

**TOWN OF RYE – SELECT BOARD  
MEETING**

**Monday, February 28, 2022**

**3:30 PM**

**Rye Town Hall & Zoom**

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

**Others Present:** *Town Administrator Rebecca Bergeron*

**3:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Epperson called the meeting to order at 3:30 p.m. and led the pledge of allegiance.

**II. TOWN HALL ANNEX RENOVATION BID OPENING**

Chair Epperson reported that the Town received one bid from Triple Construction, LLC of 5 Executive Drive, Hudson, NH. The bid was in the amount of \$635,083 with a 10% override of \$63,508, totaling \$698,592. There were no other bids.

Administrator Bergeron recommended that the Board schedule a non-public session to discuss this further. The non-public session must be posted 24 hours in advance of the meeting.

Selectman King reported that the Conservation Commission needs about five minutes of the Select Board's time in a non-public session to discuss a parcel of land that they are looking to purchase. They must have an okay to proceed by Wednesday afternoon.

The non-public will be held Tuesday, March 1<sup>st</sup>, at 4:00 p.m.

This session was closed at 3:51 P.M.

**4:00 P.M.**

**III. NON-PUBLIC SESSION** (1) per RSA 91-A:3,II (d) Acquisition  
(2) per RSA 91-A:3, II (l) Legal Advice

**At 4:00 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (l) Legal Advice. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.**

**At 4:45 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.**

**At 4:45 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (d) Acquisition. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.**

**At 5:32 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.**

**4:30 P.M.**

**IV. WORK SESSION**

- A.** Pease Development Authority Proposes Cargo Facility  
*Moved to end of meeting.*

**5:30 P.M.**

Chair Epperson reconvened the meeting at 5:35 p.m.

**V. ANNOUNCEMENTS**

- A.** The Town Municipal Election will be held Tuesday, March 8, 2022, 8:00 am - 7:00 pm at the Rye Elementary School
- B.** Covid update:
- Seven active cases in Rye
  - Three new cases
  - Vaccinated one dose is at 80.9%
  - Fully vaccinated 70.85

**VI. 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.)

- Police Chief Walsh spoke to the Board regarding HB1000. This Bill; *prohibits Law enforcement agencies from engaging in motorcycle profiling, defined as “use of the fact that a person rides a motorcycle or wears motorcycle-related paraphernalia as a basis for deciding to stop and question, take enforcement action, arrest, or search a person or vehicle.”* Chief Walsh is opposed to the Bill. He explained that one of the co-sponsors of the Bill, Representative Packard, said that a Rye police officer profiled him nine or ten years back. Chief Walsh has called him in order to meet with him. Representative Packard has returned Chief Walsh’s call, but has not met with him. Chief Walsh stated that Packard said he may have gone over the yellow line. Chief Walsh pointed out that this is a case of a yellow-line violation, not profiling. He pointed out that if this Bill passes, it will be extremely hard to enforce loud pipes, speeding, passing, or non-registration. The automatic defense will be that the police are profiling. Part of the fallout is that the Union Leader had an editorial talking about this Bill and how it needs to pass because police offices shouldn’t profile. Chief Walsh stressed that Rye’s police officers do not profile. Chief Walsh stated that he has talked the Representative

Grote about this issue. He also sent a letter to the Transportation Committee to make sure it is on record that Rye's Police Chief says that Representative Packard was not profiled in Rye.

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

- A. Email rec'd from Shawn Joyce & David Tilton re: dog leash zones and protecting wildlife and habitat (*to be include in the minutes*)

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

➤ **OLD BUSINESS** - *moved from item 11*

- **Mask Mandate**

Chief Cotreau spoke on behalf of the Emergency Management Team. He explained that within the last week several of the surrounding communities and the CDC have relaxed the mandate. He added that there are 92 hospitalizations. The Emergency Management Team is all in agreement that it is time to drop the Town Hall mandate. He suggested making it optional and continue to encourage social distancing.

Selectman King reminded the Board that at the last meeting he had suggested having a matrix to use for making this decision going forward. He has since spoken to Dr. Snow and she explained some of the factors used in making the decision. With the Town Hall, it was the age of the building, the poor ventilation system and the crowding. The hospitalization rate also has to be considered. Selectman King felt that Dr. Snow has made her case that they take all these factors into consideration. He is willing to go along with the recommendation.

**Motion by Phil Winslow to change the mask mandate policy from masks are required to masks are encouraged in all municipal buildings. Seconded by Bill Epperson. All in favor.**

**VIII. DISCUSSION ITEMS**

A. Brian Schutt – DOT – Old Ocean Blvd

Mr. Schutt explained that in working with Retired PWD McCarthy, they had talked about the idea of the State doing a major renovation on Old Ocean Blvd and then turning the road over to the Town. Mr. McCarthy had been interested in that idea. He commented that it is a simple process. There is an RSA that outlines this, which includes a letter of agreement from the Town accepting the road. Mr. Schutt offered to draft the letter for the Town to put on its letterhead. Mr. Schutt explained the work that will be done to the road. The State has already drilled some test borings. The material under the road is good material. The plan is to remove the existing pavement, reshape the gravel, add gravel for leveling as needed, and repave with 4 inches of hot top.

PWD Rucker stated that it was his understanding that the State is not going to upgrade any of the drainage. There are two cross culverts and a catch basin on the east side.

Mr. Schutt responded that they could take a look at the condition of the culverts. The problem with that is that if the culverts were to be replaced it would require a wetland permit because the area is under Shoreland Protection and that could take a year or more.

PWD Rucker stated that he would recommend that the culverts be inspected. PWD Rucker also spoke about the drainage issues near Jenness Ave. He stated that he understands that the State is planning to do a large rehab job in that area. He pointed out that the Town is looking at the drainage issue to be resolved with a series of pipes along a very long stretch of Route 1A. There are also two driveway culverts where the elevation is too high, which needs to be removed. He felt that when the inspection is completed and the drainage issues at Jenness are addressed, he could support the idea of the Town taking ownership of Old Ocean Blvd and he would present it to the Select Board for their approval.

Mr. Schutt announced that the contract has already gone out to bid and Continental has the contract. The work is scheduled for this summer. So, the work will be done regardless if the Town takes ownership or not.

#### **B. Perkins Road Intersection**

PWD Rucker reminded the Board that Hoyle Tanner had initially presented the Board with a couple of solutions for the Perkins Road Intersection. He presented the Board with a plan that combines the two previous plans. He explained that all the concepts start with a new crosswalk at the Perkins Road intersection and a sidewalk parallel to Ocean Blvd. All the concepts reconfigure the turning ratios on the northeast side. This concept includes a raised sidewalk and access to the parking lot in three locations; one on Ocean Blvd and two on Perkins.

There was concern that the new concept would result in the loss of parking spaces in the lot. PWD Rucker assured the Board that the new concept should have no affect at all. He pointed out that there will be no line striping and no resurfacing. It is just defining the access points. After a lengthy discussion, it was agreed that Mrs. Leary should have an opportunity to look at the plan.

There was discussion regarding placing bollards between the sidewalk and the parking lot so that the sidewalk is not overridden with car bumpers. PWD Rucker suggested curb stops.

Fire Chief Cotreau recommended using something that isn't permanent. He pointed out that the bollards are a problem. The lower curb stops are better, in the case of getting a truck up over them.

This concept will cost approximately \$90,000. It is not funded in the 2022 budget and will have to be scheduled in the 2023 budget year.

The Select Board and PWD Rucker will schedule a site walk as soon as the weather is better. PWD Rucker will use ground paint and chalk, and have cones placed in the appropriate places in order to provide a visual of the concept.

**C. NH Seacoast Greenway – Next Steps**  
***Tabled until next meeting***

**D. Public Works Director – Bid Results**

**1. Road Pavement Markings**

PWD Rucker presented the results of the bids for the road pavement markings to the Board. He reported that Industrial Traffic Lines has worked for the Town for a number of years. The Town has been satisfied with their work. Industrial Traffic Lines is the low bid and he recommends that they are awarded the project.

**E. Rye Vaccination Clinics – Next Steps**

Chief Cotreau reported that the department has been conducting vaccination clinics since last September. The attendance is as follows:

- 34
- 530
- 470
- 90
- 5

He added that the State has a walk-in clinic set up in Stratham that is open every day from 12:00 to 7:00 pm. He felt that since the State has the facility set-up and running so close to Rye that the Town should defer to the State. He recommended that the Town get the word out about the Stratham facility. However, if the Board wants the department to keep providing the service, they certainly can do that.

All agreed that they should get the information on the town's website and Facebook page. If someone needs a ride to the clinic, it can be arranged with Senior Serve.

**IX. CORRESPONDENCE – None**

**X. NEW BUSINESS – None**

**XI. OLD BUSINESS**

PWD Rucker provided the Board with information and cost for dog waste receptacles for the access points to the beaches and the walking trails. He pointed out that these are not funded in the 2022 operating budget. He explained that presently they have three 55-gallon receptacles with lids. These are located at three locations; Parsons Field, Cable Road Ext., and Wallis Road Ext. They currently pick these up twice a week. He talked about the negative issues related to this process, which includes the amount of time spent and the weight of the receptacles when full. He recommended providing specific containers for specific waste. He provided the Board with information on the dog waste system that is used in Exeter. Exeter has 20 pet waste stations. There is one employee in Exeter that spent three days maintaining the pet waste stations, litter and recycling containers. One of the up sides

of the system is it eliminates the weight. He explained that there is signage included in the cost of the system. He believes that this system would solve the problem of household trash.

## **XII. OTHER BUSINESS**

### **A. Meeting Minutes**

#### **1. Meeting, Tuesday, February 15, 2022, 5:30 p.m., Rye Town**

The following corrections were noted:

- Page 3, 4<sup>th</sup> paragraph from the bottom should read: **This is a part of a multifaceted strategy.**
- Page 4 should read: **Now with the federal infrastructure bill of \$1.5 billion, the Board has reached out to the town's representatives to see what has to be done to apply for some of that funding.**
- Page 7 should read: **The variants seem to be not as lethal as the Delta Variant.**
- Motion on page 6 should read: **Motion by Bill Epperson to approve the event with the time change to end at 9:00 pm and cleanup and everyone off the field by 9:30 and to maximize lighting for safe exiting.**
- Page 6, last paragraph should read: **Administrator Bergeron reminded the Board that last year the Board voted to allow any resident that was running for a contested town office to participate with polling time at the Transfer Station.**
- Page 9, 1<sup>st</sup> paragraph should read: **Selectman Epperson stated that the Select Board is not in favor of this project.**
- Page 9, 2<sup>nd</sup> paragraph should read: **The way it is lit up at night, it would be seen from overhead Manchester.**
- Page 9, 2<sup>nd</sup> paragraph should read: **There are cargo flights already coming into Pease, even though there is no dedicated facility.**
- Page 13, 1<sup>st</sup> paragraph should read: **The Select Board asked Administrator Bergeron to contact Tom Jameson to find out what would be the next steps to take.**

**Motion by Phil Winslow to approve the meeting minutes of Tuesday, February 15, 2022 as amended. Seconded by Bill Epperson. All in Favor.**

- Pease Development Authority Proposes Cargo Facility

Administrator Bergeron reported that since the last meeting she spoke to North Hampton's Town Administrator and he has requested that the Board of Selectmen discuss this issue. She also has a meeting with Portsmouth's City Manager on March 10<sup>th</sup> to discuss the issue. Newington's Select Board will be taking it under advisement. Administrator Bergeron has asked to be kept informed as to when they will be doing that. She has not gotten in touch with Greenland or Stratham yet.

Selectman Winslow recommended getting out a petition and signs in opposition to the proposal. It is important to get the exposure. He presented a proposal of a draft petition to the Board. He explained that there has been an ad hoc committee working on this for a while. He pointed out that it is recommended to have two things; one is the petition and the second is a handout that explains what is

going on. A lot of people are in the dark as to what is happening. It is important to get the word out to the voters.

The Board worked on word-shopping the draft petition.

Administrator Bergeron expressed concerns regarding the involvement of the Select Board with this campaign. It is not legal for the Board; as a Board, to advocate for, or against an issue. She will have to get legal counsel's opinion on this matter.

Selectman King talked about the approach and departure of the planes. He explained that unless the wind precludes it, they will typically land across Rye to the north and then will take off to the south, in order to get out over the ocean. So, Rye will get all of the effect. However, there are some things that can be done to mitigate this. He is putting together a group of pilots and they are going to work on some ideas. He acknowledged the idea of curfews. However, he stated that you can't curfew Cargo. It comes in at night. The planes reload and leave at night.

Selectman King explained the de-icing process. Because of the cost and pollution, the de-icing fluid is recycled. He pointed out that it would be important to make sure that is what is going to happen at Pease. He explained that there will be all new ramps for fueling, so they should have underground pipes. There would be no fuel trucks, just a pump truck that hooks onto the fuel nozzle on the ground and up to the plane.

Selectman Winslow reported that the PDA has two meetings coming up; Wednesday night at 6:30 with the Noise Compatibility Committee and March 17<sup>th</sup> at 8:30 a.m. with the Board of Directors.

Selectmen King responded that the Noise Compatibility meeting is important because it can force noise and environmental studies and is where the process could be slowed down. Selectman King will attend the Wednesday night meeting.

Chair Epperson will attend the meeting on March 17<sup>th</sup>.

## **ADJOURNMENT**

**Motion by Phil Winslow to adjourn at 7:20 p.m. Seconded by Tom King. All in favor.**

Respectfully Submitted  
Dyana F. Ledger

Dear RCC and BOS Members:

We read the minutes from the 2/10/22 RCC meeting regarding continuation of the dog leash requirement in the wildlife reserve area of the Town Forest. There was discussion among long term RCC members who believe there is a lack of data regarding the effectiveness of the dog leash zones with protecting wildlife and habitat. We would like to offer the following:

On 9/28/21, there was an excellent presentation at the Rye Library called "Rye's Wild Neighbors," which focused on living with wildlife and preventing conflicts. Bob McGrath, Rye's former Animal Control Officer, and Sgt Jeremy Hawkes of New Hampshire Fish & Game did a nice job educating residents. It was an excellent opportunity for RCC members to have participated, supported, and attended yet they can still watch the livestream. [https://townhallstreams.com/stream.php?location\\_id=66&id=40145](https://townhallstreams.com/stream.php?location_id=66&id=40145).

At 1:14:41 into the presentation, Mr. McGrath recounted the saddest moment of his tenure when last spring he had to pick up a freshly killed fawn by an off-leash dog on Rye conservation land. The majority of these kind of incidents are not reported. Mr. McGrath went on to say that dogs should be leashed on town land during breeding season. Sgt Hawkes, who has made many visits to the Town Forest and bordering private land, recommends that dogs always be leashed to protect wildlife and habitat.

On 3/11/21 the RCC received a letter from NH Fish & Game regarding resources for protecting wildlife and habitat. The RCC has never had a public discussion about the letter, its resources and the importance of wildlife and habitat conservation. Last year we respectfully asked that all RCC and BOS members watch the Trails for People and Wildlife Webinar at <https://wildlife.state.nh.us/trails/>. It is an excellent overview of best practices included in the Trails for People and Wildlife Guidebook, authored by well-respected wildlife biologists. It can also be downloaded at the webinar link. We again ask that RCC members utilize this valuable, credible resource.

It was obvious from last year's public Town Forest discussions that a few long term RCC members had not read the guidebook and/or sought input from competent wildlife biologists. They lobbied against protecting wildlife and sensitive habitat from unleashed dogs. It was great that selectperson Roman was involved at that time. She had done her homework, reviewed the forest easements that protect wildlife and habitat. She brought a level of transparency and fairness to the discussions resulting in the RCC majority voting to do the right thing, requiring that dogs be leashed on the green trail at least during breeding season.

Moving forward, it would be great if the RCC conducted a public discussion as to how it intends to educate its members, follow best practices as outlined in the guidebook for all Rye's conservation land and seek residents' comments, feedback and assistance. That would preclude future needs by citizens to continue to engage selectmen, easement holders, wildlife biologists and advocates for their support with the protection of wildlife and habitat in Rye. We love dogs. However, with all the communities with leash laws, Rye has become the seacoast's dog park for personal and commercial off-leash use at the expense of wildlife, habitat and other users of the land. Sensitive, wildlife and habitat reserve parcels deserves protection.

In closing, we respectfully request that this email be noted as received on the 2/28/22 BOS and 3/10/22 RCC meeting agendas and it be included with their public minutes that are circulated by email and posted on the town's website. This allows residents to also be aware of this great resource and the RCC being asked to have a public discussion about it. If discussions are open, honest, transparent, based on facts and best practices, more people will want to get involved, help the RCC and the town. If you would like any help from us with conservation efforts, please let us know. We are very willing to do the work and glad to help. Above all, we sincerely appreciate folks doing the right thing for conservation, protecting wildlife and habitat, and ensuring that all uses are compatible. Sincerely – Shawn & Dave

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