

TOWN OF RYE –SELECT BOARD

Monday, April 19, 2021

6:00 p.m. – Via Zoom

Present: Chair Phil Winslow and Selectwoman Mae Bradshaw

Others Present: Town Administrator Becky Bergeron

6:00 p.m.

I. CALL TO ORDER

Chair Winslow called the meeting to order at 6:00 p.m.

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

At 6:00 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (c) Reputation. Seconded by Mae Bradshaw. Roll Call: Winslow – Yes, Bradshaw - Yes.

At 6:25 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Mae Bradshaw. Roll Call: Winslow – Yes, Bradshaw - Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER

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

Reading of Attestation

Statement by Becky Bergeron:

As Administrator for the Town of Rye, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this

platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number: 646-558-8656 with meeting ID number: 832 8998 6632 Password: 652325 or by participating via Zoom: www.zoom.com ID # 832 8998 6632 Password: 652325.

- b) Providing public notice of the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the Town of Rye website at town.rye.nh.us
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem, call 603-964-5523 or e-mail at Bbergeron@town.rye.nh.us.
- d) Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Roll call attendance of Select Board:

- Mae Bradshaw -Alone
- Phil Winslow – Wife is in the house

IV. ANNOUNCEMENTS

Chair Winslow announced that there are two discussions that the Board will address this evening. One is the face mask regulation and the other is the Rye Harbor lobster issue. They will both be discussed under ‘New Business’ at the end of the meeting.

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.)

- **Cory Belden, 146 Clark Road**, introduced himself as the new chair of the Recreation Commission. He stated that it has been a challenging year but they are hoping to move ahead with programing in the fall. Their goals for the year include updating the Recreation Area Master Plan, which was last updated ten years ago. He is looking forward to working with everyone to continue to offer great recreational opportunities in Rye. The Recreation Commission feels that it is an important part of the community.

Chair Winslow extended the Board’s welcome to Mr. Belden in his new position and stated that they look forward to working with him.

VI. CONSENT AGENDA ITEMS – (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)

- A. Letter rec'd from Toni Suslowicz re: Her resignation as Asst. Town Clerk/Tax Collector effective 3/31/2021
- B. Dennis McCarthy, Public Works Director – Lawn Care Bid Results
- C. Letter from Jeff Gardner re: His resignation as a full member of the Conservation Commission
- D. Email from John Provencher re: His resignation as a member of the Recycling Education Committee
- E. Email from Wyatt Davis re: His resignation as a member of the Recycling Education Committee
- F. Email from Shawn Joyce & Dave Tilton re: NH Fish & Game Letter sent to the Conservation Commission
- G. Raffle Request – St. Theresa's Men's Club requests an annual approval for small raffles held monthly throughout the year to benefit the parish.
- H. Lee Arthur, Recreation Director - Turf Management & Mowing Bid Results
- I. Emails rec'd from Tom Moulton & Frank Drake re: Trolley Barn Hazardous Materials

Chair Winslow asked that thank you letters be sent to Toni Suslowicz, Jeff Gardner, John Provencher and Wyatt Davis for their service to the Town. He asked that Consent Agenda Item I be pulled off for discussion.

Note: Consent Agenda Items B and H are recommendations for the lowest bidders so no vote was required.

Motion by Phil Winslow to accept Consent Agenda Items A, B, C, D, E, F, G, and H as presented. Seconded by Mae Bradshaw.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed

Chair Winslow asked Town Administrator Bergeron to address Consent Agenda Item I regarding Trolley Barn hazardous materials.

Administrator Bergeron explained that there have been several emails concerning possible hazardous waste at the Trolley Barn site. She contacted Attorney Donovan and they reviewed the 1997 Exeter Environmental Report, which was done in response to concerns of some employees that were working there at the Police Department at that time. They also reviewed a report from DES from the same time period.

- On February 17, 1997, Rye retained Exeter Environmental to do some soil vapor surveying and some indoor air monitoring.
- 8.3 tons of contaminated soil was removed and hauled to a disposal facility in Loudon, NH.
- The site was then back filled with clean sand.
- Soil and ground water samples were taken to Eastern Analytical.
- There was no detection of contaminants in the soil or water samples at that time.

In response to this, DES in their report of February 25, 1997, notified the Town that based on the information, all sources of ground water contamination at the subject site, discovered during the site investigation, were eliminated and ambient ground water quality standards were met throughout the site. DES did not require any additional investigation, remedial measures or ground water monitoring at this time.

Administrator Bergeron stated that all this information is at the Select Board's office for anyone in the public to review. She added that she feels that the Town properly remediated the site at the time and that no environmental hazards exist on the site.

The final bids on the Trolley Barn property are due in the Select Board's office by May 3rd.

VII. DISCUSSION ITEMS

- A.** Greg Bauer requests permission to access the beach to regrade and build up in front of seawalls of 11, 15 & 19 F Street.

Chief Walsh and the Select Board had no concerns regarding this request. The following conditions will apply:

- The excavator will be parking on F Street as close to the beach as possible.
- Dump trucks will be parked off site.
- The work will be performed during the week Monday through Friday.
- No weekend or holiday work.
- The work will not commence before 7:00 a.m. or later than 5:00 p.m.
- The contractor will have ground personnel during operation.
- The duration of the project is one to two days.
- The work will be completed prior to Memorial Day.

Motion by Phil Winslow to approve the request based on the above restrictions. Seconded by Mae Bradshaw.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye

Motion Passed

- B. Dania Seiglie – TAC Representative overview (15 minutes)**
Ms. Seiglie was not at the meeting at this time.

C. ABATEMENTS

The Assessor recommends approval of the following abatements

Chair Winslow noted that the following recommendation for abatements are the results of thorough vetting by the Town Assessor.

- 1.** 25 Church Road Realty Trust, 25 Church Road, map/lot 002-063
Current: \$837,400. Proposed: \$740,600. Abatement \$1,022.21 + int.

**Motion by Mae Bradshaw to approve the abatement as presented for 25 Church Road, map/lot 002-063 in the amount of \$1,022.21 plus interest. Seconded by Phil Winslow.
Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.
Motion Passed.**

2. 45 Church Road Realty Trust, 45 Church Road, map/lot 002-061
Current: \$2,415,400. Proposed: \$1,896,400. Abatement \$5,480.64 + int.

Selectwoman Bradshaw noted that the property had been recently on the market for \$2,599,000.

Assessor Ed Tinker acknowledge that the property was for sale. The latest asking price was \$2.5 million. An appraisal has been done, which indicated that the fair market value was at the \$2.5 price. His office agreed with the fair market value due to an appraisal being done. However, due to the Town's equalization ratio of 78%, they had to equalize the property. That is the reason for the lower assessment.

**Motion by Mae Bradshaw to approve the abatement as presented for 45 Church Road, map/lot 002-061 in the amount of \$5,480.64 plus interest. Seconded by Phil Winslow.
Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.
Motion Passed.**

3. Ernest & Joyce Corbin, 10 Richard Road, map/lot 052-154
Current: \$601,800. Proposed: \$558,300. Abatement \$451.53 + int.

**Motion by Mae Bradshaw to approve the abatement as presented for 10 Richard Road, map/lot 052-154 in the amount of \$451.53 plus interest. Seconded by Phil Winslow.
Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.
Motion Passed.**

4. Adam Levy & Tina Goldkind, 871 Ocean Blvd. map/lot 202-063
Current: \$1,616,300. Proposed: \$1,478,500. Abatement \$1,482.73 + int.

Selectwoman Bradshaw noted that this property was purchased for \$1.7 million in February 2019.

Assessor Tinker explained that his office did an appraisal on this property, which was done in 2019 at the time of the purchase. They then looked at new sales. One of the sales was on a property included in the appraisal that resold recently. There was appreciation, so they considered the value at \$2.1 million; however, they then had to use the equalization ratio of 78%. The correct assessed value would have been the \$1,616,300 with the 78% equalization ratio and no abatement would have been granted. However, there was .22 acres of marsh/wetland on the property that had never been recognized. By taking the unusable marsh/wetland into the equation, the assessed value was lowered.

**Motion by Mae Bradshaw to approve the abatement as presented for 871 Ocean Blvd, map/lot 202-063 in the amount of \$1,482.73 plus Interest. Seconded by Phil Winslow.
Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.
Motion Passed.**

D. Dania Seiglie – To present an update on the Goss Farm Program (15 minutes)

Ms. Seiglie reported that her Committee has decided to call the event the Goss Farm Fall Fair Day. It will be held on September 18, 2021 from 12:00 to 4:00 p.m., subject to COVID restrictions at that time. She reminded the Board that the last Goss Farm event had over 600 attendees over a three-hour period. They anticipate that this event should be at least that amount. The goals of the project are to support the needs, maintenance and repair projects that have been identified by the Rye Conservation Commission and by the farmers. The three projects of focus are:

1. Trenching to carry water with spickets to the farm and to the community garden plots.
2. Purchasing a replacement for the hoop house to support production of heritage tomatoes.
3. Repair the existing Goss Farm well (there are safety issues).

Ms. Seiglie noted they are currently working with the RCC and others in the Town to obtain estimates that will drive the fundraising event. They believe that if they target \$20,000, they will be able to cover the three projects.

Since the Committee last met with the Select Board to gain their consent, they have received \$12,500 from sponsors. Including two sponsorships from Tate and Foss. No single sponsorship has exceeded \$10,000. Additionally, they have received a generous donation from Piscataqua Landscaping of apple trees which will fulfill one of the key projects that the RCC and farmers liked. It is part of the reestablishment of the heritage apple orchard.

Follow up to the process:

1. They are proceeding with the permit and insurance (RCC will be the applicant).
2. Chief Walsh is assisting with identifying parking for the event.
3. They have secured the Rye Senior Serve Van to shuttle people during the event.
4. They have commitments from food vendors that include:
 - a. Atlantic Grill
 - b. Common Roots
 - c. Mulita Coffee
5. There are several other food vendors that have expressed interest.
6. The event will include an educational presenter.
 - o They currently have a commitment from CB Honey.
7. There is discussion about having presentations by the Goss Farm farmers, lobstermen and pollinators.
8. Apple cider making is also being considered as a presentation.
9. They are looking into holding a Farmers' Market.
10. The Rye Historical Society may do a presentation on coyotes.
11. There will be local artisans.
 - o The Arts and Reach Program has agreed to join.
12. They are looking into bringing in local children's book authors.
13. The Rye Garden Club may be participating.
14. Local musicians are being asked to join. They may have up to three bands.

Chair Winslow applauded the committee's hard work and progress so far. He pointed out that it should be an amazing event and he is looking forward to it. He congratulated them for already raising \$12,500 in donations.

E. Town of Rye 400th Anniversary Celebration Discussion

Janet Davis, representing the Rye Historical Society, led the discussion. She stated that the Historical Society Board is looking forward to working with their sister organizations. They are currently waiting on a charter to outline who will be doing what. In 2018, they hosted a meeting of several representatives of the community to brainstorm and talk about ideas. They are happy to share those ideas with the group in the charter so that they don't reengineer any work or conversations that have been had to date. They have raised one pledge of \$10,000 to be paid out over five years. They anticipate several more of those to cover their costs. Their Board met today. They are excited about the year 2023, opening a new part of the museum and some renovated/restored parts of the museum. They also have several legacy projects they are exploring. They have been offering programs over the last three years on the topic of the 400th anniversary. They started out working with the history of the geology of the area and are now working on indigenous peoples. Over the next two years, they will be covering more recent events that have happened in the history of the Town. They are planning four programs per year. The majority of their work as an organization will be devoted to getting them ready for the 400th celebration and making sure that the Historical Society represents well the deep and rich history of the Town.

Chair Winslow asked Administrator Bergeron to start the process for a charter.

Ms. Davis promised to send Administrator Bergeron the notes from the 2018 meeting to help with that process.

The Charter will be based on goals, expectations, who will be involved, and what they are hoping to accomplish. The second phase will be the implementation planning.

Chair Winslow thanked the Historical Society for taking the initiative in planning this important event.

F. Application for Parsons Field Use: Rye Junior High request to hold 8th grade graduation and post-graduation celebration, Tuesday, 6/15/21, 6:00-8:30 p.m.

Chief Walsh and Chief Cotreau have reviewed the CDC guidelines with the organizers, in order to make the event as safe and healthy as possible.

The Board reviewed the plan and felt that it was very well planned. The school has given the event a lot of thought.

Motion by Mae Bradshaw to approve the application for the use of Parsons Field by the Rye Junior High for the 8th grade graduation celebration on Tuesday, 6/15/21 from 6:00 to 8:30 p.m. Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

G. Application for Parsons Field Use: Common Roots, LLC, requests to hold yoga and meditation programming, Thursday, 5/6/21 – 9/30/21, 4:00-5:30 p.m.

Chair Winslow pointed out that the Town does not use Parsons Field for commercial businesses. It is only used for town, school events, lacrosse (as part of the Recreation Program) and the Rye Lions Club (a local non-profit).

Selectwoman Bradshaw also pointed out that there is an easement on Parsons Field that outlines the permitted uses.

Robin Wehbe, owner of Common Roots, noted that this program is being offered as a community service and not as a profit-making event.

Selectwoman Bradshaw suggested that he work through the school or Rye Recreation to set up a community service using one of their facilities.

Chair Winslow agreed.

Motion by Mae Bradshaw to deny the application for the use of Parsons Field by Common Roots for Yoga and meditation because it is not how Parsons Field is used. Seconded by Phil Winslow. Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye. Motion Passed to deny the application.

H. Chief Walsh – 2021 Beach Permit Applications

1. Common Roots, LLC

Two applications were submitted:

- Cable Road near E Street access
 - Rental of chairs, coolers and tables
 - All permit information is in order
 - Insurance is in order
- Yoga Classes
 - No more than 10 participants
 - One instructor
 - Social Distancing
 - Timeframe: Mid-tide to Low-tide

Motion by Phil Winslow to approve the Common Roots application for Yoga and property rental. Seconded by Mae Bradshaw. Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye. Motion Passed.

2. Summer Sessions Surf Shop

Chief Walsh stated that he is still meeting with Tyer McGill on all the logistics of his plan. Chief Walsh asked that the Board table this application until their next meeting.

3. Cinnamon Rainbows Surf Co.

- Application is in order
- Insurance is in order
- Lessons are by Jenness Beach
- Timing by tides
- 5 Participants per lesson

Motion by Mae Bradshaw to approve the Cinnamon Rainbows Surf application. Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

I. Kim Reed – Long Range Planning Update on the Visioning Process

Planning Administrator, Kim Reed, introduced Steve Carter the chair of the Long Range Planning Committee to the Select Board. Since she last met with the Board, the LRPC has approved the RPC grant and are working with Julie LaBranche at the Rockingham Planning Commission. They have decided to revamp the entire questionnaire. She had previously asked the Board for their comments on the questionnaire. Now she is asking them to table it until the LRPC has a chance to rework it. She explained that the questionnaire is too long and they are now going to be following the Gantt chart that the Board received in their packets. They are also going to be working with a couple of citizens of Rye to revamp the visioning questionnaire.

Steve Carter explained that the Long-Rang Planning Committee, (a subcommittee of the Planning Board), consist of himself, Pat Losik, Katy Sherman, Robert Wright and Kim Reed. They met on April 8th to plan the visioning session. It will be held later this year, either late September or early October. The have submitted a Piscataqua Region Environmental Planning Assessment form to hopefully obtain a \$10,000 grant to help with funding the visioning exercise and the report.

Three things that Ms. LaBranche is currently working on are:

1. Planning out a time table for how this process might unfold over the next eight months.
2. Developing a survey for the Town Committees and Commissions.
3. Developing a survey for the residents of Rye

Scott Marion and Stacey Smith have volunteered to help Ms. LaBranche with developing the questionnaires. Once the drafts are ready, they will be presented to the LRPC for approval. Once the committee questionnaire is approved, hopefully by late June, they will be sent out with a completion by mid-July. The resident's questionnaire will be going out online in July and August. Rockingham Planning Commission will host the website for the surveys and information related to the whole visioning process. The compilation of the surveys will be done by the Rye Planning Board. From the survey, questions will be developed for the actual visioning session. After the visioning session a draft of the results will be prepared. Following that, a visioning chapter can be created. The LRPC has asked Dominique Winebaum and Aspen Garcia to help them with the work in this endeavor.

Chair Winslow thanked Mr. Carter for taking the lead in this important project. He added that he liked the open-ended questions because they are not leading to any particular answer. It also gives the residents an opportunity to express their ideas that may not have been considered before.

There was discussion in regards to making the questionnaire as accessible as possible to all the residents, including those that don't have access to a computer or are not able to use a computer. An idea of having someone at the library that could help these individuals was discussed.

Chair Winslow recommended that a statement be made as to what long range planning is and how important it is to the Town.

J. Update of the Port Way Cell Tower Construction

Kim Reed reported that Verizon has gone out to bid on the construction. They plan to complete the bid process by the end of April. They have still not pulled the Brackett Road application at this time. They are planning to do this at the start of construction.

Chair Winslow asked that Ms. Reed keep the Board updated on the process.

K. Purchase Card Policy

The Board was presented with a written policy to establish controls on town credit card/purchase card use by employees. It is not to circumvent any other purchasing policies the Town currently has in place. The goal of having a purchase card is to establish better controls and to eliminate employees from using their personal credit cards for town business. It will also help dissolve a lot of the small ancillary credit lines the town now has. Nothing will change in regards to the level of detail that the Board will review or the approval of payment method.

Motion by Mae Bradshaw to approve the Purchase Card Policy as presented. Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

L. Recycling Education Committee – 1 Year Term Expired 3/31/22

Chair Winslow read the charge as follows:

The Board of Selectmen wishes to continue with the current source separated recycling program that has been so successful for the town. The Board realizes that in order to continue to be successful, the town needs to remind and educate its residents about recycling best practices and the benefits of using the recycling center. Therefore, the Board of Selectmen hereby establishes the Recycling Education Committee as a sub-committee of the Rye Energy Committee. The purpose of the Recycling Education Committee is to educate the residents of Rye on increasing the use of and maximizing the effectiveness of the town's source separated recycling program by researching ways to maximize and increase the use of the program, by providing written and electronic education materials, and other

resources such as the use of the internet, seminars or public talks. The Board of Selectmen is not desirous of expanding the program into such areas as Pay as You Throw or Single Stream at this time.

This charge shall expire on March 31, 2022, unless the Selectmen vote to continue the committee.

Motion by Mae Bradshaw to approve the extension of the charge to the Recycling Education Committee to March 31, 2022. Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

Chair Winslow recommended that the committee work with Dennis McCarthy to come up with some numbers as to the savings and costs to the Town as to the results of recycling or not, as part of the education on recycling.

VIII. CORRESPONDENCE

- A.** Letter rec'd from Karen Andronaco, VP, Market Manager Partners Bank requesting to submit a proposal for banking services from Partners Bank.

Administrator Bergeron reported that she has met with Ms. Andronaco a couple of times. They are a great local bank and are invested and giving back to the community. However, Administrator Bergeron has some concerns. One is that their headquarters are in Sanford, ME. If they were to pull out of Rye, the Town would be tasked with banking in another state. The second concern is that their government finance and banking division is not as robust as the relationship the Town has with TD Bank. The town will be going out to bond a small conservation loan and she would certainly be interested in receiving a proposal from Partners. She concluded that there are areas of opportunity to partner with Partners Bank but moving the Towns entire book of business from TD Bank to Partners gives her serious concerns.

There was further discussion on looking into ways to work with a local bank.

IX. APPOINTMENTS: BOARDS, COMMISSIONS, COMMITTEES

A. Recycling Education Committee – 1 year term 4/01/21-4/01/22

1. Pamela Helfrich: Reappointment as a member – email rec'd 3/26/21
2. Joan Provencher: Reappointment as a member – letter rec'd 3/29/21
3. Recommendation letter rec'd 3/29/21 from John Provencher, Chair

Motion by Mae Bradshaw to approve the reappointments of Pamela Helfrich and Joan Provencher as members to the Recycling Education Committee. Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

B. Historic District Commission – 3-year term from 4/1/21-4/1/24

1. David Choate: Reappointment as a member – letter rec'd 3/15/21
2. Stacey Smith: Appointment as a member – letter rec'd 3/31/21
3. Recommendation letter rec'd 3/31/21 for Kaitlyn Coffey, Chair

Motion by Mae Bradshaw to approve the reappointment of David Choate and appointment of Stacey Smith as members to the Rye Historic District Committee. Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

C. Heritage Commission – 3-year term from 4/1/21-4/1/24

1. Bev Giblin: Reappointment as a member – letter rec'd 4/8/21
2. Recommendation letter rec'd 3/11/21 from Phil Walsh, Chair

Motion by Mae Bradshaw to approve the reappointment of Bev Giblin as a member to the Rye Heritage Committee. Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

X. NEW BUSINESS

• Face Masks

Chair Winslow reported that the Governor has not continued the face mask requirement for the State of New Hampshire. He has allowed the individual cities and towns to address the issue as they see fit.

Chair Winslow recommended that the Town continue with the requirement, as far as for all town owned facilities and during all town functions and meetings. He felt that the commercial businesses in the town could decide what their policies would be and it would be up to the town's residents if they want to take the risk of doing business with those that do not require the masks.

Selectwoman Bradshaw stated that she is very concerned about the possible increase in cases this summer with the influx of visitors and the new variants. She would prefer to wait to change the mask requirements until they see how the summer turns out. She felt that they should be cautious.

Fire Lt. MacGlashing agreed with the Board that this is a tough issue. He also agreed that the Board should keep the mask requirement in place, as far as all town building and business, in order to protect the town's employees. He added that he certainly does not want to be the first town to have a large spike because they took away the mask requirements. He reminded the Board that the State's vaccination numbers are high. By Memorial Day, everyone in the State that wants their first vaccine will have it by then. The emergency order will be pulled by May 31st.

Motion by Mae Bradshaw to continue with a mask mandate until May 31st and to reassess the issue at that time. Motion failed due to no second.

After further discussion, which included Chief Walsh, Chair Winslow asked to defer the vote until the Chief can get a copy of the regulation with the effective dates. He also wanted to know what the State's position is on behalf of retail establishments and restaurants in this regard.

Chief Walsh promised to get together with Lt. MacGlashing and Chief Cotreau this week to gather the information.

- **Rye Harbor Lobster**

Chair Winslow reported that the Board just learned that the permit to run Rye Harbor Lobster was not renewed by the Portsmouth Harbors. Rye has lost a multitude of restaurants and whale watching facilities over the last twenty years. The Board wants to do everything possible to work out a solution to the issues identified by Portsmouth Harbors to retain Rye Harbor Lobster. He acknowledges that the Board has no authority in this regard; however, he feels they should offer help to Portsmouth Harbors and ask Rye's police and fire chiefs to offer assistance to come up with a solution that will work for all parties involved. Obviously, it is up to Portsmouth Harbors if they will accept Rye's participation. The solution may not totally meet the needs of both parties, but with both parties engaged in good faith negotiations, regarding parking and access and entry to the Harbor, it could get resolved and still allow them to maintain Rye Harbor Lobster as an operational component of the Harbor.

Selectwoman Bradshaw stressed the difficulty of the situation. Her understanding is that the success of the lobster pound has been to the detriment of all the other business that are working out of that narrow strip of land. It is an active commercial harbor. There is very little space there, so it is a balancing act.

Chair Winslow also reported that there is a petition being circulated with about 4,000 signatures to keep the shop open.

Administrator Bergeron stated that she and Chief Walsh will reach out to Portsmouth Harbor and set up a time to meet with them.

XI. OLD BUSINESS

- **Jenness Beach Seaweed**

Public Works Director McCarthy reported that he and Select Chair Winslow met and walked the area in question. They agreed to continue to rake as far as the furthest access point. The real jest of the issue is from that access point north. The seaweed is extremely deep (about two feet thick). Also, it is a different type of seaweed (it is the red seaweed). The Town would be looking at substantial costs to go any further, because they would need a DES permit, which would be \$5,000. They would be working below the highwater mark in the tidal zone. They would not be able to handle that much and type of material at the transfer center. Turnkey will not take the material because it is compostable material. He was still looking to find a place that would take it and it would have to be hauled out in continuers. If it was even possible, and he is still not sure that it could be done, it would be around \$10,000 or more.

XII. OTHER BUSINESS

A. Meeting Minutes

1. Non-Public Session, Monday, February 22, 2021 (1) per RSA 91-A:3 II (d) Acquisition/Sale

Motion by Phil Winslow to approve and not seal the minutes of the non-public session of Monday, February 22, 2021 per RSA 91-A:3 II (d) Acquisition/Sale as written. Seconded by Mae Bradshaw. Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye. Motion Passed.

(2) Non-Public Session, Monday, February 22, 2021 per RSA 91-A:3 II (d) Acquisition/Sale

Motion by Phil Winslow to approve and not seal the minutes of the non-public session of Monday, February 22, 2021 per RSA 91-A:3 II (d) Acquisition/Sale as written. Seconded by Mae Bradshaw. Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye. Motion Passed.

(3) per RSA 91-A:3 II (1) Legal Advice

Motion by Phil Winslow to approve and to seal the minutes of the non-public session of Monday, February 22, 2021 per RSA 91-A:3 II (1) Legal Advice as written. Seconded by Mae Bradshaw. Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye. Motion Passed.

2. Meeting, Monday, March 8, 2021, 6:00 p.m. via Zoom

The following corrections were noted:

- Page 4 reads: House Bill 315: Aggregating Community Power. The Committee got a lot of resistance for Towns like Rye, saying they don't ~~what~~ this.
- It should read: The Committee got a lot of resistance for Towns like Rye, saying they don't want this.
- Page 7 reads: Senator Sherman expressed the only concern ~~in~~ the Senate was that the original \$1.25 million that came from the federal government did not go the legislative fiscal committee.
- It should read: Senator Sherman expressed the only concern to the Senate was that the original \$1.25 million that came from the federal government did not go the legislative fiscal committee
- Page 7 reads: Representative Grote stated that it better go into the budget, because there was a similar Bill ~~in~~ that got killed in the House and it was for only 5%.
- It should read: Representative Grote stated that it better go into the budget, because there was a similar Bill that got killed in the House and it was for only 5%.
- Page 8 reads: Then there is an intense committee ~~of~~-conference which is where representatives of the House and the Senate come together to develop a final Bill of HB1 for the Budget and HB2 for the Rider Bill, which goes to the Governor to be signed.
- It should read: Then there is an intense committee conference which is where representatives of the House and the Senate come together to develop a final Bill of HB1 for the Budget and HB2 for the Rider Bill, which goes to the Governor to be signed.
- Page 10 reads: The other thing usual happens in July is that there is a Sewer Warrant that goes out.
- It should read: The other thing that usual happens in July is that there is a Sewer Warrant that goes out.
- Page 10 reads: If there was going to be a date change Mr. Eaton and Ms. King would absolutely been included in the conversation

- It should read: If there was going to be a date change Mr. Eaton and Ms. King would have absolutely been included in the conversation
- Page 11 reads: Town Administrator Bergeron explained that the reason she brought this forward was not necessarily to change ~~to~~ date, but to discuss the concerns that her staff brought forward about the amount of work in conjunction with the July 13th election and to see if there are ways to remedy those concerns.
- It should read: Town Administrator Bergeron explained that the reason she brought this forward was not necessarily to change the date, but to discuss the concerns that her staff brought forward about the amount of work in conjunction with the July 13th election and to see if there are ways to remedy those concerns.

Motion by Phil Winslow to approve the minutes of the of Monday, March 8, 2021 as amended.

Seconded by Mae Bradshaw.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

3. Meeting, Monday, March 15, 2021, 3:00 p.m. via Zoom

The following correction was noted:

- Page 3 reads: Chief Walsh talked about the influx out -of-town visitors and the need to have an operation plan.
- It should read: Chief Walsh talked about the influx of out -of-town visitors and the need to have an operation plan.

Motion by Mae Bradshaw to approve the minutes of the of Monday, March 15, 2021 as amended.

Seconded by Phil Winslow.

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

4. Meeting, Monday, March 22, 2021, 6:30 p.m. via Zoom

The following corrections were noted:

- Page 5 reads: Over time the program got absorbed into the Town's Joint ~~Lost~~ Management Program.
- It should read: Over time the program got absorbed into the Town's Joint Loss Management Program.
- Page 5 reads: Each member of the Joint ~~Lost~~ Management Committee knows how to check the AEDs to assure that they are in good working order, also there is a light on the units that indicate if the unit is in work order (green = no problems /red = problem).
- It should read: Each member of the Joint Loss Management Committee knows how to check the AEDs to assure that they are in good working order, also there is a light on the units that indicate if the unit is in work order (green = no problems /red = problem).
- Page 8 reads: He suggested that they put ~~of~~ discussion on this until the next meeting after Administrator Bergeron has a chance to talk to Verizon
- It should read: He suggested that they put off discussion on this until the next meeting after Administrator Bergeron has a chance to talk to Verizon

**Motion by Phil Winslow to approve the minutes of the of Monday, March 22, 2021 as amended.
Seconded by Mae Bradshaw.**

Roll Call Vote: Mae Bradshaw – Aye; Phil Winslow – Aye.

Motion Passed.

ADJOURNMENT

Motion by Mae Bradshaw to Adjourn at 8:31p.m. Seconded by Phil Winslow.

Roll Call Vote: Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion passed

Respectfully Submitted,
Dyana F. Ledger

4-19-21 Disc Item H

Long Range Planning Committee Report

The LRP met on Thursday, April 8, from 9:30 to 11 to work on planning for a town Visioning session later this year, possibly in late September or early October.

At this time we have contracted with Julie La Branch from the Rockingham Planning Commission for \$8,000 to help with the planning. Kim has also submitted a grant proposal to Piscataqua Region Environmental Planning Assessment for \$10,000 to help with the funding of the Visioning exercise and report.

On Thursday, we decided to task Julie with developing three items:

1. A timetable for the Visioning endeavor
2. A survey for town committees and commissions
3. A survey for all town residents

Scott Marien and Stacey Smith will consult with Julie on the development of the two surveys. Kim and I will also be in the loop on the survey development.

Once the draft surveys are ready, they will be presented to the LRP for approval.

We anticipate the committee and commissions survey to be ready first in mid May or early June. Once approved, this survey will be sent out in June and, we hope completed by early July.

The resident survey will likely be completed by the middle of June and can be sent out to be completed in July and August. This will be an on line survey.

RPC will set up a website to host the surveys and information related to the whole Visioning exercise.

The compilation on the surveys will be done by RPC. From the surveys the LRP will develop questions for the Visioning session in late September or early October.

After the Visioning session, a draft of results will be prepared and, following that, a Visioning Chapter can be created.

At the LRP meeting, we also decided to expand the LRP committee slightly and to invite two individuals to join the LRP Visioning Planning Committee. The invitees are Dominique Winebaum and Katheryn Garcia.

We are seeking Planning Board approval tonight to add these folks.

Kim and I will update the Select Board on the proposed timeline and survey process next Monday evening.

I believe that is all I have to report.

TOWN OF RYE - MASTER PLAN VISION CHAPTER UPDATE PROJECT
2021 Project Tasks and Timeline

| Task | Description | Notes | April | May | June | July | August | Sept | Oct | Nov | Dec |
|---------------|---|-------|-------|-----|------|------|--------|------|-----|-----|-----|
| Task 1 | Community Outreach | | | | | | | | | | |
| | Public Survey #1 | | | | X | | | | | | |
| | Public Survey #2 | | | | | | X | | | | |
| | Public Visioning Sessions | | | | X | | | X | | | |
| Task 2 | Informational Materials | | | | | | | | | | |
| | Post to town website, town newsletter, distribute to community groups | | | X | X | X | X | X | X | X | X |
| | Topical Videos (up to 2) | | | | | X | X | | | | |
| Task 3 | Public Survey and Input Summary | | | | | | | | | | |
| | Post to town website, distribute to community groups | | | | | | | X | X | | |
| Task 4 | Vision Chapter Framework | | | | | | | | | | |
| | Draft Framework #1 | | | | | | | X | | | |
| | Draft Framework #2 | | | | | | | | X | X | |
| | Present draft framework to Planning Board | | | | | | | | | X | X |

4-19-21 Consent Item F

Janice Ireland

From: Shawn Joyce <sjoyce@nerallc.com>
Sent: Thursday, April 1, 2021 10:52 AM
To: Danna Truslow; Heather Reed; Jaci Grote; Jeff Gardner; Karen Oliver (klwollver@comcast.net); Mike Garvan; Sally King; Susan Shepcaro; Suzanne McFarland; philwins@gmail.com; 'Bill Epperson'; maebradshaw@comcast.net
Cc: David Tilton (dbtiltonsr@gmail.com); r-dwhite@comcast.net; Janice Ireland; Dyana Ledger; Kim Reed; Shawn Joyce; Padi Anderson; Katharine Brown; Kevin Walsh; Keper & Andree Connell (keper@clanfish.com); John Maher
Subject: RE: 3/11 CC Minutes - NH Fish & Game Letter - Trails for People and Wildlife Webinar - Best Practices for Wildlife, Habitat and Use
Attachments: 03-11-21 CC Minutes.pdf

Dear RCC and BOS Members:

Please see the letter from NH Fish & Game, page 12 in the attached 03/11/21 RCC meeting minutes. There was no public discussion about the letter and the importance of wildlife and habitat conservation in the Town of Rye. We respectfully ask that all RCC and BOS members watch the Trails for People and Wildlife Webinar at <https://wildlife.state.nh.us/trails/>. It is an excellent overview of best practices included in the Trails for People and Wildlife Guidebook, authored by well-respected wildlife biologists and sent to the RCC last year by NH Fish & Game. It can also be downloaded at webinar link.

It was obvious from last year's public Town Forest discussions that a few longtime RCC members had not read the guidebook and/or sought input from competent wildlife biologists. They lobbied against protecting wildlife and sensitive habitat from unleashed dogs. It was great that selectperson Roman was involved at that time. She had done her homework, reviewed the forest easements that protect wildlife and habitat. She brought a level of transparency and fairness to the discussions resulting in the RCC majority voting to do the right thing, requiring that dogs be leashed on the green trail at least during breeding season. Moving forward, it would be great if the RCC conducted a public discussion as to how it intends to follow best practices as outlined in the guidebook for all conservation land in Rye and seek residents' comments, feedback and assistance. That would preclude future needs by citizens to engage selectmen, easement holders, wildlife biologists and advocates for their support with the protection of wildlife and habitat in Rye.

In closing, we respectfully request that this email be noted as received on the 4/7/21 RCC meeting agenda and the 4/12/21 BOS meeting agenda and it be included with the public minutes that are circulated by email and posted on the town's website. This allows residents to also be aware of this great resource and the RCC being asked to have a public discussion about it. If discussions are open, honest, transparent, based on facts and best practices, more people will want to get involved, help the RCC and the town. If you would like any help from us with conservation efforts, please let us know. We are very willing to do the work and glad to help. Above all, we sincerely appreciate folks doing the right thing for conservation, protecting wildlife and habitat, and ensuring that all uses are compatible. Sincerely – Shawn & Dave

Shawn Joyce
 PO Box 5
 270 Washington Rd
 Rye, NH 03870

David Tilton
 390 Washington Rd
 Rye, NH 03870

From: Janice Ireland <Jireland2@RYENH.US>
Sent: Thursday, March 25, 2021 4:06 PM



New Hampshire Fish and Game Department

11 Hazen Drive, Concord, NH 03301-6500
Headquarters: (603) 271-3421
Web site: www.wildlife.state.nh.us

TDD Access: Relay NH 1-800-795-2964
Fax (603) 271-1438
E-mail: info@wildlife.state.nh.us

Scott Mason
Executive Director

01 February 2021

Dear Conservation Partner and/or Trails Specialist:

A quick Trails for People and Wildlife update

Last year we were happy to share with you and your colleagues a hot off the press copy of the "Trails for People and Wildlife" handbook, a guide to planning trails that allow people to enjoy nature and wildlife to thrive.

We wanted to let you know that, although our planned series of in-person workshops had to be canceled because of their March/April timing, we have posted a webinar describing the project on our website at wildnh.com/trails. It can be viewed any time at your convenience. We hope you will check it out and help spread the word with anyone else that might be interested. We are also keeping the online maps available to you current with the latest data. Last August we incorporated new locations of rare species and updated it with the newest land cover layer used in the 2020 NH Wildlife Action Plan. We are excited to hear of several trails projects that are taking shape on the ground using this guidance and hope to add one or two of them as case studies to the wildnh.com/trails webpage soon.

We welcome your feedback. For more information about applying this tool contact Jim Oehler (james.oehler@wildlife.nh.gov) or Rachel Stevens (rachel.stevens@wildlife.nh.gov). For GIS technical assistance contact Katie Callahan (katherine.b.callahan@doit.nh.gov).

Thanks for all you do out there for both people and wildlife.

Sincerely,

Jim Oehler
State Lands Habitat Biologist
NH Fish and Game Department

Katie Callahan
GIS Coordinator
NH DOT and
NH Fish and Game Department

Rachel Stevens
Stewardship Coordinator
Great Bay National Estuarine Research Reserve
Wildlife Ecologist, NH Fish and Game Dept.



Conserving New Hampshire's wildlife and their habitats since 1865.

4-19-21 Consent Item I

Janice Ireland

From: duckhouse5@comcast.net
Sent: Tuesday, April 13, 2021 11:55 AM
To: Janice Ireland; Becky Bergeron
Subject: Sale of the Trolly Barn.....TOXIC WASTE

Dear Selectpersons:

I am concerned that the Town has significant liability exposure selling the Trolly Barn/lot as planned at this time. As a 71 year old, life time resident of Rye, I have been around to hear all the accounts of how the Trolly Barn/Public Works Garage dumped all kinds of pollutants into the ground: gasoline, oils, solvents, battery acids, etc.. These were not far-fetched tales and they were not tales of "wrong doing" in their day. This was common practice back in those times. Although likely all of the old timers and others with first-hand experience are gone now, the common denominators in the stories are too persuasive and widely known to be ignored.

Most of the toxins are likely under the concrete slab/floor that exists today. To the best of my knowledge there has been no investigation of the soils under the slab. With today's tools and technologies a comprehensive environmental site evaluation, around, and under the building should be made before selling the property. Without a thorough, scientific, environmental evaluation the Town is flying blind, heading straight into difficult and expensive legal liabilities should serious pollution be found after its sale.

The Select board's fiduciary responsibilities to the Town shout out for a comprehensive environmental study prior to selling the Trolly Barn property.

I believe the Selectmen also have a moral obligation to find out just what the condition of the land is on the parcel before selling.

I urge the Selectmen to do the right thing, the wise and prudent thing, and pull the sale of the Trolly Barn/lot until a comprehensive environmental analysis has been made.

We the people want to know the condition of what is being sold in our name.

Sincerely,

Frank Drake
5 South Road
Rye Beach, NH 03871
603.380.5403

Janice Ireland

From: Tom Moulton <tmoulton@sleepnetcorp.com>
Sent: Tuesday, April 13, 2021 9:49 AM
To: Janice Ireland

To : Rye, NH Board of Selectmen & Rye Town Administrator
From : Tom Moulton, CEO Sleepnet Corporation and Rye Resident
Subj : Hazardous Materials Buried Under Trolley Barn

Many Rye residents are knowledgeable, some from firsthand experiences, that toxic materials dumping on the trolley barn property was common practice over many decades of the previous century. When used for storage and maintenance of the town's work vehicles, oil, gasoline and parts cleaning solvents were routinely dumped into a deep pit inside the structure, later filled with gravel and covered over by a cement slab.

To sell this property now to an unknowing buyer without first performing thorough soil tests on the property, and specifically under the slab, seems utterly unconscionable. Completing these tests and transparently informing prospective buyers of the results would seem the only safe pathway to avoiding an inevitable lawsuit against the town for damages and remediation.

Such testing would also inform Rye's residents if what lies beneath the trolley barn might have entered our aquifer and affected our drinking water and the health of our townspeople.

To attempt selling this derelict and hazardous property in hopes that a mere release of liability clause in the sales contract will somehow protect the town from a danger for which they are fully responsible is the height of folly.

Respectfully,
Tom Moulton
South Road, Rye
603-235-2100

Sent from [Mail](#) for Windows 10

4-19-21 Corrus A



April 5, 2021

Philip Winslow, Bill Epperson & Mae Bradshaw
Town of Rye, Board of Selectmen

RE: Request to submit a formal proposal for banking service from Partners Bank

Members of the Board of Selectmen,

As the Manager of Partners Bank in Rye, I would like the opportunity to develop a formal proposal for the Town's banking services.

Partners Bank (est. 1933) is a mutual savings bank, with a commitment to our customers and communities. Since opening our branch in Rye in February of 2020, we have donated over \$30,000 to organizations and students in Rye and the surrounding area. Support of \$13K has been given directly to organizations here in Rye, like Rye Recreation, Seacoast Science Center, Rye PTA and Friends of Rye Public Library. We have also supported important local organizations like Gather, NHSPCA, End 68 Hours of Hunger and Portsmouth Symphony Orchestra. \$4,000 in scholarships were awarded to Portsmouth High School students, two of which were Rye residents. We provide at least 10% of our net operating income each year as donations or community development in the communities we serve.

We are a \$700 million bank, headquartered in Sanford, ME. As a community bank, we are dedicated to providing superior in-person customer service to our clients.

I look forward to hearing from you and would welcome the opportunity for the Town and Partners Bank to work together.

Sincerely,

Karen Andronaco
VP, Market Manager
Partners Bank, Rye
kandronaco@partnersbankonline.com/603.964.9855

partnersbankonline.com

PO Box 364 • 243 CENTRAL ROAD • RYE, NH 03870 • PHONE: (603) 964-9855 • MEMBER FDIC • Equal Housing Lender