

**TOWN OF RYE SELECT BOARD  
&  
RYE WATER DISTRICT  
MEETING**

**Wednesday, December 13, 2023, 9:00 a.m.  
Rye Town Hall**

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

**RWD Commissioners Present:** *Chair Ralph Hickson, Vice-Chair Scott Marion, and Commissioner Rosalie Lopresto*

**Others Present:** *Town Counsel Eric Maher, RWD Counsel Keriann Roman, and Town Administrator Matt Scruton*

**I. Call to Order & Pledge of Allegiance**

Chair King called the Select Board meeting to order at 9:00 a.m. and led the Pledge of Allegiance.

RWD Chair Hickson called the Rye Water District meeting to order at 9:01 a.m.

**II. Discussion on Water Treatment Plant**

The Rye Water District Commissioners met with the Select Board to discuss the future plans for a water treatment plant for the District to treat iron, manganese, and PFAS. Construction of the treatment plant is estimated to be up to sixteen million, with additional ongoing yearly operational costs. The long-term goal of RWD is to seek cooperation and support from the Town with regard to constructing a water treatment facility, along with ongoing yearly operational costs. It was noted by RWD that the Grove Road Landfill is within the wellhead protection area. CMA Engineering has found that groundwater has been picking up PFAS in some of the monitoring wells and it's trending towards the Garland well. As a short-term goal, the Rye Water District is asking the Select Board for a nonbinding memorandum of understanding (MOU) outlining the plans and the potential involvement of the Town, in order for all parties to be clear on how this process will move forward.

It was noted by RWD Attorney Roman that Rye Water District is going to have to treat for PFAS. Currently, RWD is compliant. However, EPA is going to be adopting maximum contaminant levels of 4 parts per trillion (ppt), which is expected to happen in early 2024. If that level is adopted, RWD does not meet that level, so treatment would be necessary. At this time, there is a

state revolving loan that is available to RWD for eleven million dollars with two million in loan forgiveness. There is also a trust fund loan of approximately five million that is available to the District for construction of the central treatment plant, as well. Moving forward, RWD's engineering firm, Wright-Pierce, will be preparing a scope of work and estimate for hard costs for the water treatment facility, which will address iron and manganese removal, chlorination, and PFAS. RWD will be paying for that engineering work to be completed and will share the plan with the Select Board. At that time, the intent would be to enter into a solid agreement with the Select Board with regard to what the Town is willing to contribute towards the treatment facility. The project will need to be approved by the voters through a warrant article. The goal is to put the project out to bid for construction starting in 2025 with the facility being fully operational by 2027.

Attorney Eric Maher spoke about national funding that has been proposed by the EPA in the amount of twelve billion dollars to help soften the cost burden to towns throughout the country in meeting the new regulation. He also noted that the State has established a variety of loans and grant vehicles, some of which are going to be funded by the money that the State is going to get from the lawsuit against 3M.

It was agreed by all parties that RWD will seek out any funding support and grant opportunities that may be available for the treatment facility.

There was a lengthy discussion between the Select Board and RWD Commissioners about the District's request to enter into an MOU addressing the possibility of Town support for the water treatment plant.

Attorney Maher commented about the regulatory process and civil liability. Being a potentially responsible party does not mean that party has incurred liability. It means that there's a responsibility to the regulators to do what DES instructs towards a particular contamination issue. If the Town is ordered by DES to take a certain course of action, the Town will follow the law as it relates to the orders by DES. The liability is a separate and distinct matter. The standard is whether the Town did not comport with the generally prevailing state of the art technology and scientific knowledge at the time of the release. Was there something unreasonable about how the Town operated the dump in the 1970's or 1950's when it was in operation, based upon the information that was available at that time?

Attorney Maher noted that with the Select Board agreeing to meet, they are not committing to any specific amount of money or specific type of support. The Town is meeting with the Water District to have a dialogue to figure out what the cost is going to be.

Attorney Roman commented that there can certainly be an agreement. It would not be admitting liability. The agreement would be looking for the Select Board to agree to support and put forward a warrant article to the voters in the future.

After a lengthy discussion, the Select Board agreed that the request for a nonbinding MOU is reasonable. They asked the Town Administrator and Attorney Maher to work with Attorney

Roman to come up with a draft agreement that the Select Board can review and consider at a future meeting.

Chair King opened to the public for comments.

**Linda Davis, Liberty Common**, asked if the water is safe for brushing teeth and drinking.

RWD Commissioner Ralph Hickson noted that Rye Water meets all current EPA and DES regulatory standards for drinking water.

**Ritchie White, 30 Lang Road**, asked if private wells will also be considered by the Town throughout the process of finding funding.

RWD Commissioner Lopresto spoke about the financial assistance that the State is offering to property owners with regard to private well contamination.

**Steven Borne, 431 Wallis Road**, suggested that Town Counsel look at the history of the Grove Road dump, where the Town went to the State and said the dump didn't have to be capped and could be monitored. The Town chose not to take action and monitor.

**Robert Atwater, 805 Ocean Blvd**, expressed concerns about conflicting statements amongst board and commission members. He also asked if desalination has been considered.

**Joe Martilla, 96 Alehson Street**, spoke in support of desalination.

**Mindi Messmer, 291 Washington Road**, spoke in support of Commissioner Lopresto's comments. She also spoke in support of the Town addressing PFOA around the Garland well and also for private wells in town. She encouraged the Town to take responsibility ahead of what is happening on a national scale, in order to be first in line for any potential funding.

Hearing no further comments, Chair King closed to the public and discussion between the RWD Commissioners and Select Board ended.

**Motion by Ralph Hickson to close the Rye Water District meeting at 10:03 a.m. Seconded by Rosalie Lopresto. All in favor.**

### **III. Other Business**

The Select Board met with the DPW Director Jason Rucker to discuss the proposed warrant article for 2024 for the replacement of the fuel island at the Transfer Station. After a lengthy discussion about the need for replacement, the requirements, and the possibility of a new site for the fuel island, the Select Board agreed that more detailed information is needed before presenting a warrant article to the voters. There was also discussion about presenting a warrant article to fund one of the capital reserve funds, in which the Select Board are agents to expend, in order to cover the cost of an emergency repair for the fuel island in the interim. It was agreed to fund the

Building and Maintenance Expendable Trust Fund with \$35,000. The Town Administrator and Finance Director will draft an article to be presented at a future Select Board meeting.

**Adjournment**

**Motion by Bill Epperson to adjourn at 11:38 a.m. Seconded by Tom King. All in favor.**

Respectfully Submitted,  
Dyana F Ledger