

TOWN OF RYE SELECT BOARD
Monday, October 25, 2021
5:00 p.m.
Rye Town Hall

Selectman Present: Chair Bill Epperson, Vice-Chair Phil Winslow and Selectman Tom King

Others Present: Town Administrator Becky Bergeron

5:00 p.m.

I. CALL TO ORDER

Chair Epperson called the meeting to order at 5:10 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (a) Personnel
(2) per RSA 91-A:33, II (l) Legal Advice**

At 5:10 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (a) Personnel. Seconded by Tom King. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

At 5:45 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Tom King. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

At 5:45 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (l) Legal Advice. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

At 6:00 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. 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.

IV. ANNOUNCEMENTS

- Chair Epperson reported that there have been five active Covid cases over the past two weeks with no new cases reported. Pfizer has approved a vaccination for 5 to 11-year-olds. If possible, the Town will become involved in helping with those vaccinations.

- The Verizon cell tower is up. Once the final pole is up and Eversource connects the power, the tower will become active. The anticipated completion date is December of this year.
- Town Administrator Bergeron announced that the Town is in the preliminary stages for its revaluation to be completed in 2022. The Town Assessor is working on finalizing an agreement with Municipal Resources Inc. He is also working with the N.H. Department of Revenue Administration on an appraisal revaluation agreement. The residents will receive more information soon.
- Chair Epperson announced that out of the 15 schools that participated in the N.H. Fort Worth Cross Country Race, Rye came out number 1. There were a number of strong participants from the community who participated. Ned Paul's son, Edward, came in first in the State. Rye is very proud of its many outstanding young athletes in the town.

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.)

Police Chief Kevin Walsh reported that he received a compliment from a resident about one of his officers. A call was received for a lost kayaker out on the water this past Sunday. In working with the Fire Department and New Castle, everybody came out well and safe. The caller commending the officer said that the officer's presentation and demeanor in handling the situation was what they expected from every police officer. Chief Walsh noted that he is proud of his officers, knowing that they are representing the residents in the best way they can.

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

- A.** Request for approval of the Annual Town Holiday Parade – Sunday, December 5th at 1:00 p.m. The parade is coordinated by the Rye Fire Department and the Rye Lions Club with Firefighter Chuck Gallant serving as Chairman.
Motion required: "To approve the Rye Holiday Parade on Sunday, December 5, 2021 as a Town event coordinated by the Rye Fire Department and the Rye Lions Club acting as volunteers on behalf of the Town."
- B.** Recreation Commission – Recreation Master Plan – Site Plan Update RFP/Q Results
- C.** Letter rec'd from Meghan Spaulding re: her resignation from the Recreation Department
- D.** Deputy Police Chief Job Description

Consent Agenda Items A, B and C were pulled for discussion.

- Resignation of Meghan Spaulding from the Recreation Department

Chair Epperson stated that unfortunately Meghan Spaulding will be leaving Rye. The Select Board accepts her resignation with significant regret. Ms. Spaulding is moving on to a new career path. She will be missed in Rye.

- Annual Town Holiday Parade

The Select Board thanked Chuck Gallant for coordinating the parade for the Town over the past 10 to 12 years.

Motion by Phil Winslow to approve the Rye Holiday Parade on Sunday, December 5, 2021 as a Town event coordinated by the Rye Fire Department and the Rye Lions Club acting as volunteers on behalf of the Town. Seconded by Bill Epperson. All in favor.

- Recreation Master Plan

Corey Belden, representing the Rye Recreation Commission, was present to discuss and answer questions regarding the Recreation Master Site Plan update to provide a guidance for future improvements at the recreation area. There have been studies showing what the community is looking for in that area; such as, a recreation center, basketball courts, pickleball courts and tennis courts. The goal is to come up with a plan to layout potential options with a consideration of where things may be located in the future. One of the driving forces behind this project is the need for a public restroom facility at the recreation area. The intent is to do the work for the restroom in 2022. The restroom should not be located in an area that might preclude some future improvements in the area. This will be a plan to layout the guidance for development in the recreation area. The Recreation Commission has allocated \$10,000 from the Revolving Fund for the fiscal year 2021 for this update.

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

VII. DISCUSSION ITEMS

- A. Unmerger Request – Dorothy A. Lyczak Rev. Trust of 2002 – 370 Wallis Road

Attorney Monica Kieser and Engineer Alex Ross, representing the property owner, presented the unmerger proposal for 370 Wallis Road. The original parcel acquired by the family in 1951 was 19,075sq.ft. Over time, a landlocked parcel and a third parcel were acquired, which now makes up the parcel of land.

John Lyczak, son of Dorothy Lyczak, spoke in regards to the right-of-way that exists on the western side of the lots and is not part of the unmerger proposal.

Attorney Kieser noted that in 1956, a building permit was issued to build the house that now exists on parcel 1 on Wallis Road. Parcels 2 and 3 have never been developed. In 1966, the zoning ordinance was amended to allow for larger lots. However, the Wallis Road lot was appropriately developed in conformity with the ordinance in 1956 and stood alone at that time.

The law requires the owner to demonstrate that the lots were involuntarily merged. Evidence cannot be found that there was any formal request to merge the lots. There was no merger by document and no merger by conduct. Attorney Kieser pointed out that the statute also says it's the municipalities burden to demonstrate that predecessors did merge the lot. Nothing has been found to indicate that the lots have been merged explicitly or implicate.

Chair Epperson opened to the public.

Charlotte Dura, 559 Long John Road, expressed her concerns in regards to the date of when the property was merged and the possibility that the property was merged voluntarily. She also expressed concerns about the property being subdivided and developed.

Chair Epperson noted that the unmerger does not have any bearing on the development of the lot. He explained that if anything is going to be done on the property in the future, the proper procedure through the Planning Board and ZBA would have to be followed. Referring to the memo submitted to the Select Board by town counsel, Vice-Chair Winslow pointed out that Attorney Donovan indicated that his review did not find anything that shows the Lyczaks or any other prior owner intended to merge these lots.

Attorney Kieser reviewed the proposed unmerger lot lines with Ms. Dura.

Chair Epperson pointed out that Attorney Donovan has done a thorough analysis.

Vice-Chair Winslow suggested approving the request based upon Attorney Donovan's response to the abutter's concerns.

Motion by Phil Winslow to approve the unmerger request based upon Attorney Donovan's review of Charlotte Dura's concerns. Seconded by Bill Epperson. All in favor.

B. Frank Hwang – Beach Committee Update

Frank Hwang, Beach Committee Chair, met with the Select Board to give an update on the work of the Beach Committee over the past 18 months. The goals of the Beach Committee include safe, healthy use of the beaches, to ensure the voices and concerns of the citizens are heard, ensure there is fair and equitable access to the beach and work in partnership with the Select Board and other departments of the Town.

The Beach Committee was asked to look into commercial activities at the beach, which was based on a number of inquiries and questions from citizens in the community. In forming their recommendations with regard to commercial activity at the beach, the Beach Committee's goal was to find a balance between the Town and commercial enterprises based on fair access for everyone. The Committee spoke with some of the enterprises in town and received input from Chief Walsh and Chief Cotreau.

The Beach Committee recommends that beach permits for commercial enterprises include a fee or donation for the common good; such as, helping with trash pickup, fund awareness initiatives,

support to the lifeguards or scholarship to a resident for summer camp or other lessons. The idea for imposing the fee is to give back to the Town and beach. The Committee also recommends that the Town consider not allowing commercial vehicles to have beach parking stickers. It has also been brought to the Committee's attention that some areas on the beach may not be zoned for commercial. It is recommended that the Select Board confirm or clarify the zoning regulations. A final recommendation is for stricter enforcement of pickup/drop off regulations.

Mr. Hwang noted that it has been seen that over time, more people are going to the beach. The number of people surfing in the water is also increasing. The interest in surf camps has also increased. The number of complaints and concerns has increased from citizens. A list of complaints has been prepared by the Committee and will be submitted to Chief Walsh for his review.

With regards to Summer Session specifically, the Beach Committee recommends allowing pickup/drop off of gear by the Summer Session's truck only during summer prime hours with an alternative safety vehicle on site. Safety vehicle should not take up a large amount of space, but will be available for any emergency. The Committee also recommends the requirement of an emergency plan to account for potential accidents with the plan being shared with the Select Board. The surf camps should also enact the use of walkie talkies for communication, as cell service is unreliable at the beaches. The Committee also received concerns from residents that Summer Session's staff is limiting/restricting parking at Sawyer's Beach, next to the lifeguard parking. The residents were told that this area is where Summer Session was permitted to park. Also, multiple people were told that they were not allowed to be in the area of the summer camp sessions. It should be clear that restricting Rye residents from parking or limiting people's enjoyment of the beach will not be tolerated.

The Committee made a recommendation that the surf camps continue to limit sessions to 15 to 20 students. Camp times should be spread out a bit and location of camps should be diversified; such as, north of the Brown's Cottage area. The final recommendation of the Committee is for additional curriculum options to be added; such as, intermediate or advanced lessons and ocean safety education.

Police Chief Walsh stated that parking enforcement is strict. Parking enforcement is on site 20 minutes before Summer Session's camps and 20 minutes before pickup time. Summer Session did an engineering study about their pickups and drop offs. There have been a few gaps in following the plan; however, when addressed with the owners, they make sure it gets back on track. The pick up and drop off plan is very well laid out and a copy of that plan will be submitted to the Select Board.

In terms of locations, Chief Walsh noted that over the years it has adjusted a bit and this will be shown in the beach application. He continued that the McGill Brothers know that their staff should not be specifically labeling out a parking area or territory. Chief Walsh commented that he has not seen this happening; however, it doesn't mean it's not going on. His department will continue to work with Summer Session to make sure this is not happening. With regard to pickup/drop off, the Select Board has allowed for vehicles to pull up and let the child out. A staff member is present to lead the camp participant to the lesson area. He noted that the Town is

not in the business of providing areas for private businesses to make a profit. It is not the Town's responsibility to provide parking and services to those business. That's why he cautions charging a fee for the beach applications. It would then hook the Town into providing a service to the business. The Town is responsible to provide a service to the people so everyone can enjoy the beach.

A copy of the Beach Committee's report and recommendations will be submitted to Police Chief Walsh and Fire Chief Cotreau for their review.

After some discussion about the charge of fees, Vice-Chair Winslow asked Town Administrator Bergeron to ask Attorney Donovan about charging fees and the possible liability to the Town.

C. Analysis of lifeguard pay scale

Fire Chief Mark Cotreau presented a proposal for the lifeguard pay scale for 2022 to the Select Board. The pay scale is based on a wage comparison done by Lieutenant MacGlashing, which shows that the closest competitor (Hampton State) starts their lifeguards a little over \$15.00 per hour with their head guard making over \$17.00 an hour. Rye is currently starting lifeguards at \$13.00 per hour. The wage comparison shows that other coastal towns pay an average of \$15.00 an hour to start. Rye is substantially below what other towns pay their lifeguards. In the last three years, it's become more and more of an issue. This past year, Rye lost a terrific lifeguard to Hampton and the reason was because of the pay. As he spoke with other lifeguards over the summer, the issue of pay was reflected in their concerns about their position in Rye. The proposal for the pay scale is an increase of \$2.50 to start the lifeguards at \$15.50 per hour. This will be a good place for starting next season with the intent to revisit the wage scale more often to stay in line with surrounding seacoast towns.

After discussion, it was agreed to start the pay scale at the proposed \$15.50. If it is found that there is an issue with hiring guards because of the pay, Fire Chief Cotreau and Lt. MacGlashing will bring this back to the Select Board for further consideration.

Chief Cotreau commended Lt. MacGlashing for his work and oversight with the lifeguards. He puts in a lot of time and does a great job.

Motion by Bill Epperson to accept the lifeguard pay scale proposal for 2022 at written in Chief Cotreau's memo dated October 8, 2021. Seconded by Tom King. All in favor.

VIII. CORRESPONDENCE

None

IX. NEW BUSINESS

None

X. OLD BUSINESS

Selectman King spoke in regards to the newly formed ad hoc committee; 'Rye 400 Committee'. One meeting has been held so far. The intent is for the committee to have a full charter drafted and ready for the Select Board's approval by January. The committee will be proposing a budget number for 2022 as a placeholder, as they do not have a line item targeted for expenses at this time. If there is going to be a parade and/or fireworks display it could be up to \$20,000 for those expenses.

After some discussion, the consensus of the Select Board was to add \$20,000 to the 2022 budget with the remainder for 2023, in order for the funds to be available to spend in 2024.

XI. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Monday, September 14, 2021, 8:00 a.m. – Rye Town Hall

The following corrections were noted:

- Page 1, 1st paragraph under 'Work Session' should read: **Chair Epperson explained that the purpose of this work session is for the Board to identify items that are important to the Town that can be accomplished.**

**Motion by Phil Winslow to accept the minutes of September 14, 2021 as amended.
Seconded by Tom King. All in favor.**

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:28 p.m. Seconded by Phil Winslow. All in favor.

Respectfully Submitted,
Dyana F. Ledger