

**TOWN OF RYE - SELECT BOARD  
MEETING**

**Monday, June 12, 2023 – 5:30 p.m.  
Rye Town Hall**

**Selectmen Present:** *Acting Chair Bill Epperson and Selectman Bob McGrath*

**Others Present on behalf of the Town:** *Town Administrator Matt Scruton, and Asst. Town Administrator/Finance Director Becky Bergeron*

**5:30 p.m.**

**I. CALL TO ORDER**

Acting Chair Epperson called the meeting to order at 5:32 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (b) Hiring  
(2) per RSA 91-A:3, II (l) Legal Advice**

**At 5:33 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes.**

**At 5:40 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes.**

**At 5:41 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes.**

**At 5:51 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes.**

**At 5:51 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (l) Legal Advice. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes.**

**At 6:10 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes.**

**Motion by Bill Epperson to seal the minutes of the non-public meeting that just occurred, because it was determined that divulgence of this information likely would render a proposed action ineffective. Seconded by Bob McGrath. All in favor.**

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

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

Acting Chair Epperson reconvened the public meeting at 6:30 p.m. and led the Pledge of Allegiance.

### **IV. ANNOUNCEMENTS**

- Police Chief Kevin Walsh introduced Officer Edward Hudson who will be joining the Rye Police Department. Officer Hudson started with Rye in 2016 as a fulltime police officer and was with the department for approximately 2.5 years. Officer Hudson moved on to the Town of Windham for some time and is now coming back to Rye. The department is excited to have Officer Hudson back.

The Selectmen welcomed Officer Hudson and look forward to having him back in Rye.

**Motion by Bill Epperson to officially appoint Edward Hudson as a patrol officer for Rye as of July 4, 2023. Seconded by Bob McGrath. All in favor.**

- **DWP Director Jason Rucker introduced Darek Piolunek who has been hired for the Public Works Department. Mr. Piolunek comes to Rye with an extensive CDL background and has driven NASCAR equipment across the country for many years. He has an impeccable driving record and background. Mr. Piolunek has some snow plowing and equipment experience. He will be a great fit for the Town of Rye.**

**The Selectmen welcomed Mr. Piolunek to Rye.**

- Town Fireworks for the Fourth of July Celebration are going to be held on Friday, June 30<sup>th</sup> at Parsons Field.
- The 2023 Rye Youth Softball had ninety-two (92) girls playing from grades K through 8<sup>th</sup> this season. For the first time that can be remembered, Rye will be represented in all three championship games; 10 and under, 12 and under, and 14 and under. The games will be played simultaneously at Exeter Rec 4 at 4 Hampton Road, Exeter, on June 13<sup>th</sup>. This is quite an accomplishment for a small town that has turned into a softball powerhouse over the years. Residents are encouraged to attend the games to help cheer on the players.
- Acting Chair Epperson thanked DPW Director Rucker for his prompt attention to the South Road issue. He also thanked him for the paving that has been done on time and on budget. There were some significant issues, but Director Rucker dropped everything to mitigate the problem. Next year, South Road is on the paving program; even so, there are some issues with North Hampton doing some culvert work in this area.

Director Rucker explained the plan is to put South Road on the priority list for paving next year. It will have to be done in phases, as it is a long road and won't be able to be done within the budget all at once. He noted that the DPW crew are the ones who deserve the accolades, as they did all the work. He will be sure to pass the Select Board's compliments on to the crew.

**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.)

- Police Chief Walsh noted that under the consent agenda, there are two employees who are retiring. Amanda Dame is retiring from part-time parking enforcement with the Police Department. Ms. Dame was dedicated and had a compassionate way of handling a very difficult job. He appreciates her dedication and commitment to that job over the years. Ms. Dame took a system that was antiquated and set the Department up with a more up to date system without costing the Town thousands of dollars. The staff will be able to keep moving forward with the foundation that Ms. Dame has set.

Chief Walsh also noted that Jane Ireland is retiring as treasurer for the Town. This is the second time in his career that he has watched her retire from jobs that are critical to Rye. Mrs. Ireland has always reminded him that as a police officer, he doesn't meet people on their best days, but they are really good people. Even though the situation may not be the best, she has always taught him that he needs to look beyond the specific situation and look at what can be done to help, after the matter has been resolved. Chief Walsh is forever indebted to her for teaching him that and its something he tries to teach the other officers. Her legacy of town commitment will continue through the Police Department.

Acting Chair Epperson commented that they could not establish Mrs. Ireland's employment date. She has been with the Town for decades and has done an excellent job. She has a job where she may not be seen a lot, but whatever she produces is on time, accurate, and efficient.

- **Joe Cummins, 990 Washington Road**, commented that if Jane Ireland is the mother of Janice Ireland, she did a great job, if the daughter is a reflection of her mother. He noted that on Saturday, he saw thirty cars that were sitting on top of no parking signs, with no tickets, in a dangerous area. He had to be very cautious when riding his bike. He pointed out that during that bike ride, he saw a car parked on Harbor Road, up over the hill. The car was a foot and half onto the pavement. He couldn't find anything saying there cannot be parking on that road. It seemed to be rough that the person received a parking ticket. Mr. Cummins pointed out the area where the thirty cars were parked was at the recreation area, along the road. He also pointed out that Sea Road often has vehicles blocking travel lanes.
- **Steven Borne, 431 Wallis Road**, stated that he has a lot to talk about with the FB Environmental report, but he thinks it would be more appropriate if it's presented first. He would like to be able to comment after it's presented.

Acting Chair Epperson confirmed.

Mr. Borne continued that one of his colleagues from work coaches one of the competing softball teams. The coach spoke to him about the condition of the field. With that many kids playing, the Select Board may want to consider putting in more money to improve the condition of the field.

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

All consent agenda items were pulled for discussion.

**A. Email rec'd from Ralph Hickson** re: His resignation from the CIP Committee

Acting Chair Epperson stated that Ralph has been around for a long time and has done a really good job on the CIP Committee. He would like a letter of appreciation sent to Mr. Hickson.

**B. Letter rec'd from Amanda Dame** re: her resignation from the Police Department

The Select Board asked that a letter of appreciation be sent to Amanda Dame for her service with the Police Department.

**C. Event Application:** Rye Congregational Church requests permission to hold a social cookout on the town owned part of the church parking lot on Sunday, July 9, 2023, 10:00 a.m.-2:00 p.m.

- *The Select Board did not have any concerns with this request.*

**D. Retirement of Town Treasurer Jane Ireland**

**E. Appointment of Deputy Treasurer Susan Philbrick as Town Treasurer until the March 2024 Election**

Acting Chair Epperson explained that upon the resignation of Jane Ireland as treasurer, by statute the deputy will become treasurer. Deputy Treasurer Susan Philbrick will become treasurer until the election in March of 2024.

Selectman McGrath pointed out that last time, the Town advertised for a deputy because Jane Ireland was unable to find someone who was interested. The Town advertised and that is how they found the new deputy. The deputy will now become the new treasurer, so the Town will follow the same process. If the new treasurer can find a deputy on her own, the position will not be advertised. If she needs assistance, the Town will advertise once again.

**Motion by Bill Epperson to accept consent agenda items A through E. Seconded by Bob McGrath. All in favor.**

## VII. DISCUSSION ITEMS

### A. FB Environmental – Parson’s Creek PhyloChip Memo

**Luke Frankel, Project Manager**, along with **Laura Diemer, Monitoring Lead**, met with the Select Board to give a presentation on the work completed by FB Environmental for the Restoring Parson’s Creek 2022-2023 Clean Water State Revolving Fund Project.

#### Highlights from the presentation:

- Parson’s Creek is compromised of Class B waterbodies as defined by the NH Department of Environmental Services (DES), which means they are of secondary quality. There are five different assessment units that DES uses to classify different waterbodies.
- Based on the criteria, the two impairments that currently exist out of the five different sections of the watershed is the tidal portion of Parson’s Creek and Parson’s Creek east, which is in the southwestern part of the watershed. The other sections are unassessed, meaning that DES didn’t have enough data to make their assessment.
- In 2008, there was a preliminary bacteria source identification that started this whole effort. This led to the Parson’s Creek Watershed Management Plan in 2011. Since that time, there has been regular interpod type monitoring from 2013 to present every year. Additional monitoring over the years included; canine detection in 2013, beach monitoring outside the watershed, storm event monitoring in 2017, groundwater monitoring in 2018, and in 2017 to 2022 nutrients were collected, which can be an indicator of human waste contamination. In 2022, a PhyloChip analysis was done, which has been used by the Environmental Protection Agency (EPA) on multiple projects throughout New England.
- There are five sites that are routinely sampled. The monitoring results show the geometric mean for each year from 2001 to 2022. For most of the years, the average was above the DES criteria and the values continue to remain high. There’s no significantly increasing trends at any of the sites, but it remains consistently high above the standard.
- In 2022, three dry weather events and three wet weather events were sampled to gather information on the different bacterial sources. Again, all values were above the DES threshold; however, at all the upstream sites, the dry weather values are higher, which typically indicates groundwater sources, such as a leaking septic system. With the downstream sites, the wet weather values are higher, which typically indicates that its coming from stormwater flow from the surface or being pushed from the upstream sources to the downstream sites. In looking at the 104 criteria value, all six sites had multiple samples that exceeded that criteria, as well. In 2022, nutrients were measured and three upstream sites had values above the threshold for at least one sample, which is an indication of fecal contamination.
- During annual sampling, six events are done each year. During five of those events, in 2022, PhyloChip samples were collected which examined DNA, the microbial community, in Parson’s Creek. Two wet weather samples, and three dry weather samples at five different stations were collected. PhyloChip specifically measures the microbial community. The PhyloChip laboratory has a data base of different fecal sources to match the samples collected with the library of known fecal sources. Within that library there

are nine different animal groups to look at; bird, dogs and cats, horses, humans, pigs, pinnipeds (seal), racoons, rats, and deer. For the four upstream sites, there was a potential source hit for racoon and rats, but none of the other animal groups appeared. The results were also able to identify multiple different genera of streptococcus and staphylococcus bacteria.

- FB Environmental, as well as the Town, were surprised the results did not show human or bird DNA because of past analysis, fecal source tracking with the canine scent detection, and previous DNA analyses had indicated that human and bird contamination is pretty likely. It was determined that the primary explanation for the reason that no human or bird sources were found is that it's likely the saltmarsh altered or damped the human fecal source signature such that PhyloChip was unable to detect it. It is unlikely that the bacteria levels are low and there was no human waste signature in Parson's Creek, due to the other analyzation methods; such as, the canine scent detection and other DNA work, where it would be expected that the bacteria levels would go down. However, the levels remain high and there's no real decreasing trend.
- The next Clean Water State Revolving Fund application that was submitted will take the project to the next step. The plan is to do groundwater modeling for septic risk identification. This analysis, in combination with looking at septic elevations from site plans, will be able to determine if septic systems are being intercepted at hightide. It will also predict what septic systems may be at risk in the future on a parcel by parcel level. This model can also be used to transport bacteria within the groundwater model to see when bacteria is added in a certain location, if it replicates the water quality results that were given. This will add another dimension to compliment the water quality monitoring that has been done for many years. It will also build on the water quality monitoring by taking more groundwater samples. This project will also have a public outreach component where the results will be presented. During that time, a septic system expert will be brought in to explain proper septic system maintenance to the public, as part of the public outreach component.

Acting Chair Epperson noted that the genesis behind this entire project was to determine if the Town had problems with septic systems. The presentation tries to plea bargain that down to a misdemeanor because there is no information. He pointed out that \$100,000 was spent for information the Town already knew. The Town was trying to get at the septic issue.

Mr. Frankel explained that sometimes the desired outcome is not achieved in science. PhyloChip is a widely used method. The EPA uses it, and it was successfully used in Ogunquit under a similar situation. The saline environment identified humans, birds, and dogs; however, not in the sites that were surrounded by saltmarsh. DES was really interested in the findings and feel it's a great model for other communities. EPA holds this technology in pretty high regard, as the whole microbial community can be identified.

Selectman McGrath pointed out that the report says in other New England coastal waterbodies, it's been discovered the PhyloChip may not be suitable technology. He asked if this statement was made before Rye's study or after.

Mr. Frankel replied it was concurrent. These samples were processed simultaneously with a project in Rocky Neck State Park, East Niantic, Connecticut. The results were received at the same time. During that study, canine scent detection was done at each of the sites, along with PhyloChip, nutrients and optical brighteners. With those results, the canines indicated there was fecal waste at multiple sites and PhyloChip didn't find the fecal waste. That was a similar case to Rye, in the fact that there was extensive saltmarsh. He further noted that the method was applied in Ogunquit, Maine and it worked; however, not at the sites that are surrounded by saltmarsh.

Selectman McGrath asked how long FB Environmental has been working with the Town.

It was noted since 2008.

Selectman McGrath asked what grade the Town should give on the report; pass or fail.

Ms. Diemer commented she wouldn't put a pass or fail mark on this. To put this in perspective, there was a \$100,000 grant from the State. The PhyloChip was a small fraction of those funds. Only about \$10,000 went to the PhyloChip effort, as there was so much more to the project that has helped propel the work that has been done in Rye, related to septic systems, even further. FB Environmental came across PhyloChip at the recommendation of EPA. She noted that she has worked on a watershed bordering Massachusetts and Rhode Island using PhyloChip and it was very successful. That watershed had a huge problem agriculturally with contamination, as well as septic systems. PhyloChip really helped to solve those issues. She continued that it was not indicated to FB Environmental that estuary environment could be a potential deterrent to getting successful results. FB Environmental was excited to use the new technology and apply it to Rye to help get some answers. Ms. Diemer noted that any new technology, every study, and every effort allows for learning something new. In this case, it was learned that this may not be a good method to use in an estuary environment such as Parson's Creek.

Acting Chair Epperson asked what DES has said about PhyloChip technology. He asked if DES would say it works in the right environment, but they wouldn't recommend it for saltmarsh evaluation.

Ms. Diemer confirmed. She noted that using it in a freshwater environment, it works perfectly fine. She has been involved with multiple projects where it has been successful. While it is disappointing for Rye, it's helpful for other communities who can avoid it if they have a similar environment as Parson's Creek.

Acting Chair Epperson commented that FB Environmental has done a great job for the Town over the last fifteen years, but this was a serious disappointment.

Referring to the racoon and rat fecal contamination, Selectman McGrath asked the level of seriousness.

Mr. Frankel pointed out this is something that can't really be controlled. Any fecal bacteria from any animal can cause harmful strains of bacteria to become high enough to become a public

health concern. High bacteria are a health concern for people in the water, no matter what the source.

Acting Chair Epperson asked what the next grant will encompass.

Mr. Frankel noted the grant is coming from the same pool of money, so it's similar funding. The method will be high resolution groundwater monitoring. All the added monitoring will be used to help validate the model.

Acting Chair Epperson opened to the public for comments.

**Steven Borne, 431 Wallis Road**, stated that the report talks about the pump out ordinance and it being effective, potentially. He asked the Select Board if they think it's made a difference.

Acting Chair Epperson replied yes.

Mr. Borne continued if it has made a difference, what is going on that's eating up those gains so rapidly?

Acting Chair Epperson replied development.

Mr. Borne stated that one of the questions, if it has made a difference, is what else is going on that's making problems? He commented that he was reviewing the numbers differently. He was looking at the number of samples and how many of those samples are over the 35 and 104 criteria, and that is progressing up rapidly. Mr. Borne noted that he's been opposed to the DNA testing ever since he heard about it. There are two parts; one was to come up with a data base for the septic pump out ordinance. When that was proposed, people tried to ask questions but were literally told to bud out. People didn't understand the process that was going to be used, how it was going to be tracked, or how the data would be used. Those were the questions people were trying to ask, but they just got pushed aside. There are problems and process issues with the way that's being handled, so that needs to be cleaned up.

Referring to a spreadsheet submitted to the Select Board, Mr. Borne noted that this is from the 2017 report that talks about there being too many septic systems in the watershed. There's too much density in the soils and something should be done about it. The FB Environmental Report, in 2016 for the Parson's Creek Watershed, came up with recommendations for the Town. Every year, FB Environmental has been paid money to do testing and prepare reports, and they come up with recommended actions. The actions are the same actions that they recommend every year. There has never been a discussion in the public about whether the Town is actually doing any of these things, besides the septic pump out which is the only one that has been done. He pointed out that the spreadsheet he submitted puts together who should own this action, and the timeframe for it to be done with a status column. He continued the Town is paying for the report. FB Environmental is telling the Town what they should be doing to make a difference. He is a little disappointed in FB Environmental because they are not "laying the boom" on the Town and coming across harder. He would love for FB Environmental to not be treating Rye with "kid gloves," especially since this has been going on since 2017 and it's been known from



2003, the first shellfish study, that's it's from fecal contamination. Every one of the FB Environmental reports say that it's coming from the groundwater, which means it has to be human. He has always looked at this DNA study as "kicking the can down the road" and a two year delay of the Town not doing anything. He would ask that the Town stop with going after the free money and spend some time going through the recommendations that have been given year after year. He commented that he didn't know anything about PhyloChip, but he would've said no. Even if the Town found out something, there is very little that can be done, if some of the animals were found or not, because there is still the problem of the oversaturation of the leachfields. The rising tides and stormwater are coming up and sucking all that stuff into the watershed. It's not going to go away unless something is done. He reiterated that the Town needs to stop with the grants, stop the testing, and take some time to look at the actions from FB Environmental that the Town has been ignoring for years. This is the conversation he has been begging for the Town to have.

Selectman McGrath asked if FB Environmental has given a timeline of when things could improve if the suggestions were followed.

Mr. Frankel noted this is something that is typically in the watershed management plan. One of the recommendations in the recent report, which has also been given in the past, is to update the 2011 plan. Typically, there's an action table that outlines the plan, the timeline, potential funding, and who would be responsible for the action.

Selectman McGrath commented there needs to be some sort of goal, timewise, to be sure the Town is doing the right thing and it's being effective.

Mr. Frankel pointed out that watershed management plans have a water quality goal, which in this case was to meet the State standards. That would be a sign the Town is potentially meeting the goal. Obtaining state standards for bacteria was a goal in the 2011 plan.

Ms. Diemer commented the 2011 watershed plan set forth specific recommendations and timelines to reduce the fecal contamination issue. Obviously, it's ten plus years old now, so it could use an update. Having a brainstorming discussion, open to the community, might be helpful in resetting the goals and looking at the action table.

Selectman McGrath stated Mr. Borne is correct. The Town needs to stop moving the "ball down the field." Identifying problems is easier than implementing solutions.

Acting Chair Epperson stated his recommendation is to go forward with the next testing. In addition, the management plan should be reviewed to see what the Town can do.

Mr. Borne pointed out the list of actions were written for the Town to talk through. The big thing is who owns it because that's one of the problems the Town has. Dumping everything on the Planning Administrator and DPW Director is not the way to tackle something this serious. The Town needs someone with the skills sets who understands this. He continued it's up to the Select Board/Town to take leadership and take action to go through the recommendations and figure it out.

Acting Chair Epperson reiterated that he recommends they go through with the next round of testing. He asked when there will be information on the next grant.

Ms. Diemer noted that the list of awardees will be issued in August for the next round.

**Rosalie Lopresto, 64 Liberty Common**, stated that she read Laura Diemer's past two reports she wrote in 2008 and 2017 for Parson's Creek's case study. There are some discrepancies between what Laura Diemer stated and what Luke Frankel stated in regards to how the sources were collected. There were three dry weather events and two wet weather, where human fecal matter is better seen in wet weather in summer months. There were only two collections in wet weather and those were in the fall. She wonders if this affected anything or not. She continued that it's been said that PhyloChip is novel, but it was invented in 2008 and has been used successfully in many studies. It may be novel for New Hampshire, but it's not something new. It's been used successfully for over a decade, but not in the Parson's Creek ecosystem. She asked if it's fair to say this study was really a pilot study for FB Environmental.

Mr. Frankel replied he doesn't believe so, because it was done in Ogunquit in 2021.

Dr. Lopresto replied that was in a river.

Mr. Frankel explained it was in the estuary part of the river, as well. There were freshwater and saltwater sites, similar to Parson's Creek. However, it didn't have the extensive saltmarsh area. FB Environmental was unclear of that potential.

Dr. Lopresto asked if it was presented to the Town in the fashion that this was a pilot study, had never been done in New Hampshire, and had never been done in saltmarsh, brackish water. She asked if the Town knew this when they agreed to this methodology.

Ms. Diemer stated that it wasn't presented as something new for New Hampshire, even though it was. This was invented in Berkley, California and most of the studies were done on the west coast. PhyloChip is a microbial community profiling and Hawaii has been using it in many different applications. In the last ten years, they've been refining it for use in fecal waste tracking. It came to New England beginning with the Palmer River Watershed in 2016 through 2018, at which point she helped with the analysis of that project to understand the PhyloChip results. That was considered a pilot study bringing in PhyloChip to help answer some waste tracking questions for that water shed and it was used very successfully. FB Environmental decided to bring it to northern New England in Maine and New Hampshire to try to help out those communities. It was helpful in Ogunquit. The projects in Connecticut and Rye happened concurrently and it just happens that those two systems are dominated by saltmarsh, where other projects are not. This is why there were issues and lack of results.

Dr. Lopresto commented that she thinks Rye, in general, would like a tried-and-true approach, as the Town needs answers. There is an analysis that is tried-and-true and it was done in the 2017 case study for Parson's Creek. She pointed out this is one of the recommendations; a tried-and-true approach. This is something that probably needs to be transparent when presenting actions.

Dr. Lopresto continued that there are a lot of false positives, as stated in prior reports. The report mentioned streptococcus pyogenes, which is Necrotizing fasciitis a flesh-eating bacteria. She noted this is extremely serious. If someone has an open cut and they put their body part in that water, sepsis can happen very quickly. She is concerned because this is in the report. She asked how they know about the streptococcus pyogenes species or some of the other strains that were mentioned.

Mr. Frankel explained the PhyloChip identifies it to species for some bacteria. The way the method works it gives the whole species by its analysis.

Ms. Diemer stated the results that come from PhyloChip are in a spreadsheet with about sixty thousand microbial strains that are identified. That's when the potentially pathogenic and harmful strains are pulled out as being a potential concern. She pointed out that any of the potentially harmful pathogenic strains have natural sources and can come from wildlife. The flesh-eating bacteria can also be in the environment and not necessarily from human waste.

Dr. Lopresto noted there is a high number of false positives with this methodology. She questioned the accuracy of the data.

Mr. Frankel explained the PhyloChip method is pretty sound in looking at the sample and identifying the bacteria. FB Environmental believes the bacteria that was found in the sample was representative of what was actually in the sample.

Mr. Borne commented that it was mentioned that only \$10,000 of the \$100,000 went to the PhyloChip. He was always under the assumption that the majority of the funds were going to the DNA testing. He asked what the other \$90,000 was used for.

Mr. Frankel noted that FB Environmental did a data base update. They also did a flood risk analysis that mapped the flooding in certain areas and identified the parcels that had been inundated. This information is being reviewed by DES before it will be publicly available.

There were no further questions.

## **B. ABATEMENTS**

**The Assessor recommends approval** of the following abatements. Town Assessor Ed Tinker presented and reviewed the recommended abatements for the Select Board.

1. Rye Beach Storms, LLC., 805 Central Road, map/lot 002-010-001  
Current: \$6,146,100. Proposed: \$4,962,600. Abatement: \$8,604.05 + interest

It was noted that it was determined the quality was overstated for this property. The quality grade was reset at a Grade 15. This resulted in a total reduction of 1.83 million from the original assessed value.

**Motion by Bill Epperson to approve the abatement for 805 Central Road, map/lot 002-010-001, in the amount of \$8,604.05 plus interest. Seconded by Bob McGrath. All in favor.**

2. Elizabeth B. Hurley Revocable Trust, 169 Harbor Road, map/lot 092-022-001  
Current: \$3,466,500. Proposed: \$3,271,700. Abatement: \$1,439.57 + interest

A revisit of the quality grade was requested by the property owner. The adjustment for the quality grade was based on abutting properties of similar condition from Grade 10 to a Grade 9, which resulted in a \$194,800 decrease in the total assessed value.

**Motion by Bob McGrath to approve the abatement in the amount of \$1,439.57 plus interest for the property located at 169 Harbor Road, Tax Map 092, Lot 022-001. Seconded by Bill Epperson. All in favor.**

3. Rye Airfield RCD, Inc., 11 Airfield Drive, map/lots 010-015-003  
Current: \$2,753,100. Proposed: \$2,018,500. Abatement: \$5,428.69 + interest

An abatement was filed relative to an opinion of value represented by an income approach. Through the income analysis, it was determined that the value should be \$2,018,500 resulting in a reduction of \$734,600.

**Motion by Bill Epperson to approve the abatement for 11 Airfield Drive, Tax Map 010 Lots 015-003, in the amount of \$5,428.69 plus interest. Seconded by Bob McGrath. All in favor.**

4. Alfred & Mary Cavallaro, 1527 Ocean Blvd., map/lot 013-037  
Current: \$1,466,700. Proposed: \$1,339,300. Abatement: \$939.27 + interest

The property is located along the stretch of Ocean Boulevard with marsh abutting the property. An adjustment was made relative to the lack of a half bath, as listed on the tax card, and an adjustment to the overall condition of the land to better reflect its location with the marsh to the rear, as well as the commercial property next door.

**Motion by Bob McGrath to approve the abatement for \$939.27 plus interest for the property 1527 Ocean Boulevard, Tax Map 013 Lot 037. Seconded by Bill Epperson. All in favor.**

5. Donald & Patrese Pierson, 1760 Ocean Blvd., map/lots 013-060  
Current: \$2,012,800. Proposed: \$1,977,300. Abatement: \$262.35 + interest

The property was reviewed relative to its completion as of April 1, 2022, which was originally set at a 25% completion percentage. In reviewing the property, it was felt that it was more comparable to have a 10% completion percentage as of April 1, 2022. The condition has changed since, as construction has been ongoing. This recommendation is with the building only, not with the land. The reduction is minimal in the amount of \$35,500 to represent the building's overall condition, as of April 1, 2022.

**Motion by Bill Epperson to approve the abatement for 1760 Ocean Boulevard, Tax Map 013 Lot 060, in the amount of \$262.35 plus interest. Seconded by Bob McGrath. All in favor.**

6. Cheryl A. Caswell, 0 Washington Road, map/lot 01-031  
Current: \$500,100. Proposed: \$342,200. Abatement: \$1,166.88 + interest

This is a vacant piece of property. As of April 1, 2022, the property is not a legal lot of record. Based on that information, the assessed value was reduced by \$157,900. It was noted that the property owner has a sales agreement in place, subject to getting the lot of record. The conditions of the agreement have all been met up to the lot of record and building permit, so it was felt the proposed assessed value reflects the status of the property.

**Motion by Bob McGrath to approve the abatement for the property at 0 Washington Road, Tax Map 01 Lot 031, in the amount of \$1,166.88 plus interest. Seconded by Bill Epperson. All in favor.**

7. Theil M. & Richard G. Revocable Trust, 34 Brackett Road, map/lot 022-089  
Current: \$1,139,300. Proposed: \$1,139,300. Abatement: \$0

The property owner submitted a revised conservation easement plan requesting a reduction in the overall acreage listed on the property tax card. This lowered the land area by 2.3 acres; however, that area was wetland with a minimal value, if any. No abatement is required, as it doesn't result in an overall value change.

**Motion by Bob McGrath to approve the abatement for property located at 34 Brackett Road, Tax Map 022 Lot 089, with no payment required without interest. Seconded by Bill Epperson. All in favor.**

***The Assessor recommends denial** of the following applications resulting in no change in the existing assessment. Town Assessor Ed Rinker presented his recommendations for abatement denials.*

1. Patricia Anderson Revocable Trust, 10 Washington Road, map/lot 013-041  
Current: \$1,445,000. Abatement: \$0 + interest

The property owner cited issues that have to do with the lower easterly end of the property, which includes the driveway entrance, in regards to tidal issues and flooding. The property next door was under construction, which was causing some runoff. It was noted that the normal flooding concerns with astronomical high tides affects all properties in that area. The value represents the market in that area. The property next door was under construction and this was a temporary situation. For the purposes of assessing, it is felt there is no adjustment that can be given.

**Motion by Bill Epperson to deny the abatement request for 10 Washington Road, Tax Map 013 Lot 041. Seconded by Bob McGrath. All in favor.**

2. Ameglio Beach House, LLC., 1228 Ocean Blvd., map/lot 173-039  
Current: \$2,990,400. Abatement: \$0 + interest

The property owner filed an abatement relative to an abutter noting that their land condition was at 75%, while the subject property was at 95% with similar characteristics. It was noted that before the finalization of the values for the revaluation, the abutting property's condition was corrected to 95%, similar to the property in question. There is no issue between the two properties relative to having similar conditions.

**Motion by Bob McGrath to deny the abatement request for 1228 Ocean Boulevard, Tax Map 173 Lot 039. Seconded by Bill Epperson. All in favor.**

3. Sandra J. Dombrowski, 39 Pollock Drive, map/lot 231-025  
Current: \$576,300. Abatement: \$0 + interest

The property owner filed relative to the overall condition. However, at the time of the formal hearing, the adjustment had already been made to the property for overall condition and quality grade, which were similar to the other properties in that neighborhood. It's felt that no additional adjustments are warranted.

**Motion by Bill Epperson to deny the abatement request for 39 Pollock Drive, Tax Map 231 Lot 025. Seconded by Bob McGrath. All in favor.**

### **C. DPW Director Jason Rucker – Harbor Road Bridge Update**

DPW Director Rucker met with the Select Board to give them an update on the Harbor Road Bridge replacement and repair. The last time he was before the Board with an update, the contract was approved to move forward with repairs. The project is still in the planning stages and nothing has been finalized. He has met with the Town Administrator and Fire Chief to discuss their requirements for the closure of the bridge. Some of the options were presented to them, which came up in the design for a repair strategy for the bridge. Director Rucker noted there is no option that will allow for vehicular traffic for anything larger than a golf cart during the replacement and repair of the bridge. The intent is to have the bridge closed for approximately two weeks and everything is being done to reduce the duration of the closure. A cost analysis, relative to the duration of the closure, should be available within the next two weeks.

Director Rucker continued that many options were considered for pedestrian access. A complete pedestrian bridge permanently put in place, would probably be the most expensive option. A nonstarter of an option would be a road from Straw's Point, across the hightide mark, and over to Harbor Road. At this point, this is not a realistic goal for permitting because of the timeframe. The group came up with the idea of a temporary pedestrian bridge, large enough to accommodate emergency medical services for the Fire Department. The bridge would allow for a wheeled gurney, with a Paramedic/EMS attendant, and patient to cross the bridge. A lot of the main concerns in the option was to accommodate life and safety for the Fire Department. The Fire

Chief would like to have some redundancy in that area for fire protection, as well as EMS services in the form of an ambulance, or equivalent, and two staff members in the area at all times to man the equipment.

Fire Chief Mark Cotreau explained that the Department would stage one, possibly two, engines and an ambulance in that area. If there was a medical emergency, the two staff members would make the initial contact to the residence. The second ambulance has everything that the medics need for an emergency. The ambulance on the “good” side of the bridge will back in with the patient being brought over the bridge by stretcher and into the waiting ambulance. With regard to fire safety, there needs to be good access to the buildings, so a first line or two can be put into operation. There will not be the ability to bring the trucks across; however, firefighters and equipment will be able to get across. The Department will need to be able to tag the hydrant and lay the line to the scene. Chief Cotreau noted that life safety is really the goal. It comes down to two people being needed, all the time, on the other side of the bridge for medicals and to make sure there is some safety redundancy to make an effective attack on the fire side of things.

Acting Chair Epperson commented this is going to be an issue for a lot of people, but it has to be faced. He wants to be sure this is done efficiently and the process is not truncated for money only. It needs to be done correctly and timely. He recommends it being done as efficiently and timely as possible without considering the significant amount of money that’s going to be saved.

Selectman McGrath asked about parking.

Director Rucker noted the intent is to park along Harbor Road. He further noted that if there was a way to permit traffic and emergency vehicles to cross, that option would be chosen; however, that is not an option. The bridge was designed and built in such a way that it now has to be replaced in its entirety.

Selectman McGrath asked if a screening of the residents has been done to see if they are physically challenged and cannot walk that distance.

Fire Chief Cotreau confirmed this is part of the plan and will be done.

Director Rucker pointed out that once a more concrete plan is put into place, the Department will be doing some public outreach.

Speaking to Finance Director Becky Bergeron, Acting Chair Epperson asked if there would be any relocation funds available through Primex, since the houses are not going to be obtainable for two weeks.

Finance Director Bergeron agreed this is a legitimate question and she will follow up with Primex.

Director Rucker noted the intent is for the project to go to construction next year, pending warrant articles passing and determination of funding. He also noted this project will affect twenty-four properties.

**Pete Gordon, 63 Harbor Road**, asked if there has been consideration given to talking to the people who control the parking at the Harbor. They may allow parking at the Harbor for that timeframe.

Director Rucker confirmed that it's in the plan to talk to them.

Mr. Gordon stated that in 2017, there were issues noted with the bridge at the Select Board's meetings. There was some talk about some money being available potentially in 2027. At another meeting, there was talk about funds in 2024 or 2025. He finds it incredible, with the amount of funds given out by the Federal Government during Covid for construction projects, that the State doesn't have any money to fund this.

Director Rucker explained there is a program put on by the State called the Bridge Aid Funds. It's a competitive application process. Currently, Harbor Road Bridge is not red listed, which is a condition of great concern to the State. He further explained the program was not available over the last few years. It's currently available this year; unfortunately, this bridge is not eligible.

A resident from 59 Harbor Road expressed concerns about her husband's health conditions and how this will affect his treatments. Fire Chief Cotreau asked the resident to contact him so they can discuss a plan.

Acting Chair Epperson read a statement sent from Phil Winslow, 100 Harbor Road.

*I am unable to attend this coming Selectboard meeting however request that the following facts be considered when discussing the cost of the Harbor Road Bridge deck replacement. There are 24 properties on the east side of the bridge that require a safe and workable bridge to access and maintain their homes ---the assessed value of these properties is \$57,186,900 and with the current tax rate of \$7.39 per thousand the owners of these properties pay \$422,605 per year in taxes---over a ten year period these property owners will pay \$4,226,050 in taxes to the Town of Rye. (at the current tax rate that is over \$4 million dollars). I would hope that these facts will temper any public pushback on the Town paying for the bridge replacement. Please include these statistics in the minutes of Monday night's Select Board meeting.*

**D. Chief Cotreau – Fireworks Permit**

1. Rye Surf Club July 2<sup>nd</sup> Fireworks, 1200 Ocean Blvd., Rain Date July 5<sup>th</sup>

Fire Chief Cotreau presented the request from Rye Surf Club for a fireworks display on July 2<sup>nd</sup>. He confirmed that all paperwork is in order and the packet has been submitted to the Fire Marshall's office. He requested an approval pending approval by the Fire Marshall.

**Motion by Bill Epperson to approve the permit application for a fireworks display at the Rye Surf Club on July 2<sup>nd</sup>, with a rain date of July 5<sup>th</sup>, based on the receipt of the Fire Marshall's approval. Seconded by Bob McGrath. All in favor.**



**E. Private Road Name Change Request – Fire Trail Lane to Marden Woods Drive**

The property owner of the properties on Fire Trail Lane spoke to the Select Board in regards to his request to change the name of Fire Trail Lane to Marden Woods Drive.

Fire Chief Cotreau and Police Chief Walsh confirmed there are not issues or concerns with the requested name change.

**Motion by Bill Epperson to approve the name change of the private road from Fire Trail Lane to Marden Woods Drive effective upon completion of the road. Seconded by Bob McGrath. All in favor.**

**F. Potential closure of Long John Road for construction at the end of June**

Chief Walsh reviewed the plans for the closure of Long John Road, which will be for one day to install the water main for the properties off Fire Trail Lane (Marden Woods Drive).

**Motion by Bill Epperson to approve the potential closure of Long John Road for construction at the end of June with the request that the contractor notify the residents no later than five days before construction starts. Seconded by Bob McGrath. All in favor.**

**VIII. CORRESPONDENCE**

*None*

**IX. NEW BUSINESS**

*None*

**X. OLD BUSINESS**

*None*

**XI. OTHER BUSINESS**

*None*

**A. Meeting Minutes**

1. Meeting, Monday, May 8, 2023, 6:00 p.m., Rye Town Hall

The following correction was noted:

- Under the consent agenda items the motion was seconded by **Bob McGrath.**

**Motion by Bill Epperson to accept the meeting minutes of Monday, May 8, 2023 as amended. Seconded by Bob McGrath. All in favor.**

2. Meeting, Tuesday, May 9, 2023, 8:45 a.m., Rye Town Hall

**Motion by Bill Epperson to accept the minutes of Tuesday, May 9, 2023 as written. Seconded by Bob McGrath. All in favor.**

3. Meeting, Thursday, May 25, 2023, 8:30 a.m., Rye Town Hall

**Motion by Bill Epperson to accept the minutes of Thursday, May 25, 2023 as written.  
Seconded by Bob McGrath. All in favor.**

**Adjournment**

**Motion by Bill Epperson to adjourn at 9:03 p.m. Seconded by Bob McGrath. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger