

**TOWN OF RYE – SELECT BOARD
MEETING**

Monday, January 24, 2022

6:00 PM

Rye Town Hall & Zoom

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

Others: *Town Administrator Rebecca Bergeron*

6:00 p.m.

I. CALL TO ORDER

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

II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (I) Legal Advice

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

At 6:40 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.

6:30 p.m. RECONVENE PUBLIC MEETING

Chair Epperson called the meeting to order at 6:44 p.m. and led the pledge of allegiance.

I. ANNOUNCEMENTS

- A.** The Deliberative Session will be Saturday, February 5, 2022, 9:00 a.m. at the Rye Jr. High School.
- B.** Selectman King announced that the Barn Conservation Easement Program is up and running and will be on the Town's website by tomorrow. Anyone who is qualified has until April 1st to apply.

II. PUBLIC COMMENT – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time line, up to 5 minutes each person.)

- Mike Moody, a member of the Library Board of Trustees, reported to the Board that at the last meeting of the Library Trustees they voted to extend the mask mandate for an additional thirty days. He asked that the Select Board do the same in order to have a consistent approach to public health.

III. 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 John Walsh re: His resignation as a Part Time Transfer Station Attendant.

Motion by Phil Winslow to accept the resignation of John Walsh from the Transfer Station effective Tuesday, January 25th. Seconded by Bill Epperson. All in favor.

IV. DISCUSSION ITEMS

- A. Library Trustees** – Discussion re: the Library Common

Library Trustee Jeff Ross and **Director Andrew Richmond** addressed the board and presented a PowerPoint presentation regarding the plans for the Library Common. The Library Trustees have been actively doing strategic planning, which includes an expansion of the library sometime in the future. They are continuing to evaluate what an expansion should accomplish. Anything that will be done to the Library Common will be directly connected to the strategic planning process. Mr. Ross talked about how the trustees are taking into consideration what other boards and committees are doing with the Town Center and throughout town. He pointed out that they have done a feasibility study as part of their planning process. In June of 2021, they engaged an advisory council to give input on the process. The council is made up of a group of citizens in town. The strategic plan is focused on how to increase the space, how to raise the money to do the project and general assessment of what the future of the library should be on that property.

Mr. Ross started the PowerPoint presentation with a picture of the property as of November 2020. He then proceeded with the existing conditions on the parcel.

Goals:

- People are interested in creating an open space.
 - simple, iconic, looks like it's been there forever
- Whatever is done must take into consideration the library expansion.
 - Hopefully, in a campus like setting so that it is connected to other buildings.
 - The Town Museum
- The library and the town museum must be accessible to vehicular and pedestrian traffic.
 - Easy access off Olde Parish Road and Washington
- Must have the ability to use the open space (whether the library is expanded or not) for library and town programming.
 - Town concerts

Proposed Plan:

- Moving the town museum forward on the lot.
- Moving the parking lot behind the town museum.
- Creating an open space across the entire property along Washington Road.
 - This concept increases the open space from .4 acre to .8 acre.
- There is also a proposal to place an amphitheater in the ravine.

Mr. Ross explained that the trustees have the endorsement of the Rye Town Center Committee and the Rye Historical Society. They would like to have the support of the Select Board in this endeavor. They are planning to look at some private fundraising. They are also planning to put a warrant article on the warrant for 2023.

Selectman Winslow recommended that the trustees also reach out to the Rye Historic District.

B. Unmerger Request – 62 Cable Road – Continued to February 28, 2022

The principal abutter came up from Florida for this meeting. He asked that the issue be continued until March 14th so that he could be in attendance.

Motion by Bill Epperson to continue this issue until March the 14th, provided that all the parties involved are in agreement. Seconded by Phil Winslow. All in Favor.

C. Energy Committee – Update on the Electric Aggregation Plan

Howard Kalet, Tom Pfau and Lisa Sweet of the Energy Committee gave an update to the Select Board regarding the Electric Aggregation Plan.

Mr. Kalet reported to the Board that things have been more complicated than anticipated. The PUC is going through some personnel change. They have to establish the rules and haven't been able to do that yet. This has been going on parallel to the towns submitting their plans.

Lisa Sweet of 7 Winslow Way (a member of the Rye Energy Committee and the board of CPCNH) explained the approval process for the program. She stated that Rye's plan is based on the Lebanon plan that has already been submitted. The PUC has 60 days from submission to either approve or deny the plans. Rye's plan is the first to be reviewed on the docket for 2022. Lebanon's 60 days should be up by February 1st, so Rye will be able to see what needs to be changed from those comments. She added that PUC approval is not required for the town to adopt a plan.

The plan will have to go before the voters for approval. After that the steps are:

- Deciding what power company to go with.
- The power company will develop their policies.
 - It will be up to the Select Board to approve or deny these policies.
- The implementation process will take between six to twelve months.
 - There is a timeline it the documentation, the Energy Committee will apply some approximate dates to the time line.

Town Administrator Bergeron reminded the Board that town council recommended having the approved plan from PUC prior to the election, so that the voters would know what they were voting on. However, the warrant article authorizes the Select Board to take any action plans that may be required if the plan is modified after the vote.

D. Todd Conant – Resident Trash Pick-Up Proposal

Todd Conant spoke to the Select Board by Zoom. It was brought to his attention that Rye residents are responsible for taking their trash to the transfer station or contracting it out. Waste Management does this for some of the residents. Mr. Conant owns and operates Todd Jobs, which is a smaller scaled operation that offers skilled and unskilled labor direct to the community. He is asking for permission to approach Rye residents to offer his services.

Chair Epperson stated that the concern was the amount of time it will take Mr. Conant to unload his truck at the transfer station and how it would affect residents who are unloading their trash at the same time.

Mr. Conant explained that he would devise a compartment unit for the back of his truck in order to sort recyclables as he picks up, which would minimize the time at the transfer station. He would be doing the work himself for the time being. He would be picking up on the slow days at the transfer station, which would be Wednesday and Thursday. He will do trash pickup on one day and recycling on the other day.

Selectman Winslow expressed concern that the trash would only be coming from Rye properties. Mr. Conant stated that he understood the concern. He added that he would guarantee that he would not do that with a “gentlemen’s agreement”. He does not know how else to assure the Board.

Public Works Director Jason Rucker suggested there be a client list with addresses and phone numbers, if town council agrees this service is appropriate.

It was decided that a document/agreement would be drawn up outlining the rules, including the agreement regarding there being no trash brought in from outside of Rye. Mr. Conant will also have to sign a ‘Hold Harmless Agreement’ with the town, listing Rye as additionally insured. PWD Rucker informed Mr. Conant that he would also have to obtain a commercial permit.

Any approval from the Select Board will be conditioned upon PWD Rucker assurance that the operation continues to work smoothly for the town.

Selectman King stated that he thinks this would be a benefit for the residents. He feels that there is no need for a client’s list if there is a signed agreement from Mr. Conant.

Selectman King recommended a review period of 60 days to see how the operation is working out.

Motion by Bill Epperson to approve Mr. Conant’s proposal tentatively for 60 days with certain conditions of approval as outlined by PWD Rucker and with the appropriate insurance. Seconded by Tom King. All in Favor.

E. Moderator Eaton – Deliberative Session Discussion

Moderator Bob Eaton spoke to the Select Board via Zoom. The Deliberative Session will be held at the Rye Junior High School gym. The set up will be similar to last year’s setup. Masks will be

mandatory. Chairs will be set six feet apart; however, family members may move their chairs in order to sit together. Work is still underway as far as planning for the election.

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

Article Number	Subject	Select Person
04	Town Operating Budget	Tom King
05	Purchase of a Front-End Loader	Phil Winslow
06	Highway Heavy Equipment Capital Reserve Fund	Phil Winslow
07	Fire and Ambulance Vehicle Capital Reserve Fund	Phil Winslow
08	Municipal Buildings Construction and Renovation Capital Reserve Fund	Phil Winslow
09	Town Employees' Accumulated Leave Fund	Bill Epperson
10	Municipal Buildings Maintenance Expendable Trust Fund	Bill Epperson
11	Wastewater Asset Management Plan	Bill Epperson
12	400 th Anniversary Celebration Expendable Trust Fund	Tom King
13	Revaluation Capital Reserve Fund	Tom King
14	Goss Barn Maintenance Expendable Trust Fund	Tom King
15	Library Employee's Accumulated Leave Fund	Phil Winslow
16	Rye Public Library Building Maintenance Expendable Trust Fund	Phil Winslow
17	Rye Public Library HVAC Capital Reserve Fund	Tom King
18	Recreation Building and Property Maintenance Capital Fund	Bill Epperson
19	Grove Road Landfill Capital Reserve Fund	Bill Epperson
20	Records Restoration Capital Reserve Fund	Tom King
21	Elder Exemption	Bill Epperson
22	Rye Community Power Electric	Tom King
26	Surplus Town Equipment	Bill Epperson
27	Other Business	Bill Epperson

V. CORRESPONDENCE

A. Letter rec'd from Steve Borne re: Multiple Topics

Chair Epperson explained to Mr. Borne that there has been a lot of dialogue on these matters from the Planning Board. Pat Losik has given a detailed explanation. Kim Reed has produced a document that shows the progress, which the Select Board would like to submit to Mr. Borne for his review. Chair Epperson asserted that the issues that Mr. Borne has brought up are important, but the Select Board does not have the bandwidth to address everything at this time. If they can start on the Master Plan, that may be sufficient.

Mr. Borne replied that they will not be looking at the Master Plan until 2024.

Chair Epperson pointed out that the work that is being done now is to get to the Master Plan.

Mr. Borne suggest that there is a need for more money, more professional help and a way of getting this done.

VI. NEW BUSINESS

Selectman Winslow reported that the Board has been approached by a resident on F Street, who's stairs were destroyed by the storm. She is requesting that Gregg Bauer be able to use his equipment to repair it.

Selectman Winslow recommended that the Board turn this over to the Building Inspector and to allow him to have Gregg Bauer do the work. The work will have to be done Monday through Friday, no weekends and between 7 a.m. and 5 p.m. The work has to be done by April 1st.

Motion by Bill Epperson to approve the work as outlined by Selectman Winslow. Seconded by Phil Winslow. All in Favor.

Selectman Winslow referred to the proposal to build a cargo facility at Pease Airforce Base. He expressed concern that this proposal has the potential to increase air crafts that enter Pease. He stated that it would be nice if that does not occur during the night. He contacted the Pease Executive Counselor and asked that the Select Board be kept abreast of any meetings that may occur, so they can have someone from Rye attend the meetings in order to understand what is going on. The Executive Counselor reported that it is not going to be FedEx or UPS.

Selectman King recommended that the Select Board set up a couple of work sessions. He pointed out that the ones that they had last year were quite productive.

Chair Epperson recommended focusing on three or four items that the Board could impact. He asked that Selectman King and Selectman Winslow make a list of items for the next meeting, at which time they could select three or four to discuss at a work session.

Selectman Winslow recommended that the work sessions should be scheduled during the day from 9:30 to 11:30.

The Board agreed they would like to do the work sessions. Selectman King and Town Administrator Bergeron will work on establishing the time.

VII. OLD BUSINESS

A. Mask mandate in town owned buildings

Chair Epperson stated that he has consulted with Chief Cotreau, Dr. Snow and Jake MacGlashing and asked that they talk about their recommendations.

Dr. Snow recommended that the mask mandate remain in effect over the next thirty days. The latest variant is now at a plateau and they will not be seeing any decrease until the end of February. The masks don't totally prevent the Omicron variant but they do help.

Chief Cotreau and Lt. MacGlashing both agreed with Dr. Snow's assessment of the situation.

Statistics show:

- 14 new cases in Rye
- 33 actives in Rye
- a total of 755 cases in Rye
- In the Town of Rye, 80.1 % of the people have at least one dose of the vaccine
- 70% are fully vaccinated
- The State is 63% with one dose and 56% fully vaccinated

Portsmouth Hospital statistics:

- 189 beds 93% of the beds are occupied
- 26.4% or 19 patients are positive

It was suggested that the Board address this issue every two weeks, but to enact the mandate for an additional 30 days. If a person has a legitimate health reason that they can not wear a mask, it will be taken into consideration.

Motion by Bill Epperson to keep the mask mandate for 30 days and review at the end of 14 days, but they adhere to the policy that is already established which gives people the opportunity to exempt out based on medical conditions, etc. Seconded by Phil Winslow. All in Favor.

VIII. SELECTMEN'S 2022 BUDGET WORK SESSION

A. Warrant Articles

- a. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling eleven million one hundred fifty-one thousand five hundred thirty-four dollars (\$11,151,534)? Should this article be defeated, the default budget shall be ten million six hundred eighty-five thousand eight hundred fifty-one dollars (\$10,685,851) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.)**

Motion by Phil Winslow to accept and move to the warrant. Seconded by Bill Epperson. All in Favor.

B. Petition Warrant Articles

- b. (By Petition) To see if the Town will vote to ban the use of voting machines in all local, state and federal elections.**

Motion by Phil Winslow to not recommend this article. Seconded by Bill Epperson. All in Favor. (3-0)

- c. (By Petition) To see if the town will go on record opposing the retail sale of dogs and cats in pet stores in the town. This resolution is necessary because the majority of dogs and cats sold in pet stores are sourced from large-scale, inhumane commercial breeding facilities commonly called “Puppy mills”. The record of this vote shall be transmitted by written notice from the selectmen to the town’s state legislators and to the Governor of New Hampshire.**

Motion by Phil Winslow to recommend this article and to move it to the warrant. Seconded by Bill Epperson. All in Favor. (3-0)

- d. (By Petition) Shall the town cease from referring to the holiday on the second Monday of each October as Columbus Day and instead refer to it as Indigenous Peoples’ Day?**

Motion by Phil Winslow to move the article to the warrant as written. Seconded by Tom King. The Select Board abstain from recommending/not recommending this article. (0-0-3)

IX. OTHER BUSINESS

Chair Epperson addressed the issue of selecting a pro-temp for the Deliberative Session, in the case that one of the Select Board members is not able to attend due to illness.

Moderator Eaton was not convinced that a pro-temp would be effective, due to communication restraints.

After further discussion, the Board agreed that it would not be necessary.

The Select Board talked to Fire Chief Cotreau about conducting one more small vaccine clinic for the residents of Rye. Chief Cotreau agreed and will have Lt. MacGlashing set it up.

ADJOURNMENT

Motion By Bill Epperson to adjourn the meeting at 9:23 PM. Seconded by Phil Winslow. All in Favor.

Respectfully Submitted, Dyana F. Ledger

12-27-21 Consent Item A
1-24-22 Correc. A

Steven Borne
431 Wallis Rd

Town of Rye
10 Central Rd.
Rye, NH 03870

December 20, 2021

Hello Select Board,

Topic 1: Master Plan

At the December 16th Budget Committee Meeting, during the discussion of an additional \$20K to support the ongoing Visioning Chapter update, Select Board representative King indicated that the Select Board would be driving an update to the whole Master Plan on the heels of the Visioning Chapter update.

If that is the plan, where is the money in the 2022 budget or Capital Improvement Plan? It certainly should have been in the CIP before this year and it is not in the CIP you just accepted.

What are the chances of the Visioning Chapter getting drafted, reviewed and two public hearings completed before the March Election? This is not to say people have not been working very hard, they are doing the best they can.

My suggestion is that you put \$200K in the 2022 budget to develop a Best-in-Class Master Plan. Rye has been guilty of under investing in strategic planning. Make it a warrant article if you will not put it directly in the budget. Don't argue about what the exact amount should be, we have been penny wise and pound foolish for too many years on this topic. If Bedford spent \$163K, something north of that should be sufficient for a town with all of Rye's challenges. Only what is needed would be spent.

Topic 2: Work Force Housing

Rye residents are giving something up when higher density developments are allowed because they contain units priced to enable work force housing.

While the "Management" or monitoring that the units will continue to be work force housing units is being outsourced to the Housing Partnership, units can return to market pricing and there could be disbursements of funds back to the Town. Note, I can't find this approved document posted or attached to any older meeting minutes.

I would suggest that before any more developments are approved, Rye institutes a system for tracking, monitoring and reporting the work force housing granted in Rye. This information should be included in the annual town report.

Topic 3: Parson's Creek Fecal Contamination

From the 2016 Parson's Creek Select Board committee report how many of the actions have been completed over the last five years? Besides the Septic Pump Out ordinances, what else has been done?

What actions (zoning) have been taken to not exacerbate the problem, protect the buffer better and manage storm water in the area over the last five years?

Waiting to learn if there is a non-human contribution to the problem is a delaying tactic. I will tell you now that there will be contributions from non-humans, but we know that a large factor is the oversaturation of leach fields and not enough land to filter all of that effluent. Add in a rising water table from storms and run off and the problem is escalated. You can also factor in the failure rate and higher costs of maintaining the new septic systems approved for this area.

There are no funds in the current budget, nor the CIP to address this health and safety issue.

Who is responsible for addressing the contamination from the Parson' Creek Watershed? What are the plans and when can results be expected?

Topic 4: Land Use Board Assistant

I concede the point that boards and the Building Inspector's office need help, there is no argument there.

My concern is that we are using a permanent position as a band-aide. I am fine with this being an annual or temporary position, so we are not locked into a permanent position when a major re-engineering is required.

The dynamics of the best development lots long gone and migration of deep pocketed people to communities such as Rye has been with us for many years.

The question is, what should have been done to get in front of this curve? Given where we are today, what must happen to make up for lost time and not kick the can down the road any further?

For example, what must happen to figure out how to handle all of what is happening on Route 1 for the development we know about now, and for every acre of non-developed land in that watershed?

- Where is the breaking point for leach fields? While it is a function of soil type, we know from the State in 2017 that more than 0.26 Septic Systems per acre can be a problem.
- Until there is a Sewer system – that number needs to be known, communicated and managed to (i.e. not approving additional development).
- If there are no droughts, fires and people don't irrigate too much in Rye, Rye Water District says there should be enough water. However, do we have a sensitivity analysis to fully understand how far the town is from different levels of water restrictions and what residents would consider hardships for the rest of us.
- Additional water moving to and from new homes requires infrastructure that must be paid for and maintained. This should also be well known and communicated to RWD residents.

- Also, the aquifer does not restrict itself to the manmade boundaries of RWD and Aquarion, so this must be coordinated at the aquifer level

Next, look at the 420 South Rd. development. At most Planning Board meetings for the past few years, there is a comment or discussion about what has been going on there. Do we have any idea of what the total cost (include efforts of employees and board members) has been to the town from this development? Don't forget the \$400K settlement, legal fees, the properties that were taxed for years as non-buildable and the many other cost components.

How did this happen? Do we fully understand what enabled this? Has there been a lesson learned analysis and what are the actions to address the enabling causes?

What is happening on Rt 1, Parsons Creek pollution, and the million plus dollars spent since what to do with Town Hall hit the Select Board meetings all ties back to a lack of strategic planning leadership.

What will this Select Board do, so Rye finally has strategic planning leadership?

Sincerely,

Steven Borne