

**TOWN OF RYE - SELECT BOARD  
MEETING**

**Monday, July 10, 2023 – 6:00 p.m.  
Rye Town Hall**

**Selectmen Present:** *Chair Tom King, and Selectman Bob McGrath*

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

**6:00 p.m.**

**I. CALL TO ORDER**

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

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

**At 6:02 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Bob McGrath. Roll Call: McGrath – Yes, King - Yes.**

**At 6:22 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: McGrath – Yes, King - Yes.**

**At 6:23 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (d) Acquisition. Seconded by Bob McGrath. Roll Call: McGrath – Yes, King - Yes.**

**At 6:33 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: McGrath – Yes, King - Yes.**

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

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

Chair King reconvened the public meeting at 6:37 p.m. and led the Pledge of Allegiance.

#### IV. ANNOUNCEMENTS

- Public Works Director Jason Rucker introduced Matthew Paugh, who worked for the New York Department of Transportation for ten years. Matt has a great deal of experience in snowplowing and heavy equipment operations.

Mr. Paugh thanked the Select Board for the opportunity to work in beautiful Rye. The Select Board welcomed Matt to Rye.

- Chair King reported that the Parsons Creek monitoring, being done by FB Environmental, came in positive at a higher than recommended level. The monitoring was done at the culvert on Wallis Road, just west of Route 1A. The outfall by Concord Point has also been marked for closure, which is a separate event from the DES beach monitoring done the same day where high bacteria levels were found. Wallis Road Extension to Concord Point has been posted with a warning not to swim. These are warnings to not swim or bathe, not a closure of the beach.

#### 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)

- **Suzanne Barton, 114 Clark Road**, commented that she has resigned from the Budget Committee, as well as the Regional Association Review Committee. She thanked everyone for allowing her to be a part of civics. She has learned a lot and met some great people. At this time, her energy will be shifting to something of national importance; however, her platform will remain the same; the love of her community and nation, and to make sure everyone in the country is given equal opportunity for health care, food, and housing. She also thanked the Select Board for their support with the cleanup of Parsons Field. Cleanliness in the town's neighborhoods, as well as the beaches, is a top priority as this goes back to food and water, and keeping people healthy and well. She continued it was an amazing opportunity to work with the Regional Association Committee. It's been said at the Budget Committee that this is a small fraction of the town's overall budget. She hopes that moving forward the needs for the greater good of the community are not overlooked, as things are changing and shifting in the community as well as the nation. Most people don't have enough money for food, shelter, and medicine. There's been a rise in mental health issues, which impacts the community. She hopes the Select Board will continue to support neighborhood and beach cleanup, advocacy for mental health, and the Regional Association Committee. She thanked the Select Board for allowing her to serve.

The Select Board thanked Ms. Barton for her service to the community.

- **Steven Borne, 431 Wallis Road**, referred to the high bacteria levels at the beach. He commented that the State says it's in three spots. The farthest north is actually eight houses from the stonewall at the jetty at Wallis Sands State Beach. The second is in the location of four houses in from Concord Point. Those are the locations that are sampled

consistently. He would like to know the historic high levels. He would also like to know if there have been any reports from Dr. Snow (Town Health Inspector) on illness at the hospital, emergency clinics, or doctors' offices.

Mr. Borne thanked the Select Board for having a public discussion on June 30<sup>th</sup> about the Parsons Creek Watershed and FB Environmental, as this is the first public discussion that has been held. He pointed out that someone from the Town has organized the information on the Parsons Creek Watershed. The information is very organized and easy to read. This is something that didn't exist until very recently. He continued that the recommendation spreadsheet he created for the Select Board came directly from the FB Environmental reports. It doesn't make any sense that somebody would cast doubts about this information. He hopes there will be some follow-up steps so everyone can review what has been done, and who's done it. He hopes this information will be put out to the town and progress can be made.

Mr. Borne stated that the Planning Administrator talked about all the work that was done up to 2016. FB Environmental and NH DES gave a presentation at the Library with an update on the 319 Grants and the work that was completed. All that work was done through grant money. Rye allocated work in kind. During those years, Rye wasn't investing and allocating funds towards fixing Parsons Creek. That was something that was very frustrating. This led to the 2016 Parsons Creek Committee. He continued that the Planning Administrator was talking about a "smoking gun." The mentality seems to be to find a "smoking gun." He thinks the town is down to eight or less septic systems that haven't been inspected. He asked if something can be done to close out those last eight. He pointed out that the pump out ordinance has found some septic systems that were failing in the past. If those last eight are closed out, hopefully, the town can move on from the mentality that there is a "smoking gun." It could be an oversaturation of leachfields. The ratio of less land and more leachfields keeps going up.

Referring to the wetland buffers, Mr. Borne pointed out that during the first half of this year, there were forty-five variances that have gone against wetlands. In looking at this over the last decade, the number of variances continue to increase. He continued that at the Planning Board meeting, they talked about money going to Rockingham Planning to get additional planning expertise. What's really needed is to step back and look at all the planning, not just land use. He commented he's been advocating for this for at least a decade.

- Police Chief Kevin Walsh thanked Andrew Richmond and the library staff for hosting the Fire Department and Public Works for Touch a Truck. A lot of young families were in attendance and it was a great event.

## **VI. AGENDA ITEMS**

### **A. Regional Association Review Committee**

**Linda Toumpas, 10 Bass Drive, Regional Association Review Committee Chair**, along with **Ronnie Werner** and **Susan Cole Ross** met with the Select Board to review the work of the

Committee. The Committee was tasked by the Select Board to revise the letter that was sent to regional agencies last year, as well as the form that the agencies use to request funding. The Select Board received the draft letter and form, which was revised to be more detailed for the agencies.

Referring to the form, Selectman McGrath pointed out that throughout the document it says "N.H. based." Since he was a former animal control officer and has lived in Rye for fifteen years, he knows The Center of Wildlife in York, Maine is one of the biggest resources the Town uses for injured animals, which is obviously not in New Hampshire. He commented this is something that is important to the residents.

Ms. Toumpas replied that Rye does not currently fund them. If they came forward for funding, this would be a question that would be brought up by the Select Board.

Selectman McGrath commented that The Center for Wildlife serves Rye a great deal. He pointed out that the organization is on the list to ask for funding this year. He reiterated that the letter says "New Hampshire." He commented that he and his wife brought three different animals to them in the past. People in town all say that this is the only place that will take them.

The Select Board reviewed the letter and worked on wordsmithing the document to be sure it would not exclude organizations from outside of New Hampshire that might be of benefit to the Rye community. The Select Board and the Regional Association Committee Members who were present agreed on some changes in the wording for both the letter and questionnaire that are sent yearly to organizations. It was agreed that Linda Toumpas would work on the revisions and send the changes to the Town Administrator for final review. The Select Board thanked the Committee for their work and agreed the documents have been greatly improved.

- B. Town Hall Annex Conference Room Naming
  - *Tabled*

- C. CIP Committee – Unlimited Term
  - 1. Jeff Ross: Appointment as a member – email rec'd 5/26/23
  - 2. Nicole L'Ecuyer: Appointment as a member – email rec'd 6/27/23
  - 3. Recommendation letters rec'd 7/6/2023 from Kevin Brandon, Chairman

Chair King explained that Ralph Hickson, Budget Committee representative to the CIP, has resigned from the CIP Committee. As a result, Scott Marion, Budget Committee Chair, has recommended Jeff Ross as Budget Committee representative to the CIP Committee. There is also a recommendation from the CIP Committee Chair Kevin Brandon.

**Motion by Bob McGrath to appoint Jeff Ross to the CIP Committee as the representative from the Budget Committee. Seconded by Tom King. All in favor.**

Chair King noted the second seat open on the CIP Committee is for a public representative. A request from Nicole L'Ecuyer has been received to serve on the Committee. The CIP Committee

voted at their last meeting to recommend Ms. L'Ecuyer for the position. Chair King commented that she is going to be a valuable member to the Committee or anywhere in the budget process.

**Motion by Bob McGrath to appoint Nicole L'Ecuyer as the community member to the CIP Committee, as recommended by the Committee. Seconded by Tom King. All in favor.**

## **VII. CORRESPONDENCE**

- A. **Request for approval of Raffle:** To benefit the Isles of Shoals Association, Unitarian Universalist – A series of raffles for a hand-knit sweater and handmade quilts. Drawings will be held throughout the summer on Star Island.

Chair King read the request submitted from the Isles of Shoals Association, Unitarian Universalist to hold a series of raffles with proceeds being used to provide financial support, conference program grants, and equipment for Star Island.

**Motion by Bob McGrath to allow raffles to be held at the Isles of Shoals with proceeds being used to benefit the Isles of Shoals Association. Seconded by Tom King. All in favor.**

- B. **Emails from Suzanne Barton** re: her resignation from the Budget Committee & the Regional Association Review Committee

**Motion by Tom King to accept the resignation of Suzanne Barton from the Budget Committee and the Regional Association Review Committee, and direct the Town Administrator to send a thank you letter for her service. Seconded by Bob McGrath. All in favor.**

- C. **Email from Ritchie White** requesting appointment as Representative to the Gulf of Maine Intergovernmental Renewable Energy Task Force
- *Tabled*

## **VIII. NEW BUSINESS**

*None*

## **IX. OLD BUSINESS**

- A. Town Clerk Office Hours
- *Tabled*

## **X. OTHER BUSINESS**

- Energy Committee recommendations for Rye Community Power

**Howard Kalet, Rye Energy Committee Member**, spoke to the Select Board in regards to the recommendation to switch three municipal buildings to Rye Community Power. It was noted that there won't be any transition charges to go from Direct Energy to Rye Community Power,

which is approximately 10.9¢ for the next billing period. This is below the Direct Energy price for the three locations. Mr. Kalet noted that Community Power has grown dramatically. There are twelve towns now onboard, with Rye being one of the first ten. Within a year, the number of towns involved could be as high as thirty-five. As Community Power grows, the more capabilities it will be able to bring to the communities. The buildings recommended by the Energy Committee for Rye Community Power are the Town Hall, transfer station, and recreation department. It was noted that the Public Safety Building has a lower rate, so at this time it will not be changed to Community Power.

Speaking to Mr. Kalet, Town Administrator Matt Scruton if anyone has noticed a difference in the level of service provided by Rye Community Power.

Mr. Kalet explained that Community Power is the supplier of power and Eversource is the distribution piece. Eversource continues to be responsible for the distribution, power line maintenance, and billing. To his knowledge, there has been no degradation of service whatsoever. Eversource is obligated to maintain the same level that has been provided in the past.

There was some discussion on rate schedule review. It was noted that the Energy Committee is responsible for reviewing the rates to ensure that Community Power continues to be the best option for the Town.

Chair King and Selectman McGrath agreed it's the intent of the Select Board to switch the Town Hall, transfer station, and recreation department to Rye Community Power, as soon as possible.

**A. Meeting Minutes**

1. Meeting, Monday, May 22, 2023, 5:30 p.m., Rye Town Hall

**Motion by Tom King to approve the minutes of May 22, 2023 as written. Seconded by Bob McGrath. All in favor.**

2. Non-Public Session, Monday, May 22, 2023 (1) per RSA 91-A:3 II (e) Legal

**Motion by Tom King to approve the non-public minutes of May 22, 2023, 5:32 p.m., per RSA 91-A:33 II (e) Legal as written and sealed. Seconded by Bob McGrath. All in favor.**

3. Non-Public Session, Monday, May 22, 2023 (2) per RSA 91-A:3 II (b) Hiring

**Motion by Tom King to approve the non-public minutes of May 22, 2023, 6:00 p.m., per RSA 91-A:3 II (b) Hiring as written. Seconded by Bob McGrath. All in favor.**

4. Meeting, Monday, June 5, 2023, 10:00 a.m., Wave Community Center

**Motion by Tom King to approve the minutes of June 5, 2023 as written. Seconded by Bob McGrath. All in favor.**

5. Non-Public Session, Monday, June 5, 2023, (1) per RSA 91-A:3 II (a) Personnel

**Motion by Tom King to approve the non-public minutes of June 5, 2023, 10:01 a.m., per RSA 91-A:3 II (a) Personnel as written and sealed. Seconded by Bob McGrath. All in favor.**

6. Non-Public Session, Monday June 5, 2023 (2) per RSA 91-A:3 II (c) Reputation

**Motion by Tom King to approve the non-public minutes of June 5, 2023, 10:50 a.m., per RSA 91:3 II (c) Reputation as written and sealed. Seconded by Bob McGrath. All in favor.**

7. Non-Public Session, Monday, June 5, 2023 (3) per RSA 91-A:3 II (a) Personnel

**Motion by Tom King to approve the non-public minutes of June 5, 2023, 12:20 p.m., per RSA 91-A:3 II (a) Personnel. Seconded by Bob McGrath. All in favor.**

**Motion by Tom King to seal the non-public minutes of Monday, June 5, 2023, 12:20 p.m. Seconded by Bob McGrath. All in favor.**

8. Meeting, Monday, June 12, 2023, 5:230 p.m., Rye Town Hall

The following corrections were noted:

- Page 7, second paragraph from bottom should read: **Selectman McGrath asked what grade FB Environmental should give themselves on the report; pass or fail?**
- Page 7, it should be noted that **Selectman McGrath mentioned that a Massachusetts town conducted investigation into contamination from raccoons and found out that it was a storm drainage issue. The Massachusetts town put grates on the exteriors of the storm drains to keep raccoons from entering the system.**
- Page 9, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence should read: **The Town needs to start moving the “ball down the field.”**
- Page 14, 1<sup>st</sup> paragraph, 6<sup>th</sup> sentence should read: **Director Rucker noted there is no option that will allow for vehicular traffic for anything the size of a golf cart or larger during the replacement and repair of the bridge.**
- Page 15, 5<sup>th</sup> paragraph should read: **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 easily accessible for two weeks.**

*Corrections were noted but approval was tabled as Chair King was not present at meeting of June 12<sup>th</sup>.*

9. Non-Public Session, Monday, June 12, 2023 (1) per RSA 91-A:3 II (b) Hiring

The following correction was noted:

- Hiring date should be **July 4, 2023.**

*Correction was noted but approval was tabled as Chair King was not present at the non-public of June 12<sup>th</sup>.*

10. Non-Public Session, Monday, June 12, 2023 (2) per RSA 91-A:3 II (b) Hiring

*Approval was tabled as Chair King was not present at the non-public of June 12<sup>th</sup>.*

11. Non-Public Session, Monday, June 12, 2023 (3) per RSA 91-A:3 II (l) Legal Advice

*Approval was tabled as Chair King was not present at the non-public of June 12<sup>th</sup>.*

12. Meeting, Tuesday, June 27, 2023, 5:00 p.m., Rye Town Hall

The following correction was noted:

- Page 6, 4<sup>th</sup> paragraph should read: **Selectman McGrath asked to have further discussion in a work session.**
- Page 7, 5<sup>th</sup> paragraph, 6<sup>th</sup> sentence should read: **The rate right now is 5.00% to 5.25%.**
- Page 10, Under 'Old Business' it should be clarified that **the warrant article for the Rye400 Celebration was for \$20,000. Out of those funds, the Select Board authorized up to \$10,000 for the holiday parade, tree lighting, and candlelight stroll. Not all of those funds were spent for the first event, so the request was to use the remainder of those funds with the additional \$10,000 approved by warrant article.**

**Motion by Tom King to approve the meeting minutes of June 27, 2023 as amended.  
Seconded by Bob McGrath. All in favor.**

13. Non-Public Session, Tuesday, June 27, 2023, (1) per RSA 91-A:3 II (b) Hiring

**Motion by Tom King to approve the non-public minutes of June 27, 2023, 5:02 p.m., per RSA 91-A:3 II (b) Hiring as written and not sealed. Seconded by Bob McGrath. All in favor.**

14. Non-Public Session, Tuesday, June 27, 2023 (1) per RSA 91-A:3 II (d) Acquisition

**Motion by Tom King to approve the non-public minutes of June 27, 2023, 5:47 p.m., per RSA 91-A:3 II (d) Acquisition as written and sealed. Seconded by Bob McGrath. All in favor.**

15. Non-Public Session, Tuesday, June 27, 2023 (1) per RSA 91-A:3 II (d) Acquisition

**Motion by Tom King to approve the non-public minutes of June 27, 2023, 9:03 p.m., per RSA 91-A:3 II (d) Acquisition as written and sealed. Seconded by Bob McGrath. All in favor.**

16. Non-Public Session, Tuesday, June 27, 2023 (1) per RSA 91-A:3 II (c) Reputation

**Motion by Tom King to approve the non-public minutes of June 27, 2023, 9:45 p.m., per RSA 91-A:3 II (c) Reputation as written and sealed. Seconded by Bob McGrath. All in favor.**

**ADJOURNMENT**

**Motion by Tom King to adjourn at 8:04 p.m. Seconded by Bob McGrath. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger