

**TOWN OF RYE SELECT BOARD  
MEETING**

**Tuesday, December 5, 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 on behalf of the Town:** *Town Administrator Matt Scruton, Asst. Town Administrator/Finance Director Becky Bergeron, Fire Chief Mark Cotreau, Deputy Fire Chief Kevin Wunderly, Police Chief Kevin Walsh, and Recreation Director Dyana Martin*

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

Chair King called the meeting to order at 5:31 p.m. and led the Pledge of Allegiance.

**II. BUDGET WORK SESSION**

**a. Capital Outlay**

*None – Capital Outlay was completed at the meeting on 12-04-23*

**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 Fire and Ambulance Vehicle Capital Reserve Fund the purpose of which was amended by Article 15 of the 2018 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required).

**Fire Chief Mark Cotreau** noted that the Department would be comfortable with decreasing the amount to \$150,000., based on the plan for long-term needs. He also noted that the reserve fund is used to finance the Department's apparatus. Money is set aside in this fund in order to avoid bonding expensive apparatus and equipment. The balance in the fund at this time is approximately \$316,000.

There was discussion about the possibility of using the two police cruisers that are coming out of rotation as vehicles for each department's deputy chiefs, as suggested by Selectman McGrath. After discussion, it was agreed that using the cruisers may be a viable option, depending upon the condition of each vehicle. Based on this idea, it was agreed to decrease the requested amount in the article to \$100,000.

**Revised:**

**ARTICLE A.** To see if the Town will vote to raise and appropriate the sum of one hundred thousand and 00/100 dollars (\$100,000.00) to be added to the Fire and Ambulance Vehicle Capital Reserve Fund the purpose of which was amended by Article 15 of the 2018 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required).

**Motion by Bob McGrath to recommend raising \$100,000 to be added to the Fire and Ambulance Vehicle Capital Reserve Fund; Warrant Article A. Seconded by Bill Epperson. Vote: 3-0**

**Joe Cummins, 990 Washington Road,** spoke with regard to allowing public participation.

**ARTICLE B.** To see if the Town will vote to raise and appropriate the sum of twenty five thousand and 00/100 dollars (\$25,000.00) to be added to the Emergency Management Capital Reserve Fund established by Article 18 at the 2023 Town Meeting under the provisions of RSA 35:1, for the purpose of emergency preparation and management, infrastructure repair, pollution mitigation, coastal hazard response, and all other costs and expenditures related to any disaster, critical incident, accident, fire, flood, public health concern, storm or weather related event. This appropriation is in addition to the operating budget. (Majority vote required.)

**Police Chief Kevin Walsh** spoke about the purpose of the reserve fund and why it was created. At this time, there is a balance of approximately \$25,000. It was noted that no funds were spent from this fund in 2023; however, all the funds from the Contingency Reserve Fund were spent. There was discussion about the possibility of funding only the Contingency Reserve Fund to help replenish that account and leaving the Emergency Management Fund as is for 2024.

**Finance Director Becky Bergeron** spoke to the Select Board about her recommendation to reduce the emergency management fund to \$10,000 and the contingency fund to \$15,000., as the funds serve different purposes. She also supports the intent of getting voters used to consistently funding these accounts on a yearly basis, even if it's in smaller increments.

It was agreed by the Select Board to change the amount in Article B to \$10,000.

Mr. Cummins spoke in support of the change to \$10,000.

**Revised:**

**ARTICLE B.** To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) to be added to the Emergency Management Capital Reserve Fund established by Article 18 at the 2023 Town Meeting under the provisions of RSA 35:1, for the purpose of emergency preparation and management, infrastructure repair, pollution mitigation, coastal hazard response, and all other costs and expenditures related to any disaster, critical incident, accident, fire, flood, public health concern, storm or weather related event. This appropriation is in addition to the operating budget. (Majority vote required.)

**Motion by Tom King to recommend \$10,000 to be added to the Emergency Management Capital Reserve Fund; Article B. Seconded by Bill Epperson. Vote: 3-0**

**ARTICLE C.** To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000.00) to be added to the Revaluation Capital Reserve Fund established by Article 24 at the 2020 Town meeting pursuant to RSA 35:1 for the revaluation of the Town at least as often as every fifth year as required by RSA 75:8-a. This appropriation is in addition to the operating budget. (Majority vote required.)

**Motion by Bill Epperson to recommend Article C as written. Seconded by Bob McGrath.  
Vote: 3-0**

**ARTICLE D.** To see if the Town will vote to establish a contingency fund pursuant to RSA 31:98-a for the current year for unanticipated expenses that may arise and further to raise and appropriate twenty five thousand and 00/100 dollars (\$25,000.00) to put in the fund. This sum to come from unassigned fund balance. Any appropriation left in the fund at the end of the year will lapse to the general fund. (Majority vote required)

**Revised:**

**ARTICLE D.** To see if the Town will vote to establish a contingency fund pursuant to RSA 31:98-a for the current year for unanticipated expenses that may arise and further to raise and appropriate fifteen thousand and 00/100 dollars (\$15,000.00) to put in the fund. This sum to come from unassigned fund balance. Any appropriation left in the fund at the end of the year will lapse to the general fund. (Majority vote required)

**Motion by Tom King to recommend Article D as amended. Seconded by Bob McGrath.  
Vote: 3-0**

**ARTICLE E.** To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) to be added to the Rye Public Library Building Maintenance Expendable Trust Fund established by Article 14 at the 2005 Town Meeting under the provisions of RSA 31:19-a, as a maintenance fund for the Rye Public Library building. This appropriation is in addition to the Library's operating budget. (Majority vote required.)

It was noted by Finance Director Bergeron that there is a balance of \$35,000 in this fund, at this time.

**Motion by Bill Epperson to recommend Article E as written. Seconded by Bob McGrath.  
Vote: 3-0**

**ARTICLE F.** To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,00.00) to help support Center for Wildlife, 375 Mountain Road, Cape Neddick, ME, a non-profit organization, and the services it provides to families in Rye and the Rye Police Department with nature-based education and treating injured and orphaned wildlife. This appropriation is in addition to the Town's operating budget. (Majority vote required).

There was some discussion with Police Chief Walsh about the services the Center for Wildlife provides for the Town. There was also discussion amongst the Board about what would be appropriate for funding for this organization, as it is higher than proposed amounts for other regional associations and organizations.

After discussion, it was the consensus of the Select Board to lower the amount of the warrant article to \$2,500.

**Revised:**

**ARTICLE F.** To see if the Town will vote to raise and appropriate the sum of two thousand five hundred and 00/100 dollars (\$2,500.00) to help support Center for Wildlife, 375 Mountain Road, Cape Neddick, ME, a non-profit organization, and the services it provides to families in Rye and the Rye Police Department with nature-based education and treating injured and orphaned wildlife. This appropriation is in addition to the operating budget. (Majority vote required).

**Motion by Bob McGrath to recommend \$2,500 to help support Center for Wildlife; Warrant Article G. Seconded by Bill Epperson. Vote: 3-0**

**ARTICLE G.** To see if the Town will vote to discontinue the Parsonage Maintenance Fund established by Article 15 of the 2015 Town Meeting. Said funds with accumulated interest to date of withdrawal are to be transferred to the town's general fund. (Majority vote required).

It was noted by Finance Director Bergeron that the fund has a balance remaining of \$35,000., plus accumulated interest.

**Motion by Tom King to recommend Article G as written. Seconded by Bill Epperson. Vote: 3-0**

**ARTICLE H.** To see if the Town will vote to raise and appropriate the sum of seventy-five thousand and 00/100 dollars (\$75,000.00) to design and construct a softball field on a portion of the soccer fields at the Town Recreation Area located at 55 Recreation Road. This appropriation is in addition to the operating budget. (Majority vote required.)

**Motion by Bob McGrath to recommend the sum of \$75,000 to design and construct a softball field on a portion of the soccer fields at the Town Recreation Area as written in Article H. Seconded by Tom King. Vote: 3-0**

**ARTICLE I.** To see if the Town will vote to approve Phase 1, the design and engineering of the Rye Recreation Master Plan, with a cost of seventy-five thousand and 00/100 dollars (\$75,000.00) which will come from withdrawal of funds in the Recreation Commission *Youth Recreational Athletics Account*, which receives monies from fundraising and private donations. This appropriation is in addition to the operating budget. This article has no current tax impact. (Majority vote required.)

**Motion by Tom King to accept Article I as written. Seconded by Bill Epperson. Vote: 3-0**

**ARTICLE J.** To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) to be added to the Recreation Buildings and Property Maintenance Fund the purpose of which was amended by Article 18 of the 2022 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required).

It was noted by Finance Director Bergeron that the fund has a current balance of \$15,000. There have been no withdrawals from this account to date.

**Motion by Tom King to recommend Article J as written. Seconded by Bill Epperson.  
Vote: 3-0**

**ARTICLE K.** To see if the Town will vote to establish a Spill Prevention, Control, and Countermeasure Plan/Stormwater Pollution Prevention Plan (SPCCP/SWPPP) Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of preparation of MS4 mandates that will be forthcoming in the next several years and to raise and appropriate the sum of forty thousand and 00/100 dollars (\$40,000.00) to be placed in this fund. Further, to name the Select Board as agents to expend from said fund. This appropriation is in addition to the operating budget. (Majority Vote Required)

**DPW Director Jason Rucker** addressed the warrant article and spoke about the unfunded mandates that could be covered by this fund. During discussion, he noted that it's more important to establish the reserve fund, at this point, than to start with a significant amount. He also noted there are enough funds in capital outlay for 2024 to take care of the MS4 requirements that are needed right now.

The Select Board discussed the amount they would be comfortable with presenting in the article to set up the fund. It was decided that \$25,000 would be appropriate.

**Revised:**

**ARTICLE K.** To see if the Town will vote to establish a Spill Prevention, Control, and Countermeasure Plan/Stormwater Pollution Prevention Plan (SPCCP/SWPPP) Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of preparation of MS4 mandates that will be forthcoming in the next several years and to raise and appropriate the sum of twenty five thousand and 00/100 dollars (\$25,000.00) to be placed in this fund. Further, to name the Select Board as agents to expend from said fund. This appropriation is in addition to the operating budget. (Majority Vote Required)

**Motion by Tom King to recommend \$25,000 for Warrant Article K.  
Seconded by Bill Epperson. Vote: 3-0**

**ARTICLE L.** To see if the Town will vote to raise and appropriate the sum of nine hundred seventy-five thousand and 00/100 dollars (\$975,000.00) to make the necessary repairs to the Harbor Road bridge with this sum to come from the unassigned fund balance. (Majority Vote Required)

It was noted by Chair King that according to the CIP, it's \$737,000 this year and \$975,000 was a three year total. He asked why they are asking for the full amount.

Finance Director Bergeron explained that this appropriates the funds to complete the entirety of the project. The funds might not be completely withdrawn from the unassigned fund balance in 2024; however, the Town will have access to the funds as the project continues without having to go back for another appropriation.

The Select Board reviewed the unassigned fund balance, which was left at 8.77% after the tax rate setting and was just about 2.8 million. The Town cannot go below 1.5 million, which equates to the 5% minimum. There was discussion about how to properly fund the project over the next three years. As noted by Director Rucker, funding the project in its entirety at this time guarantees there will be no lapse in safety and the project will continue to move forward.

Mr. Cummins asked about public education for this request. It was explained by Chair King that the Deliberative Session will provide knowledge to the public about the specifics of the project. There will also be an article in the Town Newsletter that is distributed just before town vote.

**Revised:** *(with additional wording at the end of article)*

**ARTICLE L.** To see if the Town will vote to raise and appropriate the sum of nine hundred seventy-five thousand and 00/100 dollars (\$975,000.00) to make the necessary repairs to the Harbor Road bridge with this sum to come from the unassigned fund balance. This article has no current tax impact. (Majority Vote Required)

**Motion by Tom King to recommend \$975,000 for the repair of the Harbor Road Bridge as amended; Warrant Article L. Seconded by Bob McGrath. Vote: 3-0**

**ARTICLE M.** To see if the Town will vote to raise and appropriate the sum of three hundred seven thousand and 00/100 dollars (\$307,000.00) to replace the culvert on Perkins Road with this sum to come from the unassigned fund balance. (Majority Vote Required)

There was some discussion in regard to the timeframe for the project with DPW Director Rucker.

**Revised:** *(with additional wording at the end of article)*

**ARTICLE M.** To see if the Town will vote to raise and appropriate the sum of three hundred seven thousand and 00/100 dollars (\$307,000.00) to replace the culvert on Perkins Road with this sum to come from the unassigned fund balance. This article has no current tax impact. (Majority Vote Required)

**Motion by Tom King to recommend Article M as amended. Seconded by Bill Epperson. Vote: 3-0**

There was discussion between the Select Board and DPW Director Rucker about the need to relocate and replace the existing fuel island at the Transfer Station, which will be discussed further at a future meeting.

**Operational Budget Items:**

**Land Mngt.                    4520-55**

**\$168,161**

It was noted by Finance Director Bergeron that the Parson's Creek monitoring expense is being increased from \$10,000 to \$12,100 bringing the total Land Management Budget to \$168,161.

**Motion by Bill Epperson to recommend the increase in the Land Management Budget from \$166,061 to \$168,161 to add \$2,100 to the Parson's Creek monitoring fund.**

**Seconded by Bob McGrath. Vote: 3-0**

### III. OTHER BUSINESS

- The Select Board reviewed the upcoming meeting schedules to confirm availability.
- Chair King asked the Select Board if there is a general consensus that town employees may accept small, holiday gifts of nominal value; such as, homemade food items, which will be shared within department space.

The Selectmen agreed that it's reasonable to accept these type of non-monetary gifts. It was noted that the personnel policy is being rewritten and will define gift acceptance. The Select Board asked Administrator Scruton to draft something that can be put into effect temporarily, until the personnel policy is rewritten.

## ADJOURNMENT

**Motion by Tom King to adjourn at 7:38 p.m. Seconded by Bill Epperson. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger