negotiate tipping fees with the landfills, they have a higher amount of tonnage which effects the costs to dispose.

The rate is based on the amount of tonnage that is disposed of at the landfill. The more tonnage the lower the rate. They went out to bid five years ago and got a favorable price for tipping fees at TurnKey Landfill. The options on where to dispose of the trash has been decreasing over the years, so this year the management of the District decided not to go out to bid and just renegotiated with Waste Management. The District's current rates are \$66.02 for municipal solid waste (MSW) and \$78.47 for demo and bulky. The District is currently paying one of the lowest rates in the State. Waste Management has offered the District a deal that maintains a low rate, but slowly increases over the next five years of the contract at approximately 3.8% to 4.3% per year. The new contract rates will start at the current rates of \$66.02 and \$78.47 to a high of \$85.03 for MSW and \$101.50 for demo and bulky, based on today's anticipated tonnage for all six communities.

There was discussion on passing the tipping fee cost onto the residents. Currently, the Town charges the residents for demo and bulky disposal. The amount is approximately 50% to 75% of the cost of the tipping fee. There is also a cost for the transportation and labor. The Board will look at this again at the end of 2020.

Vice-Chair Roman asked that additional wording be put into the addendum that clarifies that they are approving the addendum that extends the original contract.

**Motion by Phil Winslow to accept the addendum to the Waste Management agreement between the Southeast Regional Refuse District and Waste Management of New Hampshire. Seconded by Keriann Roman. All in Favor.**

- **Letter rec'd from Attorney Bernard Pelech on behalf of Martha Leary re: Ocean Blvd Safety Issues**

Chair Winslow explained that Attorney Pelech and Mrs. Leary are suggesting that instead of just doing a survey of the Perkins Road intersection that all the intersections onto Ocean Road be done.

The Board agreed that this would be a great idea, but questioned who will be paying for it. The Perkins Road intersection survey will be costing \$44,000.

Vice-Chair Roman pointed out the uniqueness of the area. There are no other areas along Ocean Blvd that has residences, businesses and a State beach that close together. Also, this survey was extended to Sea Road.

Chair Winslow recommended that the Board stay focused on the issues around the Perkins Road plan with the resources they are working with (time and money). Additional work along Ocean Blvd should be done at a future time.

Vice-Chair Roman pointed out that the recommendations came from the committee that the Board put together to study the Perkins Road issues.

Chair Winslow ask Administrator Bergeron to respond to Attorney Pelech in writing acknowledging his and Mrs. Leary's concerns and the Board's thoughts on the matter.

**Motion by Keriann Roman to accept agenda item C as read, received and consisted. Seconded by Bill Epperson. All in Favor.**

## VI. DISCUSSION ITEMS

### A. Letter received from Steve Hillman re: planting on town beaches

- **Steve Hillman, 399 Central Road and Chair of the Beach Committee:** Following up on a letter sent to the Board of Selectmen in September regarding the Beach Committee's concerns about beach residents planting on shared spaces on the beach. He has talked to the Rye Conservation Commission and they are onboard with starting the process of putting together policies for the Town in order to manage the problem. He recommended that there be a process involved with planting on the beaches, much like the process a resident would have to go through when putting an addition on their home.

Chair Winslow stated that the Board's concern is the matter of ownership of the beaches. He pointed out that is a very continuous issue in New Hampshire. He stated that as far as he knows, the State has not made a decision on who owns the beach areas and what parts. If it was clear cut, the Town would have a policy in place.

Vice-Chair Roman stated that as she recalls it, when the Board received the letter in September, they had asked to have Attorney Donovan look into the matter about whether the Town could develop an application process and if the Board of Selectmen would do it or Conservation.

Chair Winslow stated that this is a good reminder for the Board to get back to Attorney Donovan on this matter. He stated that they would get back to it in February after the deliberative session.

**Sally King, Chair of the Conservation Commission,** stated that the Conservation Commission visited the property because of a wall issue. While there, they were asked about planting beach grass. Not thinking about the ownership issue, the Commission stated that would be a great way to protect the wall. She added that she has been back to the property and has seen the encroachment into the easement. It certainly was not the Conservation Commission's intention to support limiting beach access.

### B. Town Center Committee – TAP article update

**Karen Stewart, Chair of the Rye Town Center Committee:** The Town Center Committee has reached out to Rockingham Planning Commission for further guidance on the Transportation Alternative Program Grant applicant. There were factors that would increase the odds that Rye would be awarded the funding.

- Reduce the size and price of the project
- Get the voters approval ahead of pursuing the grant
- Increase the local match (Over Matching)

Ms. Stewart reported to the Board that at the last RTCC meeting, they decided to reduce the project to \$800,000 from \$960,000. This was done by taking out the proposed raised crosswalks and reducing the length of the project by ending the sidewalk at the Library, instead of continuing it to the Town Hall.

The Committee also decided to increase the local match to \$300,000 with the proposed TAP funding in the amount of \$500,000.

Chair Winslow explained that while working with Rockingham County Planning Commission they were told that there is about \$5.5 million in federal funds that is allocated to New Hampshire. The State in turn, tries to spread the funding as much as possible around the State. Rye is considered a well-resourced town, which could have a negative effect for Rye in the award process.

## **VII. CORRESPONDENCE**

## **VIII. NEW BUSINESS**

Chair Winslow announced that he will not be able to attend the Budget Committee meeting on Thursday night and Selectman Epperson will be attending instead.

## **IX. OLD BUSINESS**

### **A. Rye Day Update**

Vice-Chair Roman stated that the informal committee has drafted a letter, that they are planning to circulate out to all the town and school boards, commissions and committees, describing what Rye Day is going to look like. She outlined the proposed ideas for the day.

- Proposed date Sunday, September 20, 2020 (rain date 9/27).
- Starting with a parade at 11:00 - 11:30 from Central Cemetery to Parsons Field.
- Food trucks and local restaurants' tables at Parsons Field for lunch.
- Town commissions and committees can have information tables set up at Parsons Field.
- Asking all town and school groups if they would like to hold any type of event during the day.
- There would be an event card announcing the event with the time and place being held.
- There will be trolley tours.
- They are not planning to have a dinner this year.
- The event would end at 4:00 pm.
- The only costs will be for signage, and the printing and mailing of the event cards.
  - The goal is to get two sponsors to cover that cost.

### **B. Rye Telecommunications Infrastructure Committee – Overlay District Update**

Vice-Chair Roman reported that the Committee has been working on the zoning ordinance, which is before the Planning Board for consideration for the warrant, with David Maxson. They have also been looking at town property that could go into the Overlay District, preferably in the center of town. The tower on Port Way is not going to cover the gap. There were several properties that were identified. The benefit of it being a town owned property are that the Town would get revenue and have control of the tower. Because of deed and easement restrictions, the Conservation parcel was eliminated. That left Central Cemetery and Rye Recreation. The cemetery would not cover the gap as well as the Rye Recreation area. Even though it is town owned land, the Rye Recreation Commission has total control of the land and the use of the land. This means that if the tower was to go on the land the Recreation Commission would have to approve it and also it would have to go to the voters.

Vice-Chair Roman added that she went to the Recreation Commission to talk to them and they were

unanimously opposed to the tower and the Recreation property being placed in the Wireless Overlay District. This is mainly due to the fact that they only have five acres, which is not a lot of land for their activities. Vice-Chair Roman stated that the next step would be that the Board would have to rescind the proposed zoning ordinance of placing the recreation property in the Wireless Overlay District. They would send a request to the Planning Board stating that they no longer want to pursue it and ask that it be pulled off the warrant. At that time, it would be the Planning Board's decision. There was discussion on the possibility of using the cemetery parcel. There would have to be a survey done and the Cemetery Trustees would have to be in agreement.

Vice-Chair Roman recommended extending the Rye Telecommunications Infrastructure Committee charge in order to do more research and work on this matter.

After further discussion, Mr. Howard Kalet, Chair of the Telecommunications Infrastructure Committee, asked about the possibility of relooking at conservation land as those parcels are the next best locations.

Conservation Commission Chair Sally King suggested that the Commission could take a look at the mapping and maybe come up with something.

**Motion by Keriann Roman to request the Planning Board to withdraw the Wireless Overlay District Zoning Amendment, regarding the recreation property, from the Warrant. Seconded by Phil Winslow. All in Favor.**

#### C. Pulpit Tower Update

Vice-Chair Roman reported that The Friends of Pulpit Rock Tower had asked the Heritage Commission and the Town to take over ownership and maintenance of the tower. They talked about having a tour of the structure. Because of bad weather and other circumstances, there was not enough time to get it on the warrant this year. The Heritage Commission wants to hire an engineering firm to inspect the tower and do an evaluation of the current condition to determine the ongoing maintenance costs and potential capital long term costs. The Friends of Pulpit Rock will be paying for the engineering evaluation.

Vice-Chair Roman presented an RFP for engineering services to the Board for their approval. She reported that the RFP was drafted by Patricia Weathersby, member of The Friends of Pulpit Rock Tower, and was reviewed and approved by the Heritage Commission. If the RFP is favorable, the article to take ownership will go on the 2021 ballot. It will then take two to three years for the process to be completed.

### X. SELECTMEN'S 2020 BUDGET WORK SESSION

#### A. Warrant Articles

##### 1. Conservation Chair Sally King and Member Jaci Grote:

There is \$1.3 million left in the 2014 \$3 million bond. The Conservation Commission expected to spend that on the 81 acres that they are purchasing on West Road. Fortunately, they have received some matching funds. Right now, it is \$550,000 but that could increase after the final survey is done by RCS. The Commission still believes that this is a critical time in Rye's developmental history. The goal is to retain the rural character, protect natural resources and protect against buffer impacts that are happening, due to increased population. Part of what makes Rye so unique is the Conservation parcels that they already have and how Rye has consistently voted to protect natural resources. They would love to give



the voters an opportunity to do it again. There are two major parcels they are working on. One has been in the works for about six years. The other is fairly new, but should be coming up quickly. There are also a number of smaller parcels coming up, which would protect water resources. There is about one hundred acres that will be coming up very quickly. The Commission is pro-active in the pursuit of important conservation parcels. They look for parcels that are valuable for the protection of water and natural resources, such as wildlife corridors. Some of the parcels have been owned by Rye families of many years. The Commission has ongoing dialogs with many residents in Rye that want to see these parcels preserved. One of the reasons that the Commission was able to leverage the purchase on West Road was that they had the money available. Without the money, there would have been no way to even get started with the negotiation. There is a lot of work that goes into applying for the grants. It is very competitive. Rye's track record for getting grants has been good, because they do it often and they have the backing of money in the bank and the voters.

Chair Winslow asked if the Three million was the right number?

Ms. King stated that the original bond the Town received for \$5 million was a unique situation. There were more large parcels available. The 2014 bond in the amount of \$3 million worked. It was passed by voters by the 60%, which is hard to get. The Commission feels that the three-million-dollar request is respectful, given what they are looking at for land that is coming up.

**Motion by Keriann Roman to recommend the Conservation Article. Seconded by Phil Winslow. All in Favor.**

1. The Board made amendments to warrant article number two and three into one article.

**Motion by Keriann Roman to make the amendment to make the two articles one as proposed and that the Board recommends the article as amended. Seconded by Phil Winslow. All in Favor.**

2. The Firefighters Association collective bargaining warrant article:
  - 2020 Nine months costs
  - 2021
  - 2022

The years were amended:

**Motion by Keriann Roman to recommend the article as amended. Seconded by Phil Winslow. All in Favor.**

3. If the Firefighters Association collective bargaining warrant article is defeated, Shall the town of Rye authorize the Board of Selectmen to call one special meeting, at its option, to address cost items only.

**Motion by Phil Winslow to recommend the article as written. Seconded by Keriann Roman. All in Favor.**

4. To see if the Town will vote to authorize to sell the old Trolley Barn for an amount not less than the appraised value of the land of \$390,000..... And will appropriate \$40,000 from the sale proceeds, for the erection of a garage for the Senior Serve van. And to appropriate the sum of

\$350,000 from the sale proceeds for renovation of town owned buildings. And further to amended Article 27 of the 2018 Town Meeting to not require an appraisal of the Old Trolley Barn property.

Vice-Chair Roman had concerns if the Town could appropriate funds for a non-town project. She was in favor of the idea as long as Attorney Donovan gave his blessings on the proposal.

Police Chief Walsh stated that the idea was to get the van undercover and out of the elements, in order to cut down on the repairs and maintenance of the vehicle. Also, as the discussion of the idea progressed, there was a suggestion that a shelter could serve as a dual purpose. Currently, there is a problem with having the oil tanks behind the safety building exposed. If a structure was built on the back of the Safety building it could take care of both problems.

Chair Roman suggested an amendment: and to appropriate the amount of not more than \$40,000..... for an erection of a garage or some covered structure for the.....

**Motion by Phil Winslow to recommend the article as amended. Seconded by Keriann Roman. All in Favor.**

The Board reviewed and amended other wording in other articles.

**All articles were recommended with a Motion by Keriann Roman to recommend as amended. Seconded by Phil Winslow. All were in Favor.**

5. To see if the Town will vote to adapt the ordinance prepared by the general code, which advises, consolidates, amends supplements and codifies all of the present ordinances of the Town.....

**Selectmen Recommended 3-0**

6. Parking: The articles were read and amendments were made.

**Motion by Keriann Roman to recommend and approve as amended. Seconded by Phil Winslow. All were in Favor.**

7. Dogs are not permitted on Town beaches on Saturdays from 7:00 pm until 9:00 pm. From the Saturday before Memorial Day to the Saturday after Labor Day. The only exception will be in the area of Wallis State Park and Odiorne State Park.

**Motion by Keriann Roman to recommend and approve as presented. Seconded by Phil Winslow. All were in Favor.**

8. To see if the Town will vote to authorize the Selectmen to sell to the highest bidder at public auction, or seal bid, such surplus Town equipment, as is not traded in, on equipment in 2020.

**Motion by Phil Winslow to recommend and approve as presented. Seconded by Keriann Roman. All were in Favor.**

9. To transact any other business which may legally come before this meeting.

**Motion by Phil Winslow to recommend as presented. Seconded by Keriann Roman. All were in Favor.**

**2. Departmental Budgets**

1. Energy Committee came in with a late request on an operating budget of \$500 for conferences that they would like to attend.

**Motion by Phil Winslow to approve \$500 for the Energy Committee as requested. Seconded by Keriann Roman. All were in Favor.**

2. Historic Commission - Request for \$10,000 for match grant funds:

Historic District Chair Mae Bradshaw presented the request to the Board of Selectmen.

**Motion by Phil Winslow to approve \$8,000 for the Historic District Commission as requested. Seconded by Keriann Roman. All were in Favor.**

**XI. OTHER BUSINESS**

**A. Meeting Minutes**

1. Meeting, Monday, December 9, 2019, 6:00 p.m., Town Hall

**Motion by Keriann Roman to the approve the meeting minutes of December 9, 2019 as written. Seconded by Phil Winslow. All were in Favor**

2. Non-Public Session, Monday, December 9, 2019 (1) Per RSA 91-A:3, II (c) Reputation

**Motion by Phil Winslow to approve the Non-Public Session minutes of December 9, 2019 as written. Seconded by Bill Epperson. All were in Favor**

3. Meeting, Monday, December 16, 2019, 7:15 p.m., Town Hall

**Motion by Keriann Roman to the approve the meeting minutes of December 16, 2019 as written. Seconded by Phil Winslow. All were in Favor**

**ADJOURNMENT**

**Motion by Bill Epperson to adjourn at 9:45 p.m. Seconded by Phil Winslow. All in Favor.**

Respectfully Submitted,  
Dyana F. Ledger