

**TOWN OF RYE SELECT BOARD
MEETING**

**Monday, November 27, 2023, 5:30 p.m.
Rye Town Hall & Via Zoom**

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

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

5:30 p.m.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair King called the meeting to order at 5:30 p.m.

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

At 5:30 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (l) Legal Advice. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath - Yes, King -Yes.

At 6:21 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.

At 6:22 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 6:29 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.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair King reconvened the public meeting at 6:33 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- *Rye Holiday Festivities*: The Rye Historical Society is holding a Holiday Home Tour of five historic homes in Rye on Sunday, December 2nd, from 1:00 p.m. to 4:00 p.m. The Annual Rye Holiday Parade is being held on Sunday, December 2nd at 1:00 p.m. with the tree lighting ceremony following at 4:00 p.m.

V. PUBLIC COMMENT – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to 5 minutes each person.)

Hugh Lee, 220 Pioneer Road, noted that he attended a site walk with the Conservation Commission to review the Berry Brook culvert under Sagamore Road. He commended the Conservation Commission for doing what they are charged to do, which is conserving conservation land. However, he is not pleased with regard to the Conservation Commission's effort to construct a project that has not yet been approved by anyone. It was said in July that no decision had been made with regard to the Junkins property and a proposed recreational development with the Conservation Commission is planned. This was said again at an August Select Board meeting; however, the engineering efforts appear to continue. He noted that he discovered this through a right-to-know request that took more than two and a half months to fulfill for approximately twenty simple emails. He commented that this project has taken on a life of its own. As agreed, at the August 23rd listening session at the site, there was to be a public hearing before any work was done and this has not been the case. He is looking to the Select Board to bring this matter under control.

Referring to the Rye Water District proposed treatment facility, **Steven Borne, 431 Wallis Road**, commented that it wasn't this Select Board that made those decisions historically. It was other Select Board's that decided the situation didn't have to be taken care of and could just be monitored. He pointed out that CMA's presentation said that the plumes move and could take a while. When testing once a month, it's not certain if a big plume came through and went into the system. A plume can come through clear past the testing day and end up in the system. There is no law in physics that say it needs to be evenly dispersed once it gets into the system. It can test below the regulations, but there are times when it could have been much higher in the system. It's a public health issue that the Town should be doing more about. He would appreciate a much more aggressive approach in working with Rye Water District in getting the water treatment plant moving forward.

Mr. Borne continued that the Recreation Commission is present at the meeting to talk about the Recreation Master Plan. He pointed out that the Library, cemetery, schools, and Town all have a strategy. All those need to come together. This would be a huge step that he would like to see happen. The big decision is what is Rye becoming? Is Rye going to be a balanced community or retirement? Economics is pushing it in one direction. It's going to take massive actions to make Rye a balanced community. Mr. Borne commented on the need for a town vehicle plan. He also commented on the Towns' tax rate. He noted that the annual budget presentations

explain how the tax rate process works and how the rate is set, if members of the public would like to learn the process.

VI. AGENDA ITEMS

A. PUBLIC HEARING – TOWN WIDE FEES

The purpose of the hearing is to hear public input regarding proposed changes to the town wide fee schedule as follows:

Police Dept.: Regular Detail Rate from \$83/4hr min. to \$86/4hr min; Detail rate w/Cruiser from \$95/4hr min. to \$101/4hr min. **Fire Dept.:** Regular Detail Rate from \$83/4hr min. to \$86/4hr min. **Town Clerk:** Dog Licensing Fees: Unaltered Male/Female from \$9.00 to \$10.00; Neutered/Spayed from \$6.50 to \$7.50; Senior Citizen Discount/1st Dog Only from \$2.00 to \$3.00. **Historic District Commission:** Public Hearing Fee from \$100 to \$150.

At 6:42 p.m., Chair King opened the public hearing on town wide fees.

Police Chief Kevin Walsh presented the proposed changes to the detail rates for the Police Department.

Fire Chief Mark Cotreau presented the proposed changes to the detail rates for the Fire Department.

Town Administrator Matt Scruton presented the proposed changes for the dog license fees for the Town Clerk.

The Select Board reviewed the request from the Historic District Commission, sent via email from HDC Chair Kaitlyn Coffey, regarding the change to the public hearing fee for the HDC.

Chair King opened to the public for comments.

Steven Borne, 431 Wallis Road, spoke about municipalities aligning fees and revenues with costs.

It was noted that the majority of the fees charged are regulated by statute and go to the State.

Hearing no further comments, Chair King closed the public hearing at 6:55 p.m.

Motion by Tom King to adopt the proposed fee schedule as presented:

- **Police Dept.:** Regular Detail Rate from \$83/4hr min. to \$86/4hr min; Detail rate w/Cruiser from \$95/4hr min. to \$101/4hr min.
- **Fire Dept.:** Regular Detail Rate from \$83/4hr min. to \$86/4hr min.

- **Town Clerk:** Dog Licensing Fees: Unaltered Male/Female from \$9.00 to \$10.00; Neutered/Spayed from \$6.50 to \$7.50; Senior Citizen Discount/1st Dog Only from \$2.00 to \$3.00.
- **Historic District Commission:** Public Hearing Fee from \$100 to \$150.

Seconded by Bill Epperson. All in favor.

B. Recreation Commission – Presentation of Master Plan

Recreation Director Dyana Martin, along with **Recreation Commission Chair Cory Belden** presented the final draft of the Recreation Master Plan, which the Recreation Commission has been working on for the past two years. The updated master plan builds upon the original master plan that was done in 2011 and the space needs study that was completed in 2016. A key part of the Master Plan focuses on the recreation facility and the fields located at 55 Recreation Road. The impetus for the plan was due to the need for new staff offices and bathrooms at the facility with an overview of the long-term plans for recreation. Other commission members present included, **Joe Persechino; Jonathan Fox; Richard Furber; and Marlene Veloso.**

Joe Persechino reviewed the plans for the recreation site for the Select Board and public. The intent of the Recreation Commission is to have a design prepared for the new offices and bathroom facilities in 2024 with a construction goal of 2025. The Recreation Department has proposed \$75,000 as a capital expenditure for 2024 for the engineering and design phase of the recreation facility project. They are also proposing another capital expenditure of \$75,000 for the renovation of the softball field.

There was some discussion about the capital expenditures being requested and proposed timing of the plan for the Recreation Department. The Select Board expressed their concerns on providing a safe and secure working environment for staff as soon as possible, versus waiting three years for construction of a new building. They spoke about the option of renting modulars to provide appropriate office space and bathroom facilities, while the recreation project is in process.

After a lengthy discussion, the Select Board acknowledged that they have received and reviewed the plan. It was noted that at a previous meeting, the Select Board voted to recommend the capital expenditure of \$75,000 for the 2024 budget for the renovation of the softball field. The engineering and design capital expenditure for the offices and bathrooms was tabled at a previous meeting for further information on the plan. The Select Board will be holding a discussion later in this meeting to address this capital outlay request.

Note: *The Rye Recreation Master Plan will be available to the public and can be found on the Town's website.*

C. FB Environmental – Potential Foam PFAS Sampling at Berry's Brook

Luke Frankel, FB Environmental, met with the Select Board to discuss possible PFAS sampling for foam found at Berry's Brook. The estimate for one day of sampling, for three

different PFAS samples, would be approximately \$2,100., which includes the labor for taking the samples, lab fees, and preparation of the report.

There was some discussion about whether PFAS has been found in Berry's Brook, at this point. There was also discussion about what the possible next steps would be if PFAS was found above the State threshold.

It was noted by Town Administrator Matt Scruton that in 2019 there was an administrative effort to cleanup Berry's Brook with House Bill 494 which was passed and signed by the Governor. The general court concurred with NH DES that the migration of contaminants from the site groundwater at the Coakley Landfill Supersite to the headwaters of Berry's Brook is unacceptable and actions need to be implemented to provide additional removal or containment of the contamination of the surface water bodies that flow through all seacoast towns. If the Town were to find evidence supporting the belief that Coakley is not cleaned up, this should be shared with NH DES directly so they can in turn take action. The Coakley Landfill group could potentially be held accountable for not doing as House Bill 494 requires. Overall site management of the Coakley Landfill group is handled by the EPA. However, this was directed at DES to manage because it was a house bill on Berry's Brook; therefore, any findings should be taken directly to DES.

Representative Jaci Grote recommended that the DES Commissioner is contacted, as this kind of situation needs to be addressed at that level.

There was a brief discussion about whether there is evidence that the cleanup was done, as directed. The Select Board agreed to put funding in the budget for at least one round of testing, in case there is no other relief. The Town would then have the data to present to DES. They also agreed to have Representative Grote reach out to DES to see if sampling through them would be available for Rye.

Representative Grote suggested that she seek feedback on House Bill 494. At that time, she and the Select Board can decide how to approach the DES Commissioner.

Motion by Tom King to add \$2,100 to the Landfill Monitoring line item of the Select Board recommended budget for 2024. Seconded by Bill Epperson. Vote: 3-0

D. Beach Public Access 10-year Update

DPW Director Jason Rucker noted that it was brought to his attention that the Select Board would like to have the beach access points reviewed. There was a report done approximately ten years ago, which identified all the beach access points in Rye. DPW will start with a ten-year update to make sure all the access points in that report are properly signed.

There was discussion about making sure the access to the beach in those areas are still viable. It was noted by Chair King that the purpose is to make sure that the public beach accesses are

reviewed, at least once a decade. The Town should look for consistent signage and access that hasn't been encroached upon.

E. Town Historian

Chair King pointed out that Alex Herlihy has been designated as the Town Historian by the Rye Historical Society. There was a request that this be made into a true town historian position.

Town Administrator Scruton noted this would not be an employee position of the Town. It would be an appointed voluntary position for a three-year term. He provided the Select Board with a list of duties that historians provide in other surrounding towns.

Vice-Chair Epperson commented that people look to Mr. Herlihy for this kind of information. He doesn't see any reason why the Select Board shouldn't consider his application.

Administrator Scruton recommended posting the position for thirty days to allow anyone with interest to apply for the position.

Selectman McGrath suggested adding to the duties that the position would include mentoring the next person in line so this history can move forward.

The Select Board agreed with that suggestion. The position will be posted for thirty days and applicants of interest will be presented to the Select Board at an upcoming meeting.

Alex Herlihy, 55 Lang Road, spoke to the Board about the position.

Motion by Tom King to create a town historian position with a job description as amended with mentoring added. Seconded by Bill Epperson. All in favor.

VII. CORRESPONDENCE

A. Letter rec'd from Lt. Jacob MacGlashing re: his resignation from the Rye Fire Department

The Town has received a letter of resignation from Lt. Jacob MacGlashing, who has tendered his resignation from the Rye Fire Department effective December 3, 2023.

With thanks and appreciation for his service to the Town, Tom King moved to accept the letter of resignation from Lt. Jacob MacGlashing. His final date of employment shall be December 3, 2023. Seconded by Bill Epperson. All in favor.

VIII. NEW BUSINESS

- Selectman McGrath presented a charge for a temporary town committee to effectively communicate town rules and regulations. This item will be added to the Select Board's next meeting agenda for discussion.

IX. OLD BUSINESS

A. Perkins Road Sidewalk

DPW Director Rucker gave an update on the Perkins Road safety improvement project for the intersection of Route 1A and Perkins Road. The raised curb and concrete sidewalk have been installed. Some concerns were brought forth to the Select Board and conveyed to Public Works about the pedestrian safety zone being incorporated into the plan. As such, that section of the project remains unfinished, which is a 3' area. The intent of the safety zone is for parked vehicles' bumpers to encroach upon that area without encroaching onto the sidewalk, which is located between the raised curb and granite curbing. It has also come to their attention that one of the property owners would like to install some plantings of some kind in that safety zone and assume the maintenance responsibilities of such. At this time, the Public Works Department would like to recommend that those plantings be grass only, in order to maintain the intent of the safety zone. Other plantings would impede upon the ease of passage of pedestrians on the sidewalks, as well as the intent of having an encroachment zone for vehicles.

Police Chief Kevin Walsh agreed with Director Rucker that the safety zone area should only have grass, as anything else with height will block sight lines for cars, pedestrians, and bicycles.

Selectman McGrath noted that he thought the State had asked for the area to be asphalt pavement.

Director Rucker explained that the State has agreed to whatever the Public Works Department has decided. The original plans call for asphalt; maintenance free and nothing that will visually impair sight lines for pedestrian or traffic. The intent of the encroachment safety zone is for parked vehicles, so the front of the car can encroach into the safety zone without encroaching onto the sidewalk.

Selectman McGrath noted that the property owner, who's agreeing to the maintenance, has a tenant who is going to do the maintenance. He asked what will happen when that tenant leaves. He asked if it will be easy for that pavement to be put down. He's not sure that they can pass on the responsibility of the maintenance.

Director Rucker noted that it would take heavy equipment to remove the top soil and the plantings, and reconstruct the area with the proper base and asphalt. It would not be without labor and costs.

Chair King commented this is really a focal point in Rye. There are not as many places in Rye that get as much foot traffic as that sidewalk is going to get. It's important for this to be visually attractive. He doesn't think it's realistic to plant grass in that area, as it's near the ocean and will collect sand and salt, and it isn't going to look nice within a year. He thinks grass is a non-starter. It's not practical. No one is going to take the time to mow and water that area. He suggested some kind of salt tolerant ground cover and 2' high plants that could break up the expansive cement and asphalt to give a nice visual. It will not impede the bumpers or the sidewalk on the other side. He doesn't think it should be limited to grass.

It was agreed to allow the DPW Director to proceed with a discussion to find out more specifically what the property owner/tenant is willing to plant. The Select Board will also reserve the right for the Town to remove any plantings at any time, as necessary.

B. Rye400 and Founders Monument

Administrator Scruton noted that he and Chair King walked the areas that DPW had marked out for Dig Safe. Those areas include the area where the canopy is located for the Senior Serve van; behind the Town Hall building, the town owned property that's paved near the Church, and near Walker Lane. The Town is at least trying to find a temporary spot to put the stones, until a permanent location can be determined. One site of particular interest, which might work for both short-term and long-term, would be the grassy area by Walker Lane, as the area is flat and is in a visible location. It didn't appear that the area had any concerns with the Dig Safe flags that have been placed.

After a brief discussion, the Select Board agreed that the area near Walker Lane would be their first choice for the placement of the monuments. Administrator Scruton will reach out to the applicants to let them know the proposal is moving forward and there will be a public hearing at the January 8th meeting. He will also reach out to the Historic District Commission to let them know about the proposed location.

C. TAP Grant

Administrator Scruton reported that the Town is currently in negotiations with BETA Engineering for fee and scope for the project. There have also been discussions with the BETA Group about some of the administrative aspects of this project. The intent is to work through the negotiations and come to a consensus on the scope and fee. Administrator Scruton noted that the Town Tap Grant Committee has done an excellent job in getting the project to this point.

Chair King noted that there have been some issues with the TAP Grant interviewing the engineering firms because it all has to be done in public, as it's a committee. Apparently, Rye is the only town in NH that had a committee to do this type of project, versus having designated employees doing the work, so there would be no right-to-know requests, quorum, and public meeting requirements in order to have conversations with the firms. He pointed out it was a competitive process, as it is now going into the negotiation of scope and fees. To say the least,

having the TAP Grant Committee for all the good work that they have done, has been cumbersome at best and it doesn't look to be any easier going forward. The intention of the Select Board is to disband the TAP Grant Committee and hand the next phase of this off to the Town Administrator and DPW Director to work directly with BETA Group.

Chair King thanked the members of the TAP Grant Committee for all their service. They have done an amazing job getting the project to where it is now. The Town calls it the TAP Grant, but the mechanism that the State uses to fund these projects is a new process for the State of New Hampshire. It has been a learning experience all around. He continued that because there is a need, in moving forward, for more non-public meetings, which is not in keeping with a committee format, the Select Board has decided to dissolve the TAP Grant Committee. He pointed out the Town Center Committee will remain and part of their charge is to provide project input and consultation on the overall project, as it moves forward.

Administrator Scruton agreed this is a necessary step to take. He pointed out that although the Town is entering negotiations with BETA, if those negotiations were to fall apart, the Town wouldn't want that information available to another engineering firm that might come forth, as it would put the Town at a competitive disadvantage.

The Select Board thanked the members of the TAP Grant Committee for their service and hard work on the project: John Loftus; Lydia Tilsley; and Victor Azzi.

Motion by Bill Epperson to official terminate the TAP Grant Committee effective immediately (November 27, 2023). Seconded by Bob McGrath. All in favor.

Note: *At 8:53 p.m., Chair King recessed the meeting. The meeting was reconvened at 9:02 p.m.*

X. SELECTMEN'S 2024 BUDGET WORK SESSION

A. Capital Outlay

Recreation Commission:

<u>Engineering & Design</u>	<u>\$75,000</u>
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It was noted by Finance Director Becky Bergeron that this requested funding could be addressed in one of two ways: 1) included in capital outlay; or 2) create a separate warrant article for the engineering and design of phase 1 of the Recreation Master Plan.

Cory Belden, Recreation Commission Chair, noted that phase 1 design would be for moving the offices out of the modular and starting the addition onto the storage building that was constructed in 2019. The Recreation Commission feels this is a top priority for the Town and recreation area. He would ask that it be included in the budget, so there would not be a risk of it being turned down by the voters.

Joe Perschino, Recreation Commission Member, commented that if the Select Board feels that both projects cannot be incorporated into the capital outlay expenditures (referring to the renovation of the softball field), it would probably make the most sense, from a Town perspective, to have the softball field put to a vote in a warrant article.

Vice-Chair Epperson noted that there is a really compelling argument for the softball field. He thinks that the Select Board thinks it's a good idea. If this goes into a warrant article, it will be a "roll of the dice" if it gets approved. He suggested possibly putting this request into capital outlay and putting the truck requested by Recreation into a warrant article.

Selectman McGrath commented that he would like to see a bigger project with the actual building being built with bond funding. If Recreation doesn't get approval to design the building, how are they going to get approval to build the building?

Mr. Perschino noted that they need to take this to the next level to get designed. Right now, Recreation has a conceptual plan and it needs to move forward.

Selectman McGrath stated that he doesn't think it's a good idea to spend money, unless there's a guarantee that it's going to be built.

Steven Borne, 431 Wallis Road, suggested coming up with a used truck from another town department and moving it to Recreation. He also suggested putting the building in capital outlay and the softball field on a separate warrant article, as it would attract younger people to the Deliberative Session and to vote.

Chair King agreed. He commented that out of the three items, the most likely proposal that would pass a warrant article would be the softball field.

Finance Director Bergeron pointed out that the Recreation Department has a donation account. The purpose of which, hasn't yet been vetted. If that could be vetted, and could be used in such a way for the softball fields, it would take this request out of the mix. The engineering for \$75,000 could then be put into capital outlay, along with the vehicle. She continued that the Select Board has already approved the softball field, but everyone has to be mindful of how this fits in as a whole. She thinks it would be worth investigating that potential funding source for the softball field. Finance Director Bergeron explained that the Recreation Department has had a donation account for a while. There are no records that speak to how it was established or it's specific use. She is only bringing this forward now because it doesn't seem like there is a good path forward for Recreation to accomplish everything they want to accomplish. She is not guaranteeing it can even be used for the softball field. However, it would make sense that the donation account would have been established with programming in mind. She noted there is \$106,000 in that donation account.

Mr. Perschino spoke about sticking with the plan to move the softball field to a warrant article and adding the building design to capital outlay. He pointed out that there will be more funding needed as these phases move forward, which the donation account can be used for.

Selectman McGrath disagreed. If people don't want to fund the design, why would they want to fund the whole building? He doesn't want to put money out that may or may not be useful. It would be better to ask for the whole project.

Chair King pointed out that without the engineering and design, it's not certain how much to ask for.

Selectman McGrath commented that he would like to see a better strategy.

Mr. Belden noted that they need to take the first step to get a design, so it can be presented next year for a warrant article for the construction of the building.

After much discussion and consideration, it was agreed to switch the softball field to a warrant article, and add both the vehicle and engineering/design to capital outlay.

Motion by Tom King to remove the Rye Recreation Softball Field Capital Outlay for \$75,000 from recommended capital outlay. Seconded by Bill Epperson. Vote: 3-0

Motion by Bob McGrath to recommend capital outlay in the amount of \$40,000 for a pickup truck for the Rye Recreation Department; and in addition, \$75,000 for design work for the Phase 1 construction of the offices and bathrooms at the recreation area. Seconded by Bill Epperson. Vote: 3-0

Conservation:

<u>Junkins Property</u>	<u>\$42,489</u>
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Conservation Commission Chair Suzanne McFarland presented the capital request for the Junkins property to create access to the property for recreation purposes. It was noted that funds were approved for the 2023 budget to create access to that property for waterfront recreation. The project was not done and the funds were not spent in 2023; however, there is no contract to do the work, at this time. The Recreation Commission is requesting this amount again for 2024 to be added to capital outlay.

Chair King explained that as part of the approval process for this land, the Select Board, at that time, agreed to support the acquisition on the condition that it become waterfront access. He doesn't remember there being a formal vote, but there was an agreement with the Conservation Commission that this would happen as part of the acquisition. The details of what that suitable access and recreation would be is what he has always referred to as a "decision has not been made." He reiterated that a previous Select Board said that they wanted that access as part of the acquisition and that's why the acquisition was supported.

Vice-Chair Epperson agreed with Chair King.

Hugh Lee, 220 Pioneer Road, pointed out there is nothing in any minutes or record that reflects that agreement or understanding. There may have been an agreement, but it was not done in a public meeting and it's not reflected in any minutes.

Chair King asked how this would reflect the capital outlay being considered at this meeting.

Mr. Lee commented that as has been stated by the Vice-Chair of the Conservation Commission, at the July meeting, nothing had been decided with regard to the project that has taken on a life of its own. At the August meeting, his neighbor, Jeff Keefe, asked the same question and nothing had been decided. August 23rd, there was a listening session by the Conservation Commission on site and there was almost unanimous public opposition to this project at that location. People were promised there would be a public hearing and abutters would be notified of the hearing before anything else happened. Mr. Lee further commented this has taken on a life of its own.

Chair King explained that the previous Select Board supported this acquisition to be waterfront recreation. The Conservation Commission is a group of volunteers who are trying to carry out the agreement they have with the Select Board. To imply there is something underhanded, is not the case. He was at the listening session and yes, all the neighbors came out and said they didn't want this for a litany of reasons. The fact that seven neighbors don't like a recreation project, doesn't mean it's not going to go forward. There are 5,500 constituents and they want recreation opportunities in town. What should be discussed with the Conservation Commission is what may be suitable and appropriate, not what is going to happen with the property. Something is going to happen with the property and the Select Board is in support.

Mr. Lee commented that until it is known what is suitable and appropriate, he thinks it's inappropriate to have a capital outlay for something that's not known yet.

Chair King stated that the Select Board asked for the Conservation Commission, with the help of an engineer, to develop an appropriate waterfront recreation plan for that property. Hopefully, they are going to come up with that plan. Those funds are being provided to make that happen. The funds were provided in 2023, but it didn't happen. The funds will be provided again for next year to try to do this work. Chair King noted that it still has to have a public hearing, and the Conservation Commission has committed to that. The Commission doesn't technically have to come to the Select Board for approval. However, there is an understanding that because the Select Board supported them in this project, the Board will be interested in what it is before it is actually built. He reiterated there is nothing underhanded in this case. To suggest that, both negatively applies to the Select Board and to the volunteers who are out there trying to do what they've been asked to do.

Mr. Lee stated that in light of the fact that there is nothing in any minutes, anywhere, nor on any video recording of any meeting, that there was any agreement between the Select Board and the Conservation Commission with regard to the use of that property, it might be appropriate to fund a small amount of money for a plan to be developed and discussed at a public hearing, so public input can be had on whether or not to go forward with the project. In this case, this is total funding for digging up 60,000 sq. ft. to 80,000 sq. ft. and putting in a gravel parking lot, which would be much more environmentally impacting than a single-family residence. This is prime property in the wildlife report that's on the Conservation Commission's website. They are asking to fund a parking lot, driveway, and trail down to the water. It's not the three or four thousand dollars that would be needed for an engineering plan to be developed for the project.

Chair King pointed out it's just a driveway and small parking lot. There is no way that it's 60,000 to 80,000 sq. ft. because the lot isn't even that big.

Suzanne McFarland reiterated this was a collaborative agreement between the Select Board and Conservation. The owner of the property also wanted this land in conservation and for it to be accessed by the public. This actually started with this owner selling this land to the Town. It's been that way from the very beginning.

Vice-Chair Epperson clarified this \$42,000 will be used for access to the property; including, a driveway and a small parking lot. The use of the land is a different subject altogether.

Chair King stated the understanding is that this property is going to be used for waterfront recreation. A trail would have to be built, but it connects to Seavy Acres. It's a wildlife corridor, so it can be used for walking, and birding. There was talk and hope that it could be used for kayaking access. The neighbors claim that this is not appropriate; however, he could see a kayak on the property across the stream in the backyard, where it was said there can't be kayaking. He noted that the land was wanted for recreation and that's why the Select Board supported the acquisition of this property. This is about getting a curb cut, building a small gravel parking lot, and a trail to the water.

Sally King, Conservation Commission Vice-Chair, stated that this waterfront recreational opportunity was unique to Conservation. As Mr. Lee has said, he thinks that no conservation property should be used for recreation. She pointed out that a majority of the conservation properties are used for recreation. People who support conservation rely on that and want recreation opportunities. The Conservation Commission is trying to provide what the Town wants.

Chair King stated that it has been pointed out to him that in the Rye Conservation Commission meeting minutes of Monday, March 21, 2022 there's a discussion of this property and the purpose to provide access recreationally to the public. He continued that to say that the Town is going to take conservation property and wall it off from the public, goes against the purpose. All the conservation properties in Rye have different recreational opportunities. Some have no access because it's under a conservation easement that no one can step foot on except the

property owner. There are other properties that are open for bicycling or hunting. Each one is managed to what is appropriate for that property. To ask who is going to manage the parking lot would be the same as Brown Farm Lane, Cedar Run, and the rest. There haven't been problems with those properties. He continued that he fully supports the ability to recreate on conservation land, based on what is appropriate and suitable for that plot of land. Chair King summarized this is an attempt to provide access to this land, which was part of the Select Board's condition to support this acquisition, and to create a place to access the water without crossing private property.

Suzanne McFarland confirmed that the capital proposal before the Select Board is to get a curb cut from the DOT, a parking area, and a trail to the water.

Sally King pointed out that the Conservation Commission is still discussing the size of the project, and the number of parking spots. The Commission is cognizant of natural resources and trying to protect them.

Chair King closed to public comment at 10:02 p.m.

Motion by Bill Epperson to recommend \$42,489 for capital outlay for the access to the 0 Pioneer Road property. Seconded by Tom King. Vote: 2-0-1 Abstained: Bob McGrath

Note: *Selectman McGrath noted his abstention as not being on the Select Board at the time the agreement was made with the Conservation Commission with regard to the acquisition of the property.*

B. Warrant Articles

ARTICLE A. To see if the Town will vote to raise and appropriate the sum of two hundred thousand and 00/100 dollars (\$200,000.00) to be added to the Highway Heavy Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the operating budget. (Majority vote required.)

Motion by Bill Epperson to recommend Article A to add \$200,000 to the Highway Heavy Equipment Capital Reserve Fund. Seconded by Tom King. Vote: 3-0

Note: *Remaining warrant articles were tabled to a future Select Board meeting.*

XI. OTHER BUSINESS

A. Select Board Representative Updates

Tabled

B. Meeting Minutes

1. Meeting, Wednesday, October 25, 2023, 9:00 a.m., Rye Public Library

**Motion by Tom King to approve the October 25, 2023 meeting minutes as written.
Seconded by Bill Epperson. All in favor.**

2. Meeting, Thursday, October 26, 2023, 9:00 a.m., Rye Town Hall

**Motion by Tom King to approve the October 26, 2023 meeting minutes as written.
Seconded by Bill Epperson. All in favor.**

ADJOURNMENT

Motion by Tom King to adjourn at 10:18 p.m. Seconded by Bill Epperson. All in favor.

Respectfully Submitted,
Dyana F. Ledger