

**TOWN OF RYE - SELECT BOARD
MEETING**

**Monday, July 24, 2023 – 6:00 p.m.
Rye Town Hall**

Selectmen Present: *Chair Tom King, Vice-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*

6:00 p.m.

I. CALL TO ORDER

Chair King called the meeting to order at 6:01 p.m.

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

At 6:01 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (a) Personnel. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

At 6:13 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

**Motion by Tom King to seal the minutes of the non-public meeting that just occurred.
Seconded by Bill Epperson. All in favor.**

At 6:15 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (c) Reputation. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

At 6:29 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath – Yes, King - Yes.

**Motion by Tom King to seal the minutes of the non-public meeting that just occurred.
Seconded by Bill Epperson. All in favor.**

6:30 p.m. - RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair King reconvened the meeting at 6:34 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- Selectman McGrath noted that anyone wanting to be in the Rye400 aerial photograph can sign up on the Rye400 website. There are fifty spots still open. T-shirts will be supplied to everyone participating in the photograph, which will be taken by a drone on Rye Day being held on August 19th.
- Chair King thanked the Recreation Department and everyone who participated in the Fourth of July Celebration. As usual, it was a great show and was a lot of work for a lot of people.
- Rye Day is being held on Saturday, August 19th, at Parsons Field.

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 Kevin Walsh thanked the Select Board, Library Director Andrew Richmond, the Recreation Department, and DPW Director Jason Rucker for a successful Strawberry Festival, which was held on July 19th at the Library Common. This was the first Strawberry Festival for the Town and was a great success.
- **John Pearson, 51 Pine Street**, spoke to the Select Board in regards to his idea of a permanent monument being erected to honor the original founder of Rye, David Thompson, and the forty-three families that were the founding families of Rye in 1623. He would like to see this memorial erected as part of the Rye400 Celebration. The Select Board reviewed Mr. Pearson's suggested wording for the memorial.

Chair King noted there has been discussion on the Rye400 Committee about what could be left for the Town in perpetuity to commemorate the 400th Anniversary. The Rye400 Committee is still having those discussions and they plan to do something for the Town. He suggested working in conjunction with the Rye400 Committee. Chair King confirmed that he will pass Mr. Pearson's idea on to the Rye400 Committee.

- Referring to the Parsons Creek testing, **Steven Borne, 431 Wallis Road**, noted that Dominique Winebaum's information she recently submitted to the Board goes along with what he said at the last meeting about the grants. There needs to be a more comprehensive program and the existing people may not have the bandwidth that this deserves or needs. Referring to Mr. Pearson's suggestion about a monument, Mr. Borne asked that Indigenous People be included and acknowledged, as it was their land first.

VI. AGENDA ITEMS

- A. **Chief Walsh – Event Permit Application:** Saunders at Rye Harbor 10K Road Race, Thursday, 08/17/23, 6:00-9:00 p.m. to benefit the NHSPCA

Police Chief Kevin Walsh presented the details for the Saunders at Rye Harbor 10K Road Race. He confirmed that all paperwork is in order. He pointed out that this is on the same day as the Pulpit Rock Tower walk, which is from 12:00 to 2:30 p.m. He confirmed that there should be no conflicts with either event.

Motion by Tom King to approve the event permit application for Saunders at Rye Harbor 10K Road Race to be held on August 17, 2023. Seconded by Bill Epperson. All in favor.

B. Appointment of a Representative to the Gulf of Maine Intergovernmental Renewable Energy Task Force

Chair King noted that the Federal Bureau of Ocean Energy Management has a task force to address offshore wind energy in the Gulf of Maine, Gulf of Mexico, and the mid-Atlantic. This is a national implementation of windfarms off shore. Rye has the opportunity to have someone represent the Town in the planning process on the Gulf of Maine Intergovernmental Renewable Energy Task Force.

It was noted that Phil Winslow previously held the seat on the task force and this would be filling that vacant seat.

Selectman Epperson commented there's an incredible amount of work that needs to be done on this and it's really a big deal.

Selectman McGrath pointed out that it's a double-edged sword because it would reduce reliance on fossil fuels and would be an answer for the environment. At the same time, it threatens the marine environment and fishing industry. There's an organization called Responsible Offshore Development Alliance (RODA) for commercial fishing that is looking at what the affects are going to be on the marine wildlife, as well as what it will do to the fishing industry.

Chair King asked how a town appointee would represent Rye. Would they be taking the Select Board's direction or just using their personal opinions?

Selectman McGrath commented that one role would be to look out for Rye's fishing industry. The second role would be to keep the Town's renewable energy people up to date on what's happening and what the opportunities are going to be moving forward. He pointed out that Rye has the longest coastline in New Hampshire, so they should have some clout.

The Select Board asked Dr. Tom Sherman, who was a past representative on this task force, what the Town should expect from the appointee.

Dr. Sherman stated that what he would do as a representative on the task force is what he has done in the past when representing the Town on other organizations. He would represent the interests of Rye, while bringing back information to report to the Select Board. He noted there's a lot of different "irons in the fire" when it comes to offshore wind. Those have actually driven siting of offshore wind projects off the NH Coast. Working with fishermen, NH DES was able

to protect an area that is a prime area for fishermen and it will not be developed. He pointed out this is the kind of influence the task force can have. The task force is made up of elected officials, state representatives and senators, some of who represent their towns. There are also people on the task force who are in place from the towns. Dr. Sherman noted that a town representative should report back to the Select Board after meetings and if there is activity in between meetings. He pointed out that as a former State Senator, he's had a lot of experience in advocating for fishermen. The intent of the task force itself is to help guide this work. He commented that timeline is very slow for this work in order to make sure the impacts are minimized.

The Select Board received the letters of interest and resumes from four candidates interested in being Rye's representative on the task force. Letters were received from Tom Sherman, Ritchie White, Keper Connell, and Carl Nicolino.

Howard Kalet, Energy Committee Chair, noted that it's very important that the Energy Committee is plugged in to whoever the appointee is, in terms of staying updated as to what is going on. There's a lot of pieces to consider as to whether this makes sense, the feasibility and how it's done.

Referring to the candidates, Selectman Epperson stated that Ritchie White is a person who is well respected and knowledgeable. Carl Nicolino is on the Energy Committee and knows a lot about that particular subject, as well. Tom Sherman has been on this task force in the past and is well versed in the work. Selectman Epperson commented that he would feel very comfortable having Tom Sherman as the appointee, if there was a way he could work with the interested parties; such as the Energy Committee, Ritchie White and the fishermen.

Dr. Sherman commented that he knows Ritchie White well and would be happy to work with him. He would also be happy to work with the Energy Committee, if he were to be appointed. He pointed out that he and Ritchie have collaborated on some other things in the past. He also pointed out that the task force does not meet very often, but when they do its full day meetings.

Selectman McGrath noted that Ritchie White appeared before the Select Board for another position. Mr. White's resume is one of the most impressive in the State of NH when it comes to wildlife, especially marine wildlife, and the fishing industry. He asked Dr. Sherman if he would be open to working with Mr. White and having him as a resource.

Dr. Sherman confirmed.

Chair King noted that Keper Connell, one of the candidates who is not present, has also been involved in the fishing industry.

Motion by Bill Epperson to appoint Dr. Tom Sherman as Rye's representative to the Gulf of Maine Intergovernmental Renewable Energy Task Force, with the collaboration of the Energy Committee, and Ritchie White. Seconded by Bob McGrath. All in favor.

C. Conservation Commission Appointment – 2 year term ending 4/1/25

1. Paula Mahoney: Appointment as an alternate – letter rec'd 7/13/23
2. Recommendation letter rec'd 7/21/23 from Susan Shepcaro, Clerk

Selectman Epperson noted that this subject was quite contentious at a previous meeting. There were a lot of people who had a lot of opinions. A lot of people were well qualified and some were chosen, some were not. He asked the Conservation Commission to be very specific in the skills they were looking for because it shouldn't be a popularity contest. It should be someone who can contribute and do the work that needs to be done. He noted that the Select Board received the letter from Susan Shepcaro and he appreciates the fact that RCC did just that.

Selectman McGrath commented that he's happy Ms. Mahoney put her name back in for the running. He thinks it's a good signal that she has come back.

Motion by Bob McGrath to appoint Paula Mahoney to fill the alternate position for a two year term until April 2025 on the Rye Conservation Commission. Seconded by Bill Epperson. All in favor.

D. Beach Committee Appointments

1. Tom Mack: Appointment as a member – email rec'd 7/9/23 – 2 year term ending 4/1/25
2. Douglas Beattie: Appointment as an alternate – email rec'd 6/26/23 – 3 year term ending 4/1/26
3. Mike Hammond: Appointment as an alternate – email rec'd 6/20/23 – 1 year term ending 4/1/24
4. Recommendation letter rec'd 7/19/23 from Mary-Ann Sullivan, Chair

Chair King opened the floor to the candidates present.

Tom Mack commented that he is happy to help in the interest of the Town and public, so everyone can enjoy the beaches.

Chair King noted the beaches are important to the Town. Everyone sees the work of the Beach Committee.

Selectman Epperson commented it goes beyond water testing. Access to the beaches has become a real problem over the last twenty years. The Town continues to lose beach access points and those have to be watched. He's happy to have Mr. Mack onboard and thinks he will add significant value to the committee.

Motion by Bill Epperson to appoint Tom Mack as a member of the Beach Committee for a two year term ending on April 1, 2025. Seconded by Bob McGrath. All in favor.

Referring to Douglas Beattie, **Mary-Ann Sullivan, Beach Committee Chair**, noted that he has been coming to some of the meetings. The Beach Committee was blessed to have a number of

great candidates, who all came to a meeting to meet the other members. Mr. Beattie moved to Rye in 2016, but has been coming here since the 1980's. She thinks Mr. Beattie will be a nice addition to the committee.

Motion by Bob McGrath to appoint Douglas Beattie as an alternate member to the Beach Committee for a three year term ending April 1, 2026. Seconded by Bill Epperson. All in favor.

Mary-Ann Sullivan noted that Mike Hammond also came to a meeting to meet all the committee members. He moved to Rye in 2019, but has been a long-time beachgoer. Mr. Hammond has real concerns about the health of the beach and has a great background. Ms. Sullivan confirmed that all candidates received a copy of the Beach Committee's charge and other information. The candidates also had their questions answered at the meeting they attended. She thinks they really understand the commitment.

Motion by Bill Epperson to appoint Mike Hammond as an alternate member to the Beach Committee for a one year term ending April 1, 2024. Seconded by Bob McGrath. All in favor.

E. Expenditures & Revenues

The Select Board received the expenditure and revenue reports for the second quarter from Finance Director Becky Bergeron. The Selectmen agreed to review the information on their own outside of a meeting. Any questions about the information may be directed to Director Bergeron. It was noted by Chair King that the budget looks good. There are no departments that are significantly overspent. A work session may be scheduled with Director Bergeron to review the information in the near future.

VII. CORRESPONDENCE

None

VIII. NEW BUSINESS

None

IX. OLD BUSINESS

A. Town Clerk Office Hours

Chair King noted that the Select Board had a few meetings, about a year ago, in regards to the office hours of the Town Clerk. This was before the office moved to the Town Hall Annex. It turns out that the Town Clerk can control her own office hours. Part of the Select Board's concern is that the office now closes at noon on Fridays. There are a lot of people who go to the office on Friday afternoons. The Town Clerk has her reasons for wanting to be closed on Friday afternoons. In the interest of service to the residents, the Select Board had attempted to convince the Town Clerk to stay open on Friday afternoons; however, she is not willing to change the

hours at this point. The Select Board was hoping to have another discussion with the Town Clerk, but it's not happening at this meeting, as the Town Clerk was not able to attend.

B. Town Hall Annex Conference Room Naming

Chair King explained that the Town doesn't have any of the town buildings named, which is not generally a thing that is done. However, the Select Board has decided that it would not be unreasonable to name the conference room at the Town Hall Annex after a resident in the Town who deserves that nod. The Board solicited some recommendations and four were received for consideration. The four nominations are: Mel Low, Jane Ireland, Alex Herlihy, and Peter Crawford.

Selectman Epperson noted that Mel Low was a selectman for decades. He served with Mr. Low on the Planning Board for a long-time. Mr. Low was instrumental in stopping the Onassis initiative to build an offshore oil plant. He has just officially stepped down from positions in Rye in the last few years, but continues to stay active. Referring to Jane Ireland, Selectman Epperson pointed out that she has thirty years of active service as treasurer and other positions in town. She would be a significant candidate, as well as Alex Herlihy. He continued that although Peter Crawford was active for a period of time in town, he certainly was not an icon like Mel Low or Jane Ireland. He thinks those two people have significantly contributed and it should be between one of them.

Selectman McGrath commented that he did not know Peter Crawford at all; however, he has heard some very positive things about him. He continued that Alex Herlihy is really the Town's historian and will be honored in a different manner other than naming a room. He thinks Mr. Herlihy will be honored by this town when it comes to preserving history. He pointed out that Jane Ireland was the Town Clerk for a lot of years and her legacy is with the Town now. He met Mel Low and was surprised to find out he was a banker. Mr. Low and his wife are very kind people. He agrees that either Mel Low or Jane Ireland should be chosen.

Chair King commented that it has been pointed out to him that the Town Hall was named the Robert B. Goss Town Hall in 1987. He opened to the public for comments.

Steven Borne, 431 Wallis Road, noted that Alex Herlihy has served on multiple boards for decades. He's not just a historian. In looking at the impact to the Town, he thinks Mel Low stands above everyone else.

Susan Shepcaro, 45 Recreation Road, noted that the Town wouldn't have Parsons Field without Mel and Jean Low. He raised \$52,000 to put a down payment on Esther Parsons' estate, so they could put together a warrant article to pay the rest to buy Parsons, which goes into the Town Forest. They formed the Parsons Park Corporation and over five years, they pulled other parcels in to create the Town Forest. Many things make this town special; Parsons Field and the Rye Town Forest are two of them. Mr. Low was also very involved in the Planning Board. He supported affordable housing and retirement communities. He and another gentleman found Senior Serve and he is still an active member. He has also served on the Select Board and served as trustee of the trust funds. Mel and Jean Low have volunteered tirelessly since 1960. Ms.

Shepcaro pointed out that Mrs. Low has also served as an election worker and was on the Conservation Commission.

Police Chief Walsh commented that Jane Ireland and Mel Low are two genuine people. Mrs. Ireland worked on setting up the Town's financials by being the town clerk and treasurer. She was always generous to the Police Department with information. He continued that Mr. Low is genuinely the nicest person in the world.

Chair King commented that Mr. Low was one of the founding members of the farmer's market, which used to be held at the Congregational Church. Chair King continued that Jane is very similar. The biggest difference is employee versus a volunteer, which would push it to Mel.

Selectman Epperson stated that he thinks it would be appropriate to nominate Mel for this. At some future date, something equally notable can be done for Jane.

Motion by Bill Epperson to dedicate the Town Hall Annex conference room as the Mel and Jean Low room. Seconded by Bob McGrath. All in favor.

C. Parsons Creek Testing

Chair King explained there was a situation where the Town had both the beach testing and the Parsons Creek Watershed testing come back positive showing contamination. The beach testing is done by the State Department of Environmental Services (NH DES). The lower half of Wallis Sands Beach was positive and that was posted. This was in effect for five to seven days and was lifted last week, under a normal testing program. The Parsons Creek testing, which was not intended as a real-time testing like beach testing, is a data collection effort done on a regular schedule to find sources of contamination in the creek. It happens that the testing showed a very high level at the outfall of Parsons Creek, which is basically the culvert under Wallis Road. From Wallis Road out to Concord Point was posted for high bacterial counts. Last week, Parsons Creek was retested by FB Environmental and the results were just submitted by the DPW Director. Chair King noted that the results show the levels are still high, so the Parsons Creek posting is not going to be lifted any time soon.

Chair King noted that the newspaper had an article about North Hampton, as North Beach was shut down. The article talks about how rainfall makes a difference in this testing. The timing of this testing and the amount of rainfall are relevant issues. He further explained the tests are scheduled at the same time every year, so the data will mean something. The Town had enough money in the budget to do a separate test.

DPW Director Jason Rucker explained the results that came back today are from an unscheduled test. It was an unscheduled additional test just for bacterial quality monitoring.

Chair King noted that the Town will go to FB Environmental for a recommendation on when another unscheduled test should be done. The purpose of the testing is to ensure the residents, and certainly the ones who live in that area, that the water is safe to enter. He pointed out that

the Town doesn't have the luxury of doing many unscheduled tests because it hasn't been budgeted. However, the Select Board is cognizant of the fact that the people who live there are affected by this and they want to know that their family can use the water right behind their houses. Chair King reiterated that the intent is to get a recommendation from FB Environmental on when the testing can be done again. The Board will let people know when the water is safe, as soon as possible.

Referring to Concord Point, **Steven Borne, 431 Wallis Road**, asked if there is a sign on the sand near the public access.

Director Rucker replied that it may have been removed with the high tide, but one was placed there.

Referring to the last full report from FB Environmental, **Mr. Borne** noted that twenty-three out of the twenty-five tests were above the 104 or had some other level of dangerous bacteria. In looking at the history in the FB Environmental report, it shows that just about the majority of the data points are above 104. He pointed out that the intensity of the algae at Concord Point has been increasing. This is from excess nitrogen from having so many animals living off the high bacteria. For years, there has been high concentration of bacteria in the watershed.

Chair King noted that the Town is attempting to deal with the issue. The Town is also moving forward with the next steps for the Parsons Creek pump-out issues.

X. OTHER BUSINESS

A. Select Board Representative Updates

Selectman Epperson noted that the Planning Board is discussing the Master Plan. There are several big projects that will be going before the Planning Board over the next few months. Also, a contract was signed with Rockingham Planning Commission to get more help with the planning process for both the planning and building departments.

Selectman McGrath reported that the Historic District Commission is still working on the CLG Grant. Each house within the district has been photographed and put into a collage that will be displayed at Rye Day with the Heritage Commission.

Chair King reported that the Capital Improvements Plan (CIP) Committee is waiting on some CIP submissions from department heads. The committee's first meeting is on August 17th. The CIP process is the long-term part of the budgeting process. He further reported that the Beach Committee will be able to do even more now that it's filled with three new members. It was successful once again this year with the school kids making the posters that are posted at the beach accesses. It's a nice tradition having the students get involved. Regarding the TAP Grant Committee, the requests for qualifications are finally coming in and there have been three submissions from engineering companies. The committee will be meeting on July 27th to review the submissions. A long-awaited process is finally starting. Chair King continued there's a lot going on with the Rye400 Committee. He will make sure they receive the suggestion about the

monument from John Pearson. He recommends that people look at the Rye400 website because there are a lot of activities coming up.

B. Meeting Minutes

1. Meeting, Monday, June 12, 2023, 5:30 p.m., Rye Town Hall

The following corrections were noted:

- Page 7, second paragraph from the bottom should read: **Selectman McGrath asked FB Environmental what grade they would 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, 3rd paragraph, 2nd sentence should read: **The Town needs to start moving the “ball down the field.”**
- Page 14, 1st paragraph, 6th 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, 5th 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.**

Motion by Bill Epperson to accept the minutes of June 12, 2023 as amended. Seconded by Bob McGrath. Vote: 2-0-1 Abstained: Tom King

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

The following correction was noted:

- The hiring date should be **July 4, 2023**.

Motion by Bill Epperson to accept the non-public minutes of June 12, 2023 per RSA 91-A:3 II (b) Hiring, as amended. Seconded by Bob McGath. Vote: 2-0-1 Abstained: Tom King

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

Motion by Bill Epperson to accept the non-public minutes of June 12, 2023 per RSA 91-A:3 II (b) Hiring, as written. Seconded by Bob McGath. Vote: 2-0-1 Abstained: Tom King

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

Motion by Bill Epperson to accept the non-public minutes of June 12, 2023 per RSA 91-A:3 II (l) Legal Advice, as written. Seconded by Bob McGath. Vote: 2-0-1 Abstained: Tom King

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

Motion by Tom King to accept the non-public minutes of June 27, 2023 per RSA 91-A:3 II (d) Acquisition, as written and seal. Seconded by Bob McGath. All in favor.

6. Meeting, Friday, June 30, 2023, 9:00 a.m., Rye Town Hall

The following correction was noted:

- Page 2, 2nd sentence at top should read: **The downside of the U.S. Treasury is that they can be bought on the secondary market and there are price risks, if not held to maturity.**
- Page 5, 3rd paragraph, 2nd sentence should read: **In regards to the pump out ordinance, it will likely show over ~~median~~ time that it's working, as it takes time to send out non-compliance notices and put enforcement into place.**

Motion by Tom King to accept the June 30, 2023 meeting minutes, as amended. Seconded by Bill Epperson. All in favor.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:18 p.m. Seconded by Tom King. All in favor.

Respectfully Submitted,
Dyana F. Ledger