

TOWN OF RYE – SELECT BOARD
Monday, May 24, 2021
6:00 p.m. – Via Zoom

Present: Chair Phil Winslow, Selectman Bill Epperson 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 (b) Hiring

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

At 6:26 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, Bradshaw - Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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 Town Administrator of 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# 812 4794 6398 and Password: 122352 or by clicking on the following website address: www.zoom.com ID #812 4794 6398 and password 122352.
- b) Public notice has been provided to the public for 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 town.rye.nh.us 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.
- c.) 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.

Roll call attendance of Select Board:

- Mae Bradshaw – Burt is in the house
- Bill Epperson – Others are in the house
- Phil Winslow – Wife is in the house

IV. ANNOUNCEMENTS

Chair Winslow made the following announcements:

- A.** Town Offices will be closed Memorial Day, Monday, May 31, 2021
- B.** The Deliberative Session will be Saturday, June 5, 2021, 9:00 a.m. in the Wentworth by the Sea Country Club Pavilion, 60 Wentworth Road, Rye.

Chair Winslow thanked all those who attended the Rye Water District Annual Meeting on Saturday at the Rye Junior High. He also thanked the Rye Junior High for setting up the tent and providing the seating arrangements. All eight warrant articles passed including the \$1.7 million budget.

Chair Winslow thanked Lee Arthur for developing the virtual Memorial Day Service. It will be available on May 31st on the Town's Facebook page and the Town's website.

- 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.)

- **Christine LeBlond, Secretary of the Rye Public Library Trustees**, gave an update of the Trustees' progress in their goal to create a public space in the Town Center. Currently, the Trustees are in the process of planning to plan. Prior to the pandemic and the 2020 vote, the Trustees had engaged in a planning process for the potential expansion of the library to address library programming and employee needs. The Trustees decided that the pandemic would temporarily sideline any expansion. With the Parsonage lot now added to the library's custody and management, they have asked the architect who did the proposed schematic design for the proposed expansion to provide them with options for the Parsonage space. The Trustees have seen a few architectural drawing proposals and have asked for a few more. The architect is also a licensed landscape architect and they are looking forward to working with him to come up with a design that will dovetail with any expansion of the library building and to make the space as welcoming as the library itself. They plan to form a subcommittee to engage in exploration and to gather community input on the best long-term function and design of the space. To that end, they have reached out to the Town Center Committee for the benefit of their members' perspectives and their work on the Town Center. The Town's Museum is also an obvious and necessary participant in the planning process. The library also has a vibrant and resourceful 'Friends Group' that they hope will lean into the process. Their hope is to form and lead an interested group of citizens in a public, transparent, planning endeavor that will stand the test of time. For now, the Trustees have engaged their contractor to level and seed the lot, not only in preparation for whatever is decided to be installed but to provide public and programming space for the length of the planning process. The Trustees intend to create a blank space that is visually pleasing and can be used by the public and the library as soon as this summer, while allowing the planning process some breathing room. They welcome questions and input at any time.
- **Karen Oliver of 1159 Washington Road and Library Trustee** stated that the Library Trustees are pleased to have the Parsonage issue resolved, but less pleased as to the process in which that occurred. As an outgoing Library Trustee, she gave some feedback that she hopes will provide guidance to the voters in the upcoming election. She stated:

 - Leadership means having to have the difficult conversations.
 - Leadership means facing a painful truth head-on.
 - Leadership means also listening to the advice of an attorney as to how you can get away with something, and then making a decision based on integrity, transparency, and the difficult conversations, that you preferred not to have.

She pointed out that the Town Center Committee and the Library were not consulted with, in anyway, as to what was to be done with the Parsonage. On the question regarding where will the boundaries be, the answer was "*We will not know until the survey is done. The survey will not be done unless the public votes to spend the money to do the survey.*" She continued that the public did not make an informed decision at the March 2020 election. Even after the election, the Trustees were not asked to join in the decision-making process. Someone made the decision to not tell the Trustees and the

public the details of the deal. Someone knew that by disclosing the details to the Trustees and the public, there would be opposition to the swap. Someone made a calculated decision that the Select Board could get away with it.

- **Steven Borne of 431 Wallis Road** thanked Ms. Oliver for what she said. He pointed out that the town didn't vote to pay \$500,000 to buy that property and they ended up paying \$700,000. Mr. Borne asked what the plans are for continuing the meetings on Zoom. He thinks it is great having the Zoom meetings and hopes that they will not go away.
- **Discussion Item B. Police Administrative Assistant Position - taken out of order.**

Chair Winslow introduced Serena Schwartz who has been selected as the right candidate for the Police Administrative Assistant position. He asked her to tell everyone a little about herself.

Ms. Schwartz stated that she started her work experience in 2011 at the age of 15, working parttime at Market Basket. She worked her way up to an assistant front-end manager. She was with Market Basket for eleven years through college. She went to Northern Essex for two years and then to Mass/Lowell for her bachelor's degree. During that time, she worked at the campus gym and got promoted to supervisor. She also worked at their campus recreation summer camp. She graduated with her Bachelor's in criminal justice and minor in psychology. Since October of 2017, she has held a parttime position as a dispatcher in West Newbury, MA and then fulltime at the Rockingham County Sheriff's Department for 1 ½ years. She left there in October of 2019 to go to the Internal Revenue Department where she is currently working.

Motion by Mae Bradshaw to approve Serena Schwartz to the position of Police Administrative Assistant. Seconded by Bill Epperson.

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

Motion Passed.

Chair Winslow welcomed Ms. Schwartz to the Town.

- VI. CONSENT AGENDA ITEMS** – (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)
 - A.** Heritage Commission requests permission to accept and expend funds received from donations in the amount of \$2,360 for the Gazebo Restoration.
 - B.** Request from Dania Seiglie to hold raffle at the Goss Farm Fall Fair Programs on 9/18/2021.
 - C.** Conservation Commission – 3-year term ending 4/01/24
 - 1. Danna Truslow: Appointment as a member – letter rec'd 5/19/21
 - 2. Recommendation letter rec'd 5/19/21 from Suzanne McFarland, Chair
 - D.** Mosquito Control Commission – 3-year term ending 4/01/24
 - 1. Mark Troy: Appointment as a member – letter rec'd 5/19/21

2. Recommendation email rec'd 5/19/21 from Tim Sanborn, Chair

E. Beach Committee – 3-year term ending 04/01/24

1. Mary Connolly-Mitchell: Appointment as a member – email rec'd 5/21/21
2. Recommendation email rec'd 5/21/21 from Frank Hwang, Chair
3. Deirdre Larkin: Appointment as an alternate member – email rec'd 5/5/21
4. Recommendation email rec'd 5/21/21 from Frank Hwang, Chair

Mark Troy spoke and gave a little of his background to the Board. He has been a resident of Rye for nine years, formally from Portsmouth. He has known Mr. Sanborn for five years and Mr. Farrelly for about fifteen years. He had an internship with National Geographic on water. Prior to that, he had a grant from UNH to study the water cycle and water efficiency. That study lead into going into the marsh land of the Seacoast. He became fascinated with mosquitos. He bought the first mosquito magnet that was made and bought some dragonfly larva for his yard. He stated that this is an important thing to control. He is happy to be considered for this Commission and is happy to help where he can and is looking to learn more about it. It is not something that he is experienced in on a dept level, but it is something that he is passionate about.

The Board welcomed Mr. Troy.

Selectman Epperson stated that both Ms. Connolly-Mitchell and Ms. Larkin were at the last Beach Committee meeting. He had the opportunity to speak with them both. Both are very dedicated and qualified for the position.

Motion by Phil Winslow to approve all five Consent Agenda Items as presented. Seconded by Mae Bradshaw.

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

Motion passed.

VII. DISCUSSION ITEMS

A. Temporary Emergency Mask Ordinance set to expire May 31, 2021

Town Administrator Bergeron stated that in talking to the Department Heads, the Police, Fire and Public Works Departments are in favor of not wearing masks, following the CDC's updated guidelines. However, The Town Tax Collector/Town Clerk Donna DeCotis and Assessing Administrator Joanne Drewniak prefer that the mask ordinance stay in place for a while longer, until more people are vaccinated, as there is a high volume of public traffic in the building.

Doctor Gail Snow gave a short background. The CDC stated two weeks ago that people who are fully vaccinated can resume activities without wearing a mask or social distancing, except as required by State, Federal, Local and Tribal law, as well as, local business and work place guidance. New Hampshire State Health Official Dr. Chan recommended that regardless of vaccination status, people should wear a mask and socially distance when indoors and around unvaccinated people or unknown vaccinated individuals. Dr. Snow suggested a gradual

implementation of the no mask ruling given by the CDC starting with open air venues, and well-ventilated areas such as the DPW and the athletic fields at the digression of the parents. She recommended continuing with masks at the Town Hall and other confined spaces, until at least the middle of June. This will lessen the exposure of the employees to unvaccinated individuals in enclosed spaces. She recommended taking a gradual conservative approach.

Selectwoman Bradshaw is in favor of keeping the mandatory mask ordinance in place until July 15th, after the Town Election, for all town facilities, events, functions and meetings.

Selectman Epperson is in favor of following the CDC guidelines and other Town Halls. The mask should be optional to those that want to wear them. If there is a concern at the Town Hall, the plexiglass can stay up to protect the employees.

Following a lengthy discussion:

Motion by Phil Winslow to keep the mask mandate in place for the Town Hall, and all meetings at the Town Hall, and to abide by the requirements of the management of other town facilities where town meetings are being held, until the Select Board meeting of June 14th. Seconded by Mae Bradshaw.

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

Chief Cotreau raised a concern regarding the restaurants that have been using outdoor dining under the emergency ordinance, as a way to minimize the financial impact of the pandemic. He asked how the CDC mask updated guidelines will affect the way these restaurants are allowed to operate. Having outside dining is not within the requirements of the planning board in most of the cases. If they do not require masks and have full occupancy inside, will they be allowed to continue with their outside dining?

The question was raised as to who has the authority, the Planning Board or the Select Board, to allow these businesses to continue with outside dining as well as regain their full capacity by dropping the mask requirements. Also, for how long would that authority be valid? It was pointed out the Planning Board would be making the decision if it was for something that has a long-term implication, but this was an emergency temporary situation. The concern is that if the restaurant started outdoor dining, as a condition of the Governor's emergency order to help them operate during the pandemic, and they are no longer requiring masks and can fully open their indoor dining, there has to be a mechanism to say that the outdoor dining must be stopped, otherwise they will be exceeding their capacity.

It was recommended that the Town Administrator reach out to town counsel for an answer and that the Board readdress this issue at their next meeting.

Chief Walsh recommended that there be a date set for the expiration of this situation. He cautioned about the unintended consequences of allowing this situation to go on for too long. The police will be the ones dealing with the noise, parking violations and overcrowding.

B. Police Administrative Assistant Position – Taken out of order

Please see minutes above.

C. Suzanne McFarland, Conservation Commission Chair re: 12 acres being gifted to the Commission.

Chair McFarland reported that they have received everything from A-Q on the process checklist.

Chair Winslow stated that the only concern that the Board has is that they should have been brought into the process prior to this point because the deed has already been transferred and registered. He asked that they meet with Administrator Bergeron to discuss the process so that they are in the process prior to it being a done deal.

Chair McFarland stated that Ms. King would have to speak to the prior process. She could speak to the process, as to how they checked items while they were waiting for the deed to be processed by Attorney Phoenix's office and signed by Attorney Manzelli. This was a resolution of a dispute, not just a standard land acquisition deal. For instance, she reported that she talked to the attorneys' offices today because in the packet there was no title option, which was checked off on her list to bring to the table. It was brought to her attention that because it was a resolution of a dispute and because Monica Kieser of Attorney Phoenix's office is taking this to the Planning Board for the lot merger, she had to research the encumbrances and liens and found absolutely none on the subject property. So, they did not go ahead with a formal option of title. Chair McFarland stated that if the Board wants one, they can get one. It will just cost money, but it was an attorney decision at that point.

Chair Winslow reaffirmed that he would like for the Board to approve this tonight but would like for Ms. McFarland and Ms. King to meet with Administrator Bergeron to talk about the process in the future. The Select Board would prefer that the deeds are not already recorded when they come before the Board because it is already a done deal at that point.

Motion by Bill Epperson to accept the 12 acres on behalf of the Conservation Commission. Seconded by Mae Bradshaw.

Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye. Motion Passed.

D. Selectmen, please determine who will speak to the various warrant articles for consideration at the Deliberative Session.

The Following was decided:

Warrant Article Number	Topic	Select Person
5	Operating Budget	Phil Winslow
6	Town Center/Transportation Alternative Program Grant	Mae Bradshaw
7	Salt storage handling and storage facility	Bill Epperson

8	Mini Pumper Purchase	Phil Winslow
9	Backhoe or front-end loader purchase	Bill Epperson
10	Deposit to Highway Equipment Capital Reserve Fund	Phil Winslow
11	Deposit to Fire and Ambulance Capital Reserve Fund	Mae Bradshaw
12	Deposit to the Town Employees' Accumulated Leave Fund	Bill Epperson
13	Establish a Conservation Maintenance Expendable Trust Fund	Bill Epperson
14	Deposit to Municipal Buildings Maintenance Expendable Trust Fund	Mae Bradshaw
15	Deposit to the Revaluation Capital Reserve Fund	Phil Winslow
16	Deposit to the Library Employees' Accumulated Leave Fund	Bill Epperson
17	Deposit to the Library Building Maintenance Expendable Trust Fund	Mae Bradshaw
18	Deposit to the Grove Road Landfill Capital Reserve Fund	Bill Epperson
19	Sale of the site of the former Second Parsonage	Phil Winslow
20	Authorize the Select Board to accept dedicated streets	Mae Bradshaw
23	Authorize the Select Board to action surplus Town Equipment	Mae Bradshaw
24	Transact any other business	Phil Winslow

VIII. CORRESPONDENCE

- A.** Letter rec'd from resident Elizabeth Norton requesting two beach parking stickers for her two daughters so they can take her to the beach as she does not drive or own a vehicle

Town Administrator Bergeron reminded the Board that they approved one beach sticker for Ms. Norton last year. She recommended they approve one permit again this year.

Motion by Mae Bradshaw to approve the issuance on one beach sticker to Elizabeth Norton to be used on one vehicle. Seconded by Bill Epperson.

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

Motion Passed.

- B.** Email from Jonathan Murphy requesting parking signs at Alder Ave and Tower Ave.

Chief Walsh stated that the side roads of concern are Spruce Ave., Oak Ave., Alder Ave., and

Tower Ave. These are all off Big Rock Road. Big Rock Road is “No Parking”. The width of these roads is very narrow; barely wide enough for two cars to pass each other. Due to the width of the roads, the congestion, and the safety issues for pedestrians; Chief Walsh recommended that the Board consider making those streets “No Parking”.

**Motion by Bill Epperson to accept the recommendation as outlined by Chief Walsh.
Seconded by Mae Bradshaw.**

**Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.
Motion Passed.**

- C. Email from Joe Milardo requesting a crosswalk be put in at the intersection of Jenness Ave and Route 1A.

Chief Walsh pointed out that the State Department of Transportation would have to make this recommendation as Route 1A is under their jurisdiction. If they did make that recommendation, he would not support it, as it is directly in the area of Cable Road. There are already serious traffic back-up issues in this area due to the crosswalks at Cable and Jenness. The crosswalks that are in place are laid out so that there is just a short walk between them. This is so people can cross at a crosswalk safely. He would be opposed to putting in another crosswalk.

Public Works Director McCarthy stated that the State will not allow a crosswalk unless there is a controlled intersection associated with it (meaning a traffic light).

- D. Letter from Karen Andronaco, VP, Market Manager Partners Bank requesting to submit a proposal for the proceeds for sale of the Trolley Barn.

Town Administrator Bergeron stated that the proceeds of the sale of the Trolley Barn have already been addressed. However, she has been talking to Partners Bank about potentially bonding the \$300,000 for the Conservation loan in lieu of going to the Bond Bank. Private financing is sometimes easier than going to the bond bank because they only issue twice a year in February and in July. Whereas, with private financing you can go out for funding at any time.

Town Administrator Bergeron will get back to Ms. Andronaco at Partners Bank.

IX. NEW BUSINESS

Chair Winslow addressed Mr. Borne’s request to keep using Zoom for meetings. Chair Winslow stated that they would love to continue them; however, they are governed by the State. Senate Bill 95 included Zoom meeting capabilities on behalf of towns and cities. That was voted down, or at least the guts of that bill were taken out, at the last meeting. Senate Bill 95 was the law that would allow the Board to continue to include zoom access. So, the Board has no authority to do it and are precluded by law from doing it. All further meetings will be in person.

Public Works Director Dennis McCarthy announced that they opened the fuel oil bids. Because of the vulnerability of those prices, they opened the bids on Monday afternoon in order to get them to the Board at this meeting. He is recommending awarding to the lowest bidders: Broco

Oil Company of Haverhill, MA. The bid was 2.169 for #2 Heating Oil and 2.199 for #2 Blended. Atlantic Fuel is .09 and .15 over rack for diesel and gas.

X. OLD BUSINESS

None

XI. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Friday, November 13, 2020, 3:00 p.m., Via Zoom

Motion by Bill Epperson to accept the meeting minutes of Friday, November 13, 2020 as written. Seconded by Mae Bradshaw.

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

Motion Passed.

2. Non-Public Session, Wednesday, March 3, 2021 (1) per RSA 91-A:3 II (a) Hiring

Motion by Bill Epperson to accept the Non-public session minutes of Wednesday, March 3, 2020 as written. Seconded by Mae Bradshaw.

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

Motion Passed.

ADJOURNMENT

Motion by Bill Epperson to adjourn the meeting at 8:04 p.m. Seconded by Mae Bradshaw.

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

Motion Passed.

Respectfully Submitted,
Dyana F. Ledger

5-24-21 Corres. 4

Elizabeth Norton
901 Ocean Blvd.
Unit 23
Rye, NH 03870

Board of Selectmen
10 Central Road
Rye, NH 03870

May 11, 2021

Dear Mr. Winslow, Ms. Bradshaw, and Mr. Epperson,

I am writing with my yearly request for beach stickers. I have resided in the town of Rye for over 40 years at 901 Ocean Boulevard, Unit #23. I am 89 years old and do not drive or own a car. I am able to use the beach only when one of my children drive me. My daughters, Kathleen Bracken and Maureen Fahey, are my predominant source of transportation during the summer. During the years I have lived in Rye, I have paid taxes in the town and consistently fulfilled my role and responsibilities in the social contract between citizen and government. I request two parking stickers in accordance with my residency in the Town of Rye. Stickers for Kathleen Bracken and Maureen Fahey will allow me to walk the beaches of Rye and share their beauty with my children and grandchildren. Thank you for your consideration.

Sincerely,



Elizabeth Norton

5-24-21 Conv. B

Janice Ireland

From: Jonathan Murphy <murphyjonathan@comcast.net>
Sent: Wednesday, May 19, 2021 12:14 PM
To: Janice Ireland
Subject: No Parking Signs for Alder and Tower Ave

Please have the selectman tee up my request to have No Parking Signs Painted on both Alder and Towers. Over the last several years , I have had to call the police when cars park behind my white fence on Alder. My fence is five feet off the property line and cars feel free to park there cars on my property which they can do as the area allows cars to be off the road. Also, note that both of these streets are for all practicality one way roads so parking causes a safety issue.

I talked to Dennis McCarthy and he said you must approve this action.
Thanks,

Jonathan E Murphy
25 Big Rock Road
Rye, NH 03970

5-24-21 Corres. C

Janice Ireland

From: jmilardo <jedmilardo@comcast.net>
Sent: Friday, May 14, 2021 12:09 PM
To: Janice Ireland; Becky Bergeron; Brian Schutt; Mike Dugas
Subject: Crosswalk needed Jenness Ave - Rte 1A Rye

Becky Bergeron – Town of Rye, Town Administrator, Selectmen's Office
Janice Ireland – Town of Rye, Executive Assistant, Selectmen's Office
Phil Winslow – Town of Rye, Chair, Selectmen's Office
Brian Schutt – District 6, Chief Engineer
Mike Dugas – NHDOT, Chief Safety Officer

I am writing to request a pedestrian crosswalk be put in at the intersection of Jenness Ave and Rte 1A in Rye, NH. A combination of a painted crosswalk and warning sign is necessary.

Thank you.

Joe Milardo
42 Surf Lane
Rye, NH 03870
Tel 603-490-3268

5-24-21 Corres. D



May 19, 2021

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

Members of the Board of Selectmen,

Thank you for the opportunity to provide information on our Visa credit card program. We look forward to connecting with Becky regarding the \$300,000 loan request.

Partners Bank would like the opportunity to submit a proposal for the proceeds received for the sale of the Trolley Barn and the subsequent funds needed for the renovations to the future town offices. We offer an account that works like a checking account, pays a very competitive rate and is fully FDIC insured. You will find that we offer a robust platform of services for municipalities along with local customer service.

I invite you to stop by our branch, meet our staff and see our 2nd floor Community Room, which is available to non-profit organizations during or after business hours.

Thank you in advance for your consideration.

Sincerely,

Karen Andronaco
VP, Market Manager
Partners Bank
243 Central Road
Rye, NH 03870
603.964.9855
kandronaco@partnersbankonline.com

partnersbankonline.com