

**TOWN OF RYE – SELECT BOARD
MEETING**

Monday, March 14, 2022

6:00 p.m.

Rye Town Hall & Zoom

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

Others Present: *Town Administrator Rebecca Bergeron*

6:00 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Epperson Called the Meeting to order at 6:00 p.m.

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

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

At 6:32 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Epperson Called the Meeting to order at 6:42 p.m. and led the pledge of allegiance.

IV. ANNOUNCEMENTS

Chair Epperson gave the Covid update:

- Currently there are no new cases in Rye
- Rye's fully vaccinated is at 82.2%
- The State's fully vaccinated is at 57%

Selectman King thanked Bob Eaton for the successful operation of the election.

Chair Epperson recognized all the election workers for a job well done.

Chair Epperson announced that one of the ZBA positions was decided by 11 votes, so there will be a recount of that on Thursday the 17th at 1:00 p.m.

- V. **PUBLIC COMMENT** – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to minutes each person.)
- **Steven Borne, 431 Wallis Road**, asked that the Select Board consider having a representative on both the planning and zoning boards. Mr. Borne also spoke about the Parson's Creek report. He pointed out that it was clear the problem is coming from the ground water. He recommended having some discussions with the public regarding what is the best way to proceed and to move this matter forward.
- VI. **CONSENT AGENDA ITEMS** – (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)
- A. Jason Rucker, Public Works Director – Lawn Care Bid Results
 - B. Event Permit Application – Eastern States 20 – Mile & Half Marathon, Sunday, 3/27/22, 11:00 a.m. – 5:00 p.m., to benefit NH Track & Field
 - C. Letter rec'd from Sergeant Bill Blais re: his resignation from the Rye Police Department effective 4/4/2022.
 - D. Email rec'd from Rosemarie Kountz who has opened an Edward Jones office at 1247 Washington Road and is requesting a Beach Permit.
 - E. Letter rec'd from Conservation Commission member, Francis "Mike Garvan responding to the email from Shawn Joyce & Dave Tilton. (To be attached to the minutes of the meeting)
 - F. Investment Policy – Town Treasurer Jane Ireland has made the required yearly review of the Town's Investment Policy and finds that no modifications are necessary.

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

Motion by Phil Winslow to accept Consent Agenda Item F as presented. Seconded by Bill Epperson. All in Favor.

- **Consent Agenda Item A. Lawn Care Bid Results**

Selectman King asked if the maintenance of the surrounding land and islands in the roadways become the responsibility of the municipality when the Town takes over a road from a developer. He mentioned Liberty Common.

PWD Rucker responded that he is not sure what the agreements between the Town and the developers were before he started with the Town. However, he will look into it and get back to the Board.

- **Consent Agenda Item B. Event Permit Application - Eastern States 20 – Mile & Half Marathon, Sunday, 3/27/22**

Police Chief Walsh reported that all the necessary documents are in order, except the insurance document had the wrong town address on it. He recommended that if the Select Board grants permission for the event, it should be conditioned upon the insurance being corrected and submitted by March 24th. There will be 600 participants, not 1,000 as originally planned. There are two start points; one in Kittery and one from Wallis Sands. The end point is Salisbury. It is a competitive race but most people are using it for training for the Boston Marathon. The plan is to have two officers at the round-a-bout and one at the Wallis Sands' start. Once the race starts, that officer will be a roaming officer from Wallis Sands to the round-a-bout from Pioneer Road because it's a narrow road. The participants will be running with the traffic.

Motion by Phil Winslow to accept Eastern States 20, Mile & Half Marathon, on Sunday, 3/27/22, with participants of 600 or less, and contingent upon the corrected insurance forms being in place by March 24th. Seconded by Tom King. All in Favor.

- **Consent Agenda Item C. Letter rec'd from Sergeant Bill Blais re: his resignation from the Rye Police Department effective 4/4/2022.**

Chair Epperson announced that Sergeant Blais will be going to Newfields as a lieutenant. He congratulated Sergeant Blais and wished him well. He also thanked him for his service to Rye.

- **Consent Agenda Item G. Letter rec'd from Conservation Commission Member Francis "Mike Garvan responding to the email from Shawn Joyce & Dave Tilton.**

Chair Epperson asked that the letter be attached to the minutes. He explained that he was not around for the discussion back in 2016/2017 and is not familiar with the issues. He wants an opportunity to look into the matter further.

- **Consent Agenda Item E. Email rec'd from Rosemarie Kountz who has opened an Edward Jones office at 1247 Washington Road and is requesting a beach permit.**

Chair Epperson pointed out that there are two issues. This is a non-resident asking for a beach sticker and there is a citizen in town who wants to give them a beach sticker.

Selectman King also pointed out that the vehicle has to be registered in town.

Motion by Phil Winslow to deny the request from Ms. Kountz for a beach sticker. Seconded by Bill Epperson. All in Favor.

VII. DISCUSSION ITEMS

A. Organization of the Select Board

Officers:

Chairman

Vice Chair

Motion by Phil Winslow that Chair Epperson continue as chair and Phil Winslow will continue as vice-chair until the end of July 2022, at which time, Phil Winslow will become chair and Tom King will become vice-chair until the end of February 2023. Seconded by Tom King. All in favor.

Representatives to Boards, Commissions, Committees

Planning Board

Budget Committee

Capital Improvements Plan (CIP) Committee

Historic District Commission

Heritage Commission

Beach Committee

Town Center Committee

Telecommunication Committee

*Rockingham Planning Commission

*Rye Water District

*Power Committee

*Additional Commissions outside of the Town's governing structure.

- Bill Epperson will continue with:
 - Planning Board
 - Heritage Commission
 - Beach Committee
 - Telecommunication Committee
- Phil Winslow will continue with:
 - Capital Improvement Plan Committee
 - Rockingham Planning Commission
 - Rye Water District
 - Power Committee
- Tom King will continue with:
 - Budget Committee
 - Historic District Commission
 - Town Center Committee

Motion by Bill Epperson for the Board to represent as listed above. Seconded by Phil Winslow. All in Favor.

B. Unmerger Request – 62 Cable Road.

Frank Quinn addressed the Board regarding this matter. The lots are referred to as Lot 168 and Lot 169 on the tax maps. The deeds have also shown these lots as separate. There was never any voluntary act to merge these two lots; however, sometime around 1986/1987, the Town started taxing the lots as one lot because at the time one of the lots was considered unbuildable.

Chair Epperson expressed concern that the owners of the properties moved the stone wall between the properties. That is an indication that the owners considered it one piece of property. Also, back in the 1900's, the frontage of both lots was used to get a driveway permit. There was also an addition that encroaches on the property line between the two lots. If the owner considered the lots to be two lots, in order to get a building permit for the addition, the owner would have had to get a variance from the ZBA.

Chair Epperson commented that over the years this property has melted into one lot and there was never any intention to create two lots. He is aware that there are two deeds on the property. He pointed out that whatever decision the Select Board makes, the owner can appeal either through the ZBA or Superior Court.

Selectman King reported that back in 2005, the Philbricks were selling land to the people next door. At the time, their Attorney assured the Planning Board that the Philbrick lot would be larger than one acre after the adjustment. However, it can't be without the second lot (the big lot is less than an acre).

Chair Epperson also pointed out that the shed on the property straddles the property line on one corner. It is his observation that these lots were voluntarily merged.

Vice Chair Winslow stated that the Town Attorney has concurred. However, he recommended that they take this matter to the ZBA.

Motion by Bill Epperson to deny the application of unmerger on 62 Cable Road without prejudice. Seconded by Tom King. All in Favor.

C. Conservation Commission Acquisition of 0 Pioneer Road – A-Q Documents

Chair Epperson explained that the Conservation Commission has asked for relief on some of the items on the A-Q Document. These are:

- F Appraisal
- K Management Agreement
- M Current Use
- O Estimate of Development Ability

There will be a Salt Water Restoration Plan coming in at a later date.

Motion by Phil Winslow to waive items F, K, M & O on the A-Q Document. Seconded by Tom King. All in Favor.

The Board will do a site walk on the property on Monday, March 21st at 9:00 am. The Conservation Commission's Public Hearing will be on March 21st.

D. Sign Issue in Rye

Selectman Winslow spoke to the Board about having two people at the Transfer Station on March 19th and April 9th & 16th with signs in opposition to the cargo facility at Pease.

Motion by Tom King to have two people at the Transfer Station on March 19th, and April 9th & 16th with the sign saying "Say NO to Peace Cargo" and the handouts and flyers that the Board has agreed on. Seconded by Phil Winslow. All in Favor.

E. Town Hall Annex Bid Results Discussion

Chair Epperson reported that the Town received one bid from Triple Construction in the amount of \$698,592 for Phase One. The Town has \$250,000 to spend. The Board needs to deny the Bid.

Motion to by Tom King to deny the bid from Triple Construction in the amount of \$698,592 for Phase One. Seconded by Phil Winslow. All in Favor.

Chair Epperson reported that the Board has met with the building inspectors and they have taken a look at the building. There are ways to scale back the project by not doing some of the exterior. There are also some funds available through ARPA, so they are still going to try to transition this project by August.

Selectman King expressed concern that the building inspectors do not have the time to act as the general contractors on this project, as they have a back log of building permits.

Vice Chair Winslow suggested going back to Triple Construction and talking to them about the budget and seeing if they can scale it back because they have the subcontractors.

Motion by Phil Winslow to authorize the Town Administrator to reengage with Triple Construction to negotiate a lower bid, based on the elimination of some of the work, as deemed unnecessary at this time. Seconded by Bill Epperson. All in Favor.

VIII. CORRESPONDENCE - None

IX. NEW BUSINESS

Selectman Winslow suggested that the Select Board's representative on a commission/board should give an update to the other members of the Select Board about what is happening with their boards. He recommended that it be added to the agenda under 'Other Business' or 'Old Business' in the future.

All agreed.

X. OLD BUSINESS -None

XI. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Monday, December 27, 2021, 6:00 p.m., Rye Town Hall

The following corrections were noted:

- Page 4, 3rd paragraph, should read: **Mr. Tinker reported that the Town has 153 barns. The majority do not meet the criteria for this tax incentive, so there will not be a significant impact on the Town's overall valuation and tax base.**
- Page 6, under; C. Rye 400 Anniversary Committee should read: **Their initial thought was to have a regular committee, but they would like to have the ability to accept tax deductible donations, so they thought of setting up a 501-C (3). If there is a 501-C(3), the Select Board will have no control over programs and funding. It would all be controlled by the 501-C(3) organization.**
- Page 7, 1st line, should read: **To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (~~\$200,00~~) Should be: To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000)**
- Page 7; Article B should have: **(Majority vote required.)**
- Page 8; Articles C and D should say: **2/3 vote required**
- Page 8 should read: **Administrator Bergeron reported that this program is being converted from a SRF loan to an ARPA Grant.**

Motion by Phil Winslow to approve the meeting minutes of Monday, December 27, 2021 as amended. Seconded by Bill Epperson. All in Favor.

**2. Non-Public Session, Monday, December 27, 2021 (1) per RSA 91-A:3 II (a)
Personnel**

Motion by Phil Winslow to approve the Non-Public minutes of Monday, December 27, 2021 as presented and to seal the minutes. Seconded by Bill Epperson. All in Favor.

ADJOURNMENT

Motion by Phil Winslow to adjourn at 7:23 p.m. Seconded by Bill Epperson. All in Favor.

Respectfully Submitted,
Dyana F. Ledger



**RYE CONSERVATION COMMISSION
10 CENTRAL ROAD
RYE, NH 03870**

March 7, 2022

**Response to an email from Shawn Joyce and David Tilton dated 2/23/2022, Subject RE:
2/10 RCC Minutes**

Mr. Joyce and Mr. Tilton's email referred to a discussion during the February 10, 2022 regular meeting of the Rye Conservation Commission (RCC) regarding the extension of a policy to require leashes on dogs on the Town Forest's Green Trail during the nesting season (March 15 – July 15).


The RCC discussion referred to in the email was not about the effectiveness of dog leash zones. The discussion was referring to the fact that no study of the area in question had been done. The RCC members involved in the discussion mentioned that there were no data to indicate which specific birds or wildlife would be protected in the Town Forest. It was pointed out that NH Fish and Game Sgt. Jeremy Hawkes had been contacted by the RCC last year and that he endorsed leashing during nesting season. After the discussion, the RCC voted unanimously to continue seasonal leashing to protect any and all birds, mammals and amphibians that may nest or breed in the area inside the Green Trail and the surrounding forest and marsh.

The "Rye's Wild Neighbors," presentation referenced was attended by an RCC member via Zoom as the meeting room only had 17 seats. While interesting and informative, the program was not geared toward wildlife management, but toward educating people about how to and how not to interact with wildlife that they might encounter in town. The incident mentioned by Rye Animal Control Officer Bob McGrath occurred when an unleashed dog near Ahleson Road entered Rand Woods and killed a fawn. This is a tragic incident that occurred on a property managed by the Conservation Commission, but not by a dog walker on conservation trails.

The Rye Conservation Commission has been using the Trails for People and Wildlife Guidebook since we received it early last year. Every member has read it and some members have watched the video describing it. On February 19, 2022 several members of the RCC marked a new trail in the Cedar Run conservation property. Not only were recommendations of the guidebook considered by the work party, several pages of the guidebook were copied, present and used that day. It should be noted that this was several days before the Joyce/Tilton email was sent.

The Rye Conservation Commission welcomes public discussion of policies on conservation managed properties in Rye. Recent meetings have discussed permitted and prohibited uses on conservation properties. RCC meetings are open to the public and we encourage participation by the public as we work to protect Rye's natural resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Garvan", with a long horizontal flourish extending to the right.

Francis P. (Mike) Garvan II, Clerk