

TOWN OF RYE SELECT BOARD

Monday, August 23, 2021

6:30 p.m.

Rye Town Hall

Present: Vice-Chair Phil Winslow and Selectman Tom King

Others Present: Town Administrator Becky Bergeron

Electronically Present: Chair Epperson

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Epperson called the meeting to order at 6:35 p.m. and led the Pledge of Allegiance.

II. ANNOUNCEMENTS

- Chair Epperson noted that at the last meeting, it was announced that there would be a Covid vaccination clinic in Rye. The clinic is being held on Tuesday, September 21st from 2:00 p.m. to 7:00 p.m. The City of Portsmouth will also be holding a vaccination clinic on the same day at Wallis Sands State Park from 8:00 a.m. to 1:00 p.m. All three vaccines will be available. These are walk-in clinics and appointments are not necessary.
- Chair Epperson noted that since August 20th, there are 1 to 4 active cases of Covid in Rye and 1 new case, making the total 337 cases. Rye is holding about where they were a few months ago, but as many people as possible need to get vaccinated.

III. 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.)

None

IV. CONSENT AGENDA ITEMS

- A. Letter rec'd from Robert Wylde re: the Swap Shop**
- B. Appointment: Heritage Commission – 3-year term ending 4/01/24**
 - 1. Mae Bradshaw: Appointment as an alternate – letter rec'd 8/13/21**
 - 2. Recommendation letter rec'd 8/12/21 from Phil Walsh, Chair**
- C. Conservation Commission requests permission to accept and expend funds received from donations in the amount of \$8,214.57 for the Goss Farm Fair Projects.**

D. Dennis McCarthy, Public Works Director – Award of Engineering Services

E. Dennis McCarthy, Public Works Director – Backhoe Purchase RFP Results

F. Goss Farm Fall Fair Event Permit Application

G. Chief Walsh – Event Permit Application: Tri Maine – Wallis Sands Triathlon, Sunday 10/24/21, 8:00 – 11:00 a.m. to benefit youth athletic groups

The Board discussed the recommendation from Public Works Director Dennis McCarthy to sole source the award of engineering services for Consent Agenda Item D:

- South Road Drainage
- East Atlantic Drainage
- Salt Shed Engineering
- MS 4 Support

Public Works Director McCarthy was not in attendance at the meeting.

Selectman Winslow expressed concern regarding control of the pricing of these projects. He requested that Mr. McCarthy address his concern with the Board.

Motion by Phil Winslow to approve the four bid awards in Consent Agenda Item D, based upon Mr. McCarthy getting a response back to the Board regarding the pricing. Seconded by Tom King. All in favor. Motion passed.

Consent Agenda Item F: Goss Farm Fall Fair Event Permit Application

Event Coordinator Dania Seiglie was in attendance to answer any questions from the Select Board.

Chief Walsh spoke in regards to the traffic and parking. He asked the Board to grant permission to close Harbor Road. There would be barricades at Locke and Harbor Road with signs stating that the road is closed to local traffic only. The second point on Harbor Road would be at Goss Farm. There would be an officer stationed there as well as a barricade. Chief Walsh will be notifying the five residents that are in the area of the situation and leaving his contact information for any concerns they may have.

In terms of parking, there will be parking at Philbrick's field on Central Road by Locke Road. The Goss Farm Event team will have attendants at the field to manage the parking. There will be a shuttle to take people to the Farm.

Parking at Rye Harbor will be \$5.00 for the day. Chair Epperson asked Administrator Bergeron to contact Janet Stevens and asked her to talk to the Governor about waiving the fee for this four-hour event, as it is after Labor Day and most of the boats will be gone by then.

Ms. Seiglie informed the Board that all the participants are in compliance with their insurance requirements, except for the Rye PTA, which was just an omission of naming the Town of Rye as additionally insured. This is still in process.

There will be two bands. Normally when these bands play at a venue, the venue provides the insurance. The bands are not being compensated for their performance at the Goss Farm Fair and they are not being paid for their travel, so they will be classified as volunteers. If the Select Board recognizes them as volunteers, they will be covered under the Town's insurance.

Motion by Phil Winslow to recognize the Bulkheads; Andrew Morris, Joey Bonenfant, Jeremy Morse, Blake Jennings and Ari Landau, and Cabin Fever; Steve Robb, Leslie Welch, and Harry Veal as volunteers of the Town of Rye for the purpose of participating in the Goss Farm Fall Fair September 18, 2021 scheduled between 12 noon and 4 p.m. Seconded by Tom King. All in favor. Motion passed.

Ms. Seiglie reported that she has produced a map of the layout of the farm that demonstrates where all the vendors and participants will be located. It allows for adequate free flow of the expected visitors over the four-hour period. There is a rain location at the Rye Junior High School Gym. If the venue has to be changed there will have to be a three-day notice, in order for the vendors to adjust their food inventories.

In conversations with Chief Cotreau and Chief Walsh, the date of September 1st is under discussion for the "Go/No Go" date due to Covid. Chief Cotreau promised to be on top of the latest trends as far as the variant is concerned.

Motion by Phil Winslow to accept the Goss Farm Fall Fair Event Permit Application. Seconded by Tom King. All in favor. Motion passed.

Consent Agenda Item G: Event Permit Application: Tri Maine – Wallis Sands Triathlon, Sunday, ~~10/24/21~~, 9/19/21 8:00 – 11:00 a.m. to benefit youth athletic groups.

Chief Walsh explained that this event is scheduled on Sunday 9/19/21, not 10/24/21. It has been held for the last 6 years. There will not be over 300 participants based on Covid restrictions and best practice guidelines. Prior to Covid, the event hosted 700 to 800 participants. It will be held at Wallis Sand State Park and is a swim, bike/run/walk event. The event starts at 7:00 a.m. The last swimmer will be out of the water by 7:40. The first biker will be off the course by 7:40. The run will start at 7:40. The last bikers will start at 7:45. The event should be over by 11:00 a.m. The insurance documents are in order. This event is competitive; however, the roads are not closed. The Lions Club Car Show will start at 8:00 a.m. but will not be a conflict. Chief Walsh will personally manage the Lions Club Event.

Motion by Phil Winslow to accept the Event Permit Application for the Tri Maine – Wallis Sands Triathlon, Sunday, 9/19/21, 7:00 – 11:00 a.m. Seconded by Bill Epperson. All in favor. Motion passed.

Motion by Bill Epperson to accept the Consent Agenda Items A, B, C, and E as presented. Seconded by Phil Winslow. All in favor. Motion passed.

V. DISCUSSION ITEMS

A. Goss Farm Fall Fair Volunteers

Administrator Bergeron noted that this has already been addressed.

B. Assistant Town Clerk/Tax Collector Job Description

Administrator Bergeron reminded the Board that they have approved the hiring of two, twenty hour per week employees, instead of one employee at 32 hours per week. The modifications in the job description are requested by Town Clerk/Tax Collector DeCotis and are consistent with the duties that these individuals will be performing.

Selectman Winslow expressed concern regarding the section requiring knowledge of state and local laws, etc. He felt that it would scare off otherwise potentially good candidates. Selectman King suggested changing “Knowledge, Skills and Abilities Required” to “Knowledge, Skills and Abilities Preferred”.

Chair Epperson noted that under the section “Supervision Received” it reads: **The Assistant Town Clerk/Tax Collector works under the general supervision of the Town Clerk/Tax Collector under the direct supervision of the Town Administrator.** However, these employees are Select Board employees. He asked if the Board should have some input into accountability or process for the attainment of the skills that they need. Employees are hired by the Select Board and work under the direction of the department head.

After further discussion, it was agreed that this section needs to be clarified.

There was a lengthy discussion about requiring non-union new hires to be vaccinated, prior to being considered for a position.

Town Administrator Bergeron explained that Town Counsel advised that Rye should not be the “guinea pig” to test this out. HB 220 is ambiguous and confusing and it is going to be challenged. The Town has to be ADA compliant. The Town has to offer religious and medical exemptions.

Chief Cotreau pointed out that the answer is a legal one and that includes the question; what is the Town’s acceptable risks? There is no standard for “acceptable risk”. There is a lot of protections in place already. There is no black and white answer to this issue. Chief Cotreau stated that he is comfortable with the way the Town is addressing the issue. However, it is an imperfect science and everything is still evolving, so it should be based on what the Board wants to take on as an acceptable risk from a health standard, as well as the legal liability.

Administrator Bergeron stressed that if the Select Board wants to enact a mandate that all new non-union employees must be vaccinated, it should be in the form of a policy decision. It does not have a place in the job description as it is two separate issues.

Motion by Phil Winslow to accept the Assistant Town Clerk/Tax Collector Job Description as amended. Seconded by Tom King. All in favor. Motion passed.

C. Recreation Programs Assistant Job Description

Former Recreation Director Lee Arthur explained that this is a temporary, part-time position of 30 hours per week. The concern is with the Covid variant. If Covid begins again and they hire a full-time employee they would have to lay them off.

Motion by Phil Winslow to accept the Recreation Programs Assistant Job Description as presented. Seconded by Bill Epperson. All in Favor. Motion Passed.

D. Revenues & Expenditures

Town Administrator Bergeron noted that revenue from the Town Clerk/Tax Collector's Office (vehicle registration) and the Building Inspector's Office continue to increase. Recycling revenues are back on track. She explained that the expenditure side is artificially low because they did not have an approved budget for the first 7 months of the year. She stated that they will be seeing some increases in expenditures as the department heads try to get caught up with the work they were supposed to be doing this year. The report as is through the end of July and the expenditures are at 41%.

VI. CORRESPONDENCE – None

VII. NEW BUSINESS

Selectman Winslow reported that the Heritage Commission is planning to replace the storm windows on the second floor of the Town Hall. The cost will be \$13,000, that will be split between the Heritage Commission and the 'Friends of the Rye Town Hall' of \$6,500 each. There will be no costs to the Town. The Board has recommended that the Heritage Commission go before the Rye Historic District Commission, even though it is a replacement in kind.

VIII. OLD BUSINESS

A. Beach Parking Permit Ad Hoc Committee

Chair Epperson reported that in addition to Chief Walsh, Deputy Town Clerk/Tax Collector Amy Thibodeau and himself, they have invited Beach Committee member Mary Mitchell to join the committee. He clarified that this committee's work is not punitive in any way or to restrict anyone from going to the beach. It is to establish the accessibility of beach permits and to make it as fair as possible for everyone. There are significant abuses out there and these are the ones

they are going to look at first, in order to come up with a viable plan that everyone can accept. It no doubt will hurt some people, as they will not be issuing 8-10 permits per house; however, they are going to try to be fair.

B. 400th Anniversary Update

Selectman King reported that he met with Janet Davis to discuss how to vision this process. They viewed it as a multi-step process. They envision establishing a committee to be the face of the project to oversee all the fundraising. The concern is that this could become very large. It could be one event a month for the whole year or just one event. It is important to see what appetite the Town's residents have for this kind of event. The idea is to establish an initial group of citizens to help define the issues and then have a series of vision events for the public. He felt that it is too early to develop a charge at this point. The Board needs to agree on at least the number, scale and scope of events and the kind of dollar amount they are talking about before they put a charge to it. If the Board agrees, he would like to continue with Ms. Davis to put a group together to come up with the first set of ideas to prepare for the visioning events. He commented that hopefully in two weeks, he could be back with the initial recommendation for the road ahead, the plans for some visioning sessions and a target date for early next year of having committees up and running.

C. Update of the Town Hall Annex

Administrator Bergeron reported:

- The asbestos and lead test reports both came back negative.
- The demolition permit has been issued by the building inspector's office.
- The electrician has disconnected the electric.
 - The building inspector is going to inspect the panel to make sure it is disconnected.
- If the Board agrees, the next step is that the interior walls will be demolished starting tomorrow.

No work will be done on the exterior of the building at this time.

IX. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Monday, August 9, 2021, 6:30 p.m., Town Hall

The following was noted:

- Page 2; Mr. Ross outlined the committee's work to date, b. reads: Its design should be "simple, sustainable and iconic" and make use of materials and ~~plates~~ native to New Hampshire, and if possible, to Rye.
- It should read: Its design should be "simple, sustainable and iconic" and make use of materials and plants native to New Hampshire, and if possible, to Rye.

- Page 4; reads: There is a traffic light at Route One and ~~Wallis Road~~. There are several crosswalks along Ocean Blvd. and a yield sign going into the round-a-bout.
- It should read: There is a traffic light at Route One and Lange Road. There are several crosswalks along Ocean Blvd. and a yield sign going into the round-a-bout.
- Page 5; B. Chief Cotreau – Rye Vaccination Clinic reads: This is not a walk-in clinic.
- **This was incorrectly announced; It is a walk-in clinic.**
- Page 9; reads: Chair Epperson recommended that the Town needs to leave this issue up the ~~Cere~~ of Army Engineers.
- It should read: Chair Epperson recommended that the Town needs to leave this issue up the Corp of Army Engineers.
- Page 9.; New Business reads: It will be coming up in ~~four~~ years and has a potential to be a fairly large and expensive event or series of events
- It should read: It will be coming up in two years and has a potential to be a fairly large and expensive event or series of events

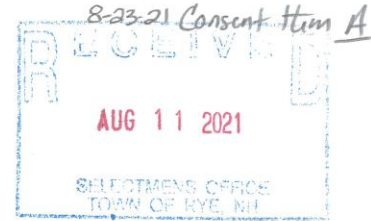
Motion by Phil Winslow to approve the meeting minutes of Monday, August 9, 2021 as amended. Seconded by Tom King. All in favor. Motion passed.

ADJOURNMENT

Motion by Phil Winslow to Adjourn Select Board meeting at 8:21 p.m. Seconded by Bill Epperson. All in Favor. Motion Passed.

Respectfully Submitted,
Dyana F. Ledger

To The board
Of Select Persons,
Greetings,



I don't know if your aware of it, but all the transfer station personnel refer to a fictitious "recycling committee" as their direct superiors. This begs a question, why?

the answer is obvious to me, they are disobeying you, their real direct superiors, about something. It could be this. The hours of the Swap Shop are 11:00 - 2:00 Wednesday - Friday. What hours do you want it open?

While I've got your attention, I had a strategy to prevent the abuse of the Swap Shop: (1) Install a LOUD clapper bell, (2) Have volunteers man the Swap Shop who know the fee schedule from memory, (3) When ever someone tries to put something in the Swap Shop to avoid the ~~the~~ disposal fee, the volunteer rings the bell (over)

loudly bringing the paid staff to deal with it, and (y) there is a \$30.00 violation fee tack on to the disposal fee automatically

If this whole thing is put in the newspaper, including a request for volunteers, which the town provides lunch for, I am sure that the swap shop can be what it once was


Respectfully
Submitted

Robert Ayers

P.S. If ~~you~~ one of you would be so kind to point out to the budget committee that my show is to benefit the 2 area emergency pregnancy shelters in the area, not ~~ordinary~~ ~~shelter~~ the ordinary shelter on Lafayette Rd where any Tom, Dick or Harry can find a place to sleep and a few meals, I would appreciate it
RW

8-23-21 Consent Item D

RYE PUBLIC WORKS
309 Grove Road
Rye, New Hampshire 03870
Telephone (603) 964-5300
Fax (603) 964-9708
dmccarthy@town.rye.nh.us

Date: August 18, 2021
To: Becky Bergeron, Town Administrator
From: Dennis G. McCarthy, Public Works Director 
Subject: Award of Engineering Services

I am in the process of contracting with engineering firms for the capital outlay engineering projects approved by the July 2021 Town Meeting.

To date, I am finalizing proposals and contract language with a number of engineering firms for the following engineering projects:

Hoyle, Tanner & Associates	Salt Storage Facility Building & Bidding
CMA Engineers	Kenphil, Jenness & E. Atlantic Drainage
Wright-Pierce	MS4 Support
Hoyle, Tanner & Associates	South Road Drainage Analysis

Each of the identified firms have been involved with each of the respective projects at some level, and as such, I would like to sole source each of the identified projects to the identified engineering firms.

The major reason is that holding the Town Meeting at such a late date leaves very little time to proceed with normal procurement procedures, and it is imperative all the associated work be under contract no later than December 31, 2021, or funding will be lost.

Given that all the associated services are professional in nature and all the engineering firms currently work for, or have worked for, the Town; I believe it is consistent with Town regulations to be able to sole source this work.

8-23-21 Consent Item E

RYE PUBLIC WORKS
309 Grove Street
Rye, New Hampshire 03870
 Telephone (603) 964-5300
 Fax (603) 964-9708
 dmccarthy@town.rye.nh.us

Date: August 19, 2021
To: Becky Bergeron, Town Administrator
From: Dennis G. McCarthy, Public Works Director
Subject: Request for Proposals (RFP) Backhoe Purchase

Results of RFP for the above referenced equipment, opened on this date, were as follows:

<u>FIRM</u>	<u>Make Model</u>	<u>Price w/ Trade</u>
Nortrax	John Deere	\$158,992.00
98 Sheep Davis Road (Rte. 106)	310 SL	
Pembroke, NH 03275		

The equipment proposed meets the specifications as outlined in the advertised request for proposals. The proposed equipment is a twin to the backhoe-loader purchased in 2011, which has given the town excellent service and is scheduled to be used exclusively in the future for the Transfer Station operations. The new loader-backhoe will be used exclusively by the Highway Department.

We only received one proposal, because the majority of the suppliers were aware of the operator's satisfaction with the John-Deere and did not feel they could provide a proposal inexpensive enough to move us away from the John-Deere.

I recommend the Town accept the proposal submitted by Nortrax for a John Deere 310 SL rubber-tired backhoe-loader in the total sum of \$158,992.00.