

**TOWN OF RYE SELECT BOARD
MEETING
Monday, October 23, 2023 – 6:30 p.m.
Rye Town Hall**

Select Board Present: *Chair Tom King, Vice-Chair Bill Epperson, and Bob McGrath*

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

I. CALL TO ORDER

Chair King called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

II. ANNOUNCEMENTS

- A.** Trick or Treat in Rye in Monday, October 30th, 5:00 – 7:00 p.m.
- B.** The Town Offices and Transfer Station will be closed Friday, November 10th for the Veterans Day holiday. The Transfer Station will be open regular hours Saturday, November 11th.
- C.** The Select Board congratulated the Rye Cross Country Team who took first place in the State for the boys' division and second place for the girls' division.

Deputy Scott Blaisdell thanked the Selectmen for their recognition of the cross-country team. The team worked hard and had a great season.
- D.** Selectman McGrath noted that he attended Rockingham Planning Commission's (RPC) ten-year plan meeting, which was held in Greenland. He gave support and gratitude for projects coming Rye's way.
- E.** Selectman McGrath pointed out that the last two to three years, bobcats have been present in town and people have been concerned about safety. A state biologist from NH Fish and Game will be holding a program at the Library on Tuesday, October 31st at 6:30 p.m., to answer questions and hopefully put the residents' minds at ease about the animals.

- F. The Rye Recreation Department will be holding a Halloween party at the Library on Wednesday, October 25th. A costume contest will be held at 5:00 p.m., with hotdogs and popcorn being served for the screening of the movie Coco. The Rye Library will also be holding a pumpkin carving contest just before the recreation festivities begin.

III. PUBLIC COMMENTS – (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.)

Hugh Lee, 220 Pioneer Road, read an email to the Select Board that he sent to the Conservation Commission concerning 120 Garland Road. He also spoke about the Select Board providing periodic updates to the public in regard to legal expenditures.

Police Chief Kevin Walsh thanked everyone for attending the Public Safety Building's open house, which was held on October 15th.

Steven Borne, on behalf of the Rye Civic League, announced that the Civic League will be holding their annual meeting on November 16th and will be discussing drinking water in Rye.

Steven Borne, as a resident of 431 Wallis Road, asked if the bobcat presentation at the Library could be recorded for people who cannot attend. He noted that at the last Select Board meeting, Selectman Epperson asked a lot of questions about the numbers provided by Aquarion. Mr. Borne asked if he could have that information, if Aquarion provides the information to the Select Board. Referring to the Select Board's upcoming work sessions, he pointed out that there are no Zoom links on the agendas and he would like to attend via Zoom. Mr. Borne also spoke about the Select Board's workshop where staffing was addressed for the 2024 budget. The Building Inspector had spoken about people remodeling their homes, instead of building new, and these are more complex projects. This has been going on for the past five or six years. In tracking the variances that the ZBA has been giving, it's increasing every year. The trend has been that the Town is adding more staff, and parttime people. The costs in the Building Department are going up. The permit fees don't cover those costs and there is no offsetting revenue. In regards to the proposed monument, if the Select Board moves forward with that, it's his opinion that it shouldn't be done without also including a land affirmation to all the indigenous people who lived here.

Chair King announced that the Select Board will be holding a work session on Wednesday, October 15th at the Rye Public Library to discuss traffic and pedestrian safety. The meeting will be livestreamed; however, a Zoom link will not be available. There will be another work session to address the Parson's Creek Watershed on Thursday, October 26th at the Rye Town Hall. That meeting will also be livestreamed and a Zoom link will be available for people who want to attend online. The Zoom link will be posted on the agenda for that meeting.

IV. AGENDA ITEMS

A. Appointment of Officer Joshua McAllister as Police Corporal

Police Chief Walsh introduced Joshua McAllister who has been with the Rye Police Department for approximately four years. Officer McAllister started his career in marine patrol and brings much experience to Rye, as it's the longest coastline in the State. It was a competitive process for the corporal position with two other officers vying for the title. An outside company conducted the testing for the Police Department and each candidate did an excellent job. It was a challenging choice, which proves the quality of officers that Rye has in its department. Chief Walsh stated that he is proud of all the officers in the Department in the way they continue to move forward personally and through the enhancements in their careers.

Officer Joshua McAllister was sworn in as Corporal by Town Clerk Donna Decotis. The Select Board congratulated Corporal McAllister on his promotion.

B. Recreation Deputy Director – Becca McGee

Recreation Director Dyana Martin introduced Becca McGee as the Recreation Department's new deputy director. Ms. McGee will be joining the Recreation Department in her new position in November. She graduated from U.N.H. with a degree in recreation policy. She also has experience working with other recreation departments, as well as experience in early childhood education. Ms. McGee will be working on implementing new programs and offerings for the community. The Recreation Department looks forward to her joining the team.

The Select Board welcomed Ms. McGee to Rye.

C. Community Power Update

Lisa Sweet, and Howard Kalet, Rye Energy Committee, met with the Select Board to give an update with regard to Rye Community Power. The program is currently serving nearly 3,000 Rye homes and businesses with electric supply. The Granite basic rate, which is Rye's default rate that people get automatically enrolled in, is 10.9¢ per kilowatt hour, where Eversource is 12.58¢ per kilowatt hour. At this time, this is the lowest default rate in the State. All customers have the option to opt up to a cleaner product if they want to reduce their carbon emissions. Most of those products are also below the Eversource rate. All customers can opt out at any time with no penalty. Rye Community Power will be sending mailers out to people who have moved into Rye. Someone moving into Rye gets automatically put onto Eversource. Rye Community Power will be doing a sweep quarterly and sending notices to all new accounts. Those accounts will be enrolled into Rye Community Power and all options will be explained to those new residents.

Information about the program is available online: **Rye.CommunityPowerNH.gov**

It was noted by Howard Kalet that long-term contracts with Direct Energy, for some of the municipal buildings, are starting to end. The contract for the Public Safety Building ends at the end of November. The rate for that building is now 8.13¢, which will expire at the end of November and will increase to 11.2¢. The Energy Committee recommends that the Public Safety Building be switched to Rye Community Power for a rate of 10.9¢ versus 12.58¢ for Eversource or the 11.2¢ for Direct Energy. The rates can change; however, customers can change back to Direct Energy or Eversource at any time. It was also noted that Eversource recalculates their rates February 1st and July 1st. Rye Community Power has an obligation to give a thirty-day notification to customers regarding rates. Community Power looks at the Eversource rates and the mission is to be below that rate. Mr. Kalet pointed out that when the Rye Energy Committee gives the Select Board advice, it's based on being a Rye resident and being part of the Rye Energy Committee first. If Rye Community Power is not the best option for the community, it's the Energy Committee's responsibility to share that with the Select Board and the Town.

After discussion, the Select Board agreed to switch to Rye Community Power at the end of the Direct Energy contract for the Public Safety Building. Community Power will be looking at their rates at the end of December. If the rates change to not be favorable for the Town, the Select Board can opt to make a change from Rye Community Power at that time.

D. Recreation Commission – term ending 4/1/2025

1. Richard Furber: Appointment as a member – email rec'd 10/10/23
2. Recommendation email rec'd 10/9/2023 from Cory Belden, Chair

Motion by Tom King to appoint Richard Furber as a member of the Recreation Commission with a term ending April 1, 2025. Seconded by Bill Epperson. All in favor.

E. Request for Approval of the Annual Town Holiday Parade – Sunday, December 3rd at 1:00 p.m.

The parade is coordinated by the Rye Fire Department and the Rye Lions Club with Firefighter Chuck Gallant serving as Chairman.

Motion required: *“To approve the Rye Holiday Parade on Sunday, December 3, 2023 as a Town event coordinated by the Rye Fire Department and the Rye Lions Club acting as volunteers on behalf of the Town.”*

Motion by Tom King to approve the Rye Holiday Parade on Sunday, December 3, 2023 as a Town event coordinated by the Rye Fire Department and the Rye Lions Club acting as volunteers on behalf of the Town. Seconded by Bob McGrath. All in favor.

F. Telecommunication Infrastructure Committee Appointment of Members

Howard Kalet, 90 Colbourn Road, spoke to the Select Board about the residents who are interested in serving on the Telecommunications Infrastructure Committee. As a previous

member and former chair of the Committee, Mr. Kalet recommended all the residents who would like to volunteer their time to serve on the Committee.

Motion by Bill Epperson to appoint Brett Zola, John Bellino, Kathy McCabe, Steven Borne and Howard Kalet to the Telecommunications Infrastructure Committee for a three-year term effective April 1, 2023. Seconded by Bob McGrath. All in favor.

G. Town Center Committee Charge

Motion by Tom King to approve the Town Center Committee Charge as written, with two amendments: 1) change the total number of members to six; and 2) change the term ending to March 31, 2026. Seconded by Bob McGrath. All in favor.

H. Budget – Compensation 2024

Town Administrator Matt Scruton asked the Select Board to review and consider employee wages to ensure that the wages are appropriate, given current market conditions and the fact that many positions have evolved from the original requirements from how the position was originally created. He noted that the Town has very talented staff on its team. He would like to ensure that the Town continues to retain them and have the resources in place to achieve that goal. Several employees in key positions in town have taken on additional workloads and responsibilities; as such, there have been some staffing limitations as part of that. Several employees have dedicated many years of service to the Town. Their experience and institutional knowledge of the community is invaluable. This should all factor into the compensation. He looks forward to discussing the topic further at a later time with the Board.

V. CORRESPONDENCE

None

VI. NEW BUSINESS

None

VII. OLD BUSINESS

A. Tom Pearson & Roger Philbrick - Founders' Monument

Tom Pearson and **Roger Philbrick** met with the Select Board to discuss the proposal for a founders' monument in the Town Center. Mr. Pearson submitted a package to the Board showing the design of the monument (front and back), proposed wording, and proposed location, which is at the Public Safety Building in the grassy area between the Washington Road sidewalk and the side of the parking lot. Mr. Pearson noted that he met with the Heritage Commission to discuss the monument. The Commission talked about the Native American issue and certain things were agreed to. He pointed out that there is wording proposed for the back of the monument. It was learned that to say something to make in any way the founders secondary to

them would be wrong, due to the many, many physical attacks on settlers around N.H. Mr. Pearson stated that the main intent is to honor the families from the 1600's and 1700's, who came here and turned the area from a wilderness to a viable community. The list of the founding families was developed by Bonnie Goodwin in 2002, who was a member and officer of the Rye Historical Society. Mr. Pearson and Mr. Philbrick feel this should be done because of the Town's 400th Anniversary and the people who founded the Town should be recognized. Referring the wording about the Native Americans, he thinks they have said what they can and people did learn something from them in those early days.

Mr. Pearson described the monument as a piece of granite measuring 5' x 4' with 1' being buried into the ground to hold it up. The monument will be simple and straightforward. It recognizes the families who gave up a lot to come to this area. He thinks the founding families deserve the recognition and this year is a key year to do the monument, as it's the Rye 400 Anniversary.

Referring to the input from the Historic District Commission, Selectman McGrath stated that it sounded like they didn't want the Native Americans to be part of the monument, they just wanted them to be celebrated in some way. The founders' monument is separate from the Rye 400 and the Native Americans. He hopes that more wording isn't being added just to satisfy some people's questions.

Vice-Chair Epperson stated that he thinks it's appropriate to have a monument recognizing the founding families of Rye. The issue of the Native Americans came up. He thinks if something is going to be done, if possible, something should be added to it. He asked Mr. Pearson if he would be open to editing the verbiage under Native Americans.

Mr. Pearson agreed that he would be open to saying something that isn't controversial.

There was a lengthy discussion between the Select Board, Mr. Pearson, and Mr. Philbrick regarding what verbiage may be appropriate for the monument and how the Native Americans could possibly be recognized in some way. There was also discussion about the location being proposed for the monument. It was noted that the location could possibly change, as sidewalks and bicycle lanes are being put in as part of the TAP Grant project for the Town Center. The monument should not be set in concrete in case it has to be moved as part of the TAP project. It was also noted by Selectman McGrath that there shouldn't be two competing Rye 400 monuments in the Town. This monument is from the history of 1623 and should stand on its own. The Select Board agreed that the verbiage addressing the Native Americans should be reviewed by someone that has a lot of knowledge about their culture and can be sensitive to the history. The Board will reach out to some people who may be able to help with the appropriate wording. There was a suggestion by Chair King to have a walkway going around the monument so it invites people to see both sides.

Selectman McGrath suggested that the wording be finalized before going back to the Historic District Commission. He pointed out that both the Rye 400 monument and this monument will

need to go back before the HDC, as there are some questions about the locations and paperwork is now complete.

It was noted that the Founders' Monument does not have to go back before the Heritage Commission. The monument has to go back to the HDC, Select Board, and then to the Building Inspector for the technical aspects. Town Administrator Scruton will be the contact person for the Select Board in moving this forward. The HDC will be invited to the Select Board's next meeting to discuss this proposal, along with the Rye 400 monument.

VIII. OTHER BUSINESS

B. Select Board Representative Updates

- **Historic District Commission:**
Selectman McGrath reported that the HDC is starting to get communications from at least one neighbor that is proposed to be entered into the Historic District, as not wanting to be in the District. The intent is to offer some information through the preservation company to show the benefits of being in the District. He thinks the proposed expansion is something that is going to take time and communications.
- **Planning Board:**
Vice-Chair Epperson reported that the Long Range Planning Committee, as part of the Planning Board, has been meeting on a regular basis to upgrade the Rye Master Plan. There are a lot of details and a lot of information going into this project. He invites anyone who is interested in the details to go onto the Public Library livestream for the October 17th Planning Board meeting, at about hour 3:30, where Planning Board Member Rob Wright did an analysis of what's going on in that particular endeavor. There is an upcoming meeting for the Master Plan Steering Committee on November 7th, which is a public meeting. The public input forum for the update to the Master Plan is scheduled for February 15th.
- **Heritage Commission:**
Vice-Chair Epperson noted that the Heritage Commission gazebo issue is going to be finalized at the November meeting. The Commission is just waiting on one more estimate before making a final decision.
- **TAP Grant Committee:**
Town Administrator Scruton noted that the scoring from the interviews of the three engineering firms interested in the project is being compiled and will be sent to NH DOT once completed.
- **CIP Committee:**
Department head submissions are still being submitted to the CIP Committee.
- **Beach Committee:**
The Committee now has full membership with some new faces and fresh ideas.

C. Meeting Minutes

1. Meeting, Monday, September 25, 2023, 5:45 p.m., Rye Town Hall

Motion by Tom King to accept the meeting minutes for September 25, 2023 as written. Seconded by Bill Epperson. All in favor.

2. Non-Public Session, Monday, September 25, 2023
 - (1) per RSA 91-A:3 II (a) Personnel
 - (2) per RSA 91-A:3 II (b) Hiring

Motion by Tom King to approve the non-public meeting minutes of September 25, 2023 per RSA 91-A:3 II (a) Personnel, at 5:58 p.m., as written. Seconded by Bill Epperson. All in favor.

Motion by Tom King to approve the non-public meeting minutes of September 25, 2023 per RSA 91-A:3 II (b) Hiring, at 6:15 p.m., as written. Seconded by Bill Epperson. All in favor.

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

At 8:18 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3, II (a) Personnel. Seconded by Bill Epperson. Roll Call: Bill Epperson – Yes; Bob McGrath – Yes; Tom King - Yes

At 9:59 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.

ADJOURNMENT

Motion by Tom King to adjourn at 10:00 p.m. Seconded by Bob McGrath. All in favor.

Respectfully Submitted,
Dyana F Ledger

From: HUGH LEE <htl@comcast.net>
Sent: Monday, October 23, 2023 5:25 PM
To: Tom King <tking77@comcast.net>; William Epperson <WEpperson@town.rye.nh.us>; Bob McGrath <bmcgrath@town.rye.nh.us>
Cc: Matt Scruton <mscruton@town.rye.nh.us>
Subject: 120 Garland Road

Dear Members of the Select Board,

Set forth below is the Correspondence that I addressed to the Conservation Commission for its October 12th meeting. Unfortunately, it was not read by the Commission at that public meeting. Therefore, I am presenting a copy to you in the hope that you will utilize whatever influence you may have over the members of the Commission and I request that a copy of this Correspondence be attached, in full, to the Minutes of this evening's meeting. The Conservation Commission has spent more than \$100,000 for lawyers and consultants in connection with this matter and it is well past the time to accept the decision of the NH Department of Environmental Services.

Thank you for your kind attention to this matter.

Best Regards,

Hugh Lee

----- Original Message -----

From: HUGH LEE <htl@comcast.net>
To: Susan Shepcaro <sshepcaro@gmail.com>
Cc: Suzanne McFarland <suzanne.ryeconservation@gmail.com>, Sally King <Sally.RyeConservation@gmail.com>, Kara Campbell <kcampbell@town.rye.nh.us>
Date: 10/12/2023 11:56 AM EDT
Subject: 120 Garland Road

Dear Susan,

As you are the Clerk of the RCC, I would appreciate it if you would bring this email correspondence to the attention of the members of the RCC at this evening's meeting during the presentation of Correspondence and include it as an attachment to the Minutes.

Dear Members of the Rye Conservation Commission,

I had no visibility of the 120 Garland Road issue until this past spring when, at a Select Board meeting, the issue was raised because of a Right to Know request for the Conservation Commission's legal bills related to that issue. I then reviewed the

Wetlands Council online file in which the Conservation Commission had appealed the issuance of a permit by NHDES. The NHDES had all of the technical information prepared by both the applicant's experts and the Conservation Commission's experts, on which the NHDES based its decision to issue a permit. Those experts included wetlands scientists, hydrogeologists and others.

It has been my experience that the NHDES is not an "easy mark" and requires a great deal of "convincing" before it issues a permit. Further, if one looks at the raw statistics of appeals to the Wetlands Council, it is very rare that the Wetlands Council overrules the NHDES' issuance of a permit. It is somewhat more likely that the Wetlands Council will overrule a NHDES decision to deny a permit. As you may know, the Wetlands Council can make only one of two decisions. It can either affirm the action of the NHDES or it can send the matter back to the NHDES for further consideration if it finds that the NHDES acted unreasonably or unlawfully.

Of course, when the NHDES issues a permit the State Attorney General's Office does the legal work to support the NHDES decision. Thus, since December 2021, when the permit was issued, the Town has been fighting against the State. The only winners have been the lawyers! As a lawyer myself, I shouldn't mind too much if the lawyers are winners, but I don't like to pay the fees of the lawyers on both sides of the issue, through my Town and State taxes.

Over the past two weeks I attended most of the Wetlands Council hearings related to 120 Garland Road. I listened to the testimony of the Conservation Commission's experts and the experts supporting the issuance of the wetlands permit. I found that, on balance, the evidence and testimony in support of the issuance of the permit was compelling, especially the evidence and testimony that the impoundment does not adversely impact the Rye Water District wells.

Last Friday, October 6th, the Wetlands Council, after extensive deliberations, was nearly unanimous in its decision to uphold the decision of the NHDES to issue a permit.

I note that this evening's Agenda includes a Non-Public Session dealing with "Legal". I assume that this item may deal with the 120 Garland Road issue. If so, I believe that it would be best for the Conservation Commission to end its efforts seeking to overturn the decision of the NHDES. Too much time, energy and money has already been spent on this matter. Any effort to further appeal this matter would be for naught.

Thank you for your kind consideration in this matter.

Best Regards,

Hugh Lee