

**TOWN OF RYE – SELECT BOARD  
MEETING**

**Monday, March 28, 2022**

**5:45 PM**

**Rye Town Hall & Zoom**

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

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

**5:45 P.M.**

**I. CALL TO ORDER**

Chair Epperson called the Meeting to order at 5:45 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (b) Hiring  
(2) per RSA 91-A:3,II (a) Reputation**

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

**At 6:04 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**At 6:04 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (c) Reputation. Seconded by Bill Epperson. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**At 6:24 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.**

**6:30 P.M.**

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

Chair Epperson called the Meeting to order at 6:40 p.m. and led the pledge of allegiance.

#### IV. ANNOUNCEMENTS

Vice-Chair Winslow congratulated Scott Marion on his new position as a Rye Water District Commissioner. He thanked Tom Clifford for his many years of service as a Rye Water District Commissioner.

Chair Epperson announced that beach clean-up will be April 1<sup>st</sup> from 4:30 – 6:00 at Sawyers Beach with Rye's Beach Committee and Blue Ocean Society. Hopefully, this will be a regular event. They are looking for volunteers for the project.

#### V. PUBLIC COMMENT – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to five minutes each person.)

**Mark Epply, 267 Brackett Road**, expressed concerns regarding the climbing costs of the purchase and renovations at the Town Hall Annex. He presented a time line and had several questions.

- **March 2021 - Rye Town Newsletter Selectman's Message:** In January the Town purchased the TD Bank building from Dan Philbrick for \$700,000., with the Rye Library paying \$400,000 and the Rye Conservation Commission paying \$300,000. The Rye Library would gain control of the Parsonage property and the Conservation Commission would obtain 2.3 acres behind the TD Bank building. The Town will sell the Trolley Barn and use the proceeds to renovate the bank building to be used for town offices. This is a big step forward and costs effectively solving the space needs of the town hall employees.
- **June 2021- Rye Town Newsletter Selectman's Message:** The Town has entered into an agreement to sell the Trolley Barn for \$411,000. The Town has authorized the Select Board to set up a Municipal Buildings and Construction and Renovation Capital Reserve Fund and to place \$280,000 from the sale of the Trolley Barn into this fund for use for the renovations of the TD Bank building.

##### **Questions:**

- What happen to the remaining \$131,000 from the sale of the Trolley Barn?
- Was the \$280,000 considered the amount necessary to complete the renovations of the TD Bank building? How was the \$280,000 determined to be the correct amount?

- **September 2021-Rye Town Newsletter Selectman's Message:** Conversion of the former TD Bank building into annex town offices has begun. We envision the renovation to be in three phases. The first consists of configuring the interior into offices for a number of town employees. Preliminary preparations such as removing the carpet and ceiling tiles are being done by DPW personnel. The Town has applied for a permit to remove the interior walls.

##### **Comment:**

- Previously it had been stated that the TD Bank building was “move-in ready”.

##### **Questions:**

- What transpired from the move-in ready condition to requiring a building permit for removing the interior walls?
- Who authorized the demolition?
- **December 2021-Rye Town Newsletter Selectman's Message:** The demo of the interior of the building has been completed. The exterior renovations were approved by the Historic District Commission.

**Questions:**

- What are the planned exterior renovations?
- Is this part of phase two or phase three?
- Is there a planned addition to the building?
- The Select Board has approved the final version of the design and the RFP/RFQ will be sent out the week of November 29<sup>th</sup>.
- **Select Board Meeting- Monday, March 14, 2022:** The Town has \$250,000 from the original \$280,000 to fund the TD building renovation. That with the additional \$100,000 that passed in article 9 at the March 2022 election makes \$350,000 available for the renovation. The only bid received by the Select Board was \$698,591.

**Questions:**

- Is this only for phase one or does it include phase two and three?
- Is there a document that details the TD Bank building project completion?

**Statements:**

- The Town of Rye has spent \$700,000 to acquire the TD Bank building, \$30,000 on an interior design plan, and has a bid of almost \$700,000 more to renovate the building interior. In addition, the DPW has worked on the interior of the building with a cost to the department, as well as overtime costs to its employees.
- There is also a question regarding the septic system. Is there a cost estimate as to what that might be?

Mr. Epply suggested that it is time for the Select Board to assign a committee to thoroughly study this project to develop an action plan for completion, instead of the step-by-step method that has gotten the Town where it is today.

Chair Epperson acknowledge that there are a lot of questions. He asked Town Administrator Bergeron to put together a document that spells out the project for everyone, so that everyone is well informed.

**Jane Holway, 627 Washington Road,** expressed her concerns regarding the project at the TD Bank building. She read a written statement to the Board:

I am writing because I don't think the townspeople of Rye know what is going on with the old TD Bank building. At first we were told that the bank would solve the problem of crowding at the Town Hall. This was urgent because of COVID. So what did the Select Board do? Instead of moving some town employees into the building they demolished the interior. Now the building cannot be used and we have no idea how much it will cost to make it useable. The

money from the sale of the trolley barn was supposed to be used to fix up the bank. What happened to that \$280,000? What was the plan when that amount was approved by the voters? This is not transparency. The selectmen need to let the voters know what happened to make this so complicated.

**Shawn Joyce, 271 Washington Road,** addressed the process of the reappointment of the four Conservation Commission Members that are on the agenda. He pointed out that there has been no public notice that the seats were up for consideration. He suggested that it doesn't seem legal, ethical, fair or transparent. No other Rye resident (including protected classes) has been afforded an opportunity to apply or be considered by the Select Board to serve regardless of their experience, expertise, adversities or insight that they may bring to the Commission. That is a missed opportunity for the Town and it also allows for discrimination. The committee policy for the Town of Rye clearly states; It is the intent of the Selectmen to ensure that the widest variety of citizens participate in the government by appointing members as representatives of the diversity of the community. How can the Selectmen do this without allowing all residents the opportunity to be considered?

Mr. Joyce stressed the need for transparency. He pointed out that the Conservation Commission is entrusted with millions of dollars of taxpayers' money. As such, the Select Board has a fiduciary responsibility to ensure that there is a fair and transparent process for appointment, as well as choosing of diverse members that are not a tight group of homogeneous close friends that keep reappointing themselves. The committee policy also clearly states that all openings and vacancies will be posted 30 days in advance of the Board of Selectmen's meeting where the appointments will be made. The current members are seeking reappointment to seats that are open in April. Nowhere in the Town's policy or on the website does it state that members are reappointed to as many terms as they like without other residents having an opportunity to be considered. Mr. Joyce recommended that the Select Board should put a stay on these reappointments, put out adequate public notice, allow residents to apply and be interviewed and considered for appointment by the Select Board, so that all residents are treated fairly in the opportunity to serve. The process should be void of any opportunity for discrimination. Protected classes of people must have the opportunity to be considered by the Selectmen in an open, transparent process, for any position, every three years or it should be an elected position. Mr. Joyce presented the Select Board with a petition signed by sixty-four Rye residents asking the Select Board to ensure that there is a fair process in place with regards to the appointment to the Rye Conservation Commission. He asked that the six-page document be attached to the minutes of tonight's meeting along with his summary.

Chair Epperson stated that there are no opening or vacancies. He has consulted with the Town's Attorney. If there were openings or vacancies, they would be advertised for 30 days.

**Steven Borne, representing Rye Civic League,** noted that Rye Civic League will be meeting on Thursday at the Atlantic Grill at 7:00 p.m. After the official business meeting, the things that have been brought up will be discussed with the general public.

**Steven Borne, as a resident, 31 Wallis Road,**

- **Article 25:** The Select Board put HB1173 in their amendment. HB 1173 failed on the floor. Mr. Borne asked that the name change be communicated to the Town.
- **Portsmouth Recreation is doing a needs assessment.** Portsmouth is asking for comments from everyone who uses their facilities. He will be putting this in the Civic League News and asked the Select Board to help get the word out.
- **Rye Water District:** Lack of planning. He was disappointed by the response of the Commissioner at their annual meeting last Saturday with regards to Wallis Road and Ocean Blvd. They will coordinate the pavement, but who in town will take the leadership to work with DOT to work with the property owners? He was hoping to hear that the long-term vision was going to get done all at once, but they are not “picking up the ball”. It should be the DPW, but if not, then who?
- **The Town Hall Annex Issue:** He disagreed with the idea of the Select Board becoming the General Manager of the project. He pointed to the Public Safety Building and the poor quality and the costs. There was a settlement of \$190,000 because the project was a year late coming to completion. The Town had to pay \$190,000 to stay out of court.
- He expressed his concerns about the cost of legal fees that was in the last town report.
- **The Planning Board** talked about the Natural Resource Inventory Plan at their March 15<sup>th</sup> meeting. The Conservation Commission is a commission of the Select Board. There is a lot that needs to be done to take leadership with that. It is a living document. There needs to be an action plan.
  - The Town’s GIS Mapping is outdated.
  - There is never any money in the budget
  - Money in the budget gets moved around.
  - There was \$4 million dollars in surplus and \$2 million went to pay down taxes.
  - Who is going to project manage the complete rewrite of the Master Plan?

**VI. 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 Ned Paul** re: His resignation as Finance Administrator

**B. Email from Daryl Kent** re: His resignation from the Historic District Commission

**C. Email from Todd Cronin** re: His resignation from the Recreation Commission

**D. Event Application:** Gail Huff Brown requests permission to hold a sign for her candidacy at the Transfer Station, Saturday, 4/2/22, 7:30-9:00 a.m.

**E. Sign Request:** Rye Driftwood Garden Club requests permission to put a sign at Parsons Field announcing their plant sale on 5/13/22 & 5/14/22. The sign is requested from 5/7/22 to 5/14/22.

**F. Sign Request:** Rye Recreation requests permission to put a sign at Parsons Field announcing the Memorial Day Ceremony on May 30, 2022. The sign is requested from 5/23/22 to 5/30/22.

**G. Public Works Director Jason Rucker – Front End Loader Purchase**

**H. Recycling Education Committee – Renewal of 1 year charge.**

Chair Epperson asked to pull Consent Agenda Items A, B, C, E, F, G for discussion.

Chair Epperson acknowledge the letter from Ned Paul, Todd Cronin and Daryl Kent for their work.

Vice-Chair Winslow stated that E & F meet requirements as to time and size, so he didn't feel that they need to pull them for discussion.

Chair Epperson noted the efforts that Ned Paul has put in over the last few months. It has been appreciated.

Vice-Chair Winslow noted that Daryl Kent has been on the Historic District Commission for over twenty years.

The Board asked that a letter of thanks be sent to Mr. Kent.

Chair Epperson noted that there are over 130 volunteers on the Boards.

Chair Epperson stated that the Board also appreciates the work of Todd Cronin on the Recreation Commission. He asked for a letter of thanks to be sent.

Public Works Director Jason Rucker spoke about the front-end loader purchase. The low bidder for the purchase was Chadwick-BaRoss, Inc. The unit meets all the specifications. Director Rucker asked the Board for permission to move forward with the purchase. The trade-in is the 1996 IT Cat. The other loader currently owned by the Town will be used at the Transfer Station and the new loader will be used for snow removal and highway operations.

**Motion by Bill Epperson to approve Consent Agenda Item G for the front-end loader.  
Seconded by Phil Winslow. All in Favor.**

**Motion by Phil Winslow to renew the Rye Recycling Education Committee charge.  
Seconded by Bill Epperson. All in Favor.**

**Motion by Phil Winslow to accept Consent Agenda Items A, B, C, D and F as presented.  
Seconded by Bill Epperson. All in Favor.**

## VII. DISCUSSION ITEMS

### A. Public Hearing: Draft Hazard Mitigation Plan Update 2022

The purpose of the hearing is to review and receive public comment on the Draft Hazard Mitigation Plan 2022 Update.

Police Chief Kevin Walsh addressed the Board about the Hazard Mitigation Plan update. He reported that the Fire Chief, Teresa Walker and himself spearheaded the project to review the plan for the Town to have an outline about reducing mitigation of future losses from actual events that happen.

**Teresa Walker from Rockingham Planning Commission** spoke about the plan. She explained that FEMA requires that all municipalities in the Country have a Hazard Mitigation Plan on file and they have to update that plan every five years. The incentive for doing this is the disaster relief funds that are awarded to communities when there is a declaration.

- This is the third update for the Town of Rye.
- All the department heads participated in several meetings.
- The funding for this came through a grant from NH Homeland Security and Emergency Management.
- There were no costs to the Town of Rye, except the employees' time.

The process consisted of:

- Identifying Natural Hazards;
- Discussion about the tools and policies that Rye has in place to be more resilient to hazards; and
- Discussion about what needs to be put into place to increase the Town's resiliency.

The greatest threats to Rye are:

- Storm surge
- Coastal flooding
  - Impact to the infrastructure

Infectious diseases have taken these plans across the country in a different direction because they are not just talking about short-term destruction, but long-term destruction. So, the plan talks about all those things in great detail.

The purpose for this hearing is to ask the Select Board to open a thirty (30) day public comment base so that residents may make comments and/or corrections. These can go to Kim Reed or to Chief Walsh. The edits and comments will be reviewed by the committee. Then the plan will be sent to Concord to Homeland Security for their review. The purpose of an action plan is to show FEMA that the Town of Rye is aware of the threats, it has plans in place to mitigate that and to be more resilient, and the Town is pro-active in protecting the public. Homeland Security may come back with questions. Sometimes they want clarification on something. Homeland Security may make some corrections or suggestions. After the project team reviews this and the

corrections are made, the document will go back to FEMA for approval. The Select Board will then adopt the plan. There is a certificate of approval that will be signed by the Board. That will go back to Homeland Security and they will send it to FEMA. The Town will then receive notice from FEMA saying that the plan is in place and the town is all set for another five years.

Vice-Chair Winslow noted a change in the wording on page 47 about the Harbor Road Bridge it states that it is a 45-year-old bridge deck in dis-repair and needs replacement and that it was completed. He explained that they did not replace the deck they just stabilized it. It should show that it was stabilized but requires replacement at a future date.

Chair Epperson asked Administrator Bergeron to put a notice on the website asking the residents to review the Hazard Mitigation Plan and to send their comments and/or corrections to Kim Reed by April 30, 2022.

The Public hearing was opened at 7:17 p.m.

**Steven Borne, 431 Wallis Road**, asked if there was an Executive Summary in the document or if people have to read the whole document. He would like to get it into the Civic League news this weekend.

Ms. Walker explained that there is an executive summary in the front and an action plan in the back of the document.

Mr. Borne asked if the data from the Natural Resource Inventory was included, as a quarter of the Town is in the flood plain.

Ms. Walker confirmed. It doesn't list acreage but it talks about it in terms of existing mitigation measures. The six areas are not listed in the mitigation plan. However, it talks about the wetlands as serving an important resiliency function.

Mr. Borne asked if fecal contamination is in the plan.

Ms. Walker replied no, because it is not considered a natural hazard. They go by what FEMA sets as a natural hazard; which are hurricanes, coastal storm surge, high wind events, drought and infectious diseases.

Hearing no further questions or comments, the Public Hearing was closed at 7:22 p.m.

#### **B. Chief Walsh – Honda Rukus Moped Bid Results**

Chief Walsh explained that the department did not purchase a moped last year due to the pandemic and the budget. They usually purchase one every other year. The moped that is being replaced is a 2016 with 24,000 miles on it. Chief Walsh explained that when they went out for bids, they found a shortage of inventory at the dealerships and was told that they were looking at



a September/October delivery date. Chief Walsh said he found a Rukus Moped from a Rye resident that used to have a business selling them. She has two left and will sell one to the Town.

**Motion by Phil Winslow to purchase a 2020 Rukus moped from Cindy Marlocks and to sell the 2016 Rukus in an open bid. Seconded by Bill Epperson. All in favor.**

**C. July 4<sup>th</sup> Celebration date change to accommodate a new fireworks vendor**

Fire Chief Mark Cotreau explained that 2021 was the last year that Jack Tobey would do the Town's Fireworks for the Town. Over this past winter, he had Jeff De Bartolomeo looking for a new vendor. Also, the former recreation director was looking. When Recreation Director Dyana Martin started, she immediately got on the mission of trying to find someone. The problem was finding someone who is certified (Competency Certificate) to do the show on July 4<sup>th</sup>.

Recreation Director Dyana Martin explained that she found six vendors. She called all of them and none of them could do it around the 4<sup>th</sup> of July, except American Thunder. They also do the fireworks for Hampton and are available on July 1<sup>st</sup> & 2<sup>nd</sup>. They have a \$5,000 minimum. Ms. Martin asked for the Board's permission to hire American Thunder for Friday, July 1<sup>st</sup>.

Chief Cotreau explained that the Surf Club is talking about doing their fireworks on the 2<sup>nd</sup>. He also reported that American Thunder is the vendor that the Beach Club uses for their fireworks. He is used to working with them and the Fire Marshall is comfortable with the company. He stated that he felt they are a good vendor for the Town to go with.

Vice-Chair Winslow pointed out that Saturday the 2<sup>nd</sup> would be easier for people who work to get there.

Chief Cotreau said he could check again with the Surf Club, but he doesn't have enough manpower to handle two shows on the same night. He pointed out that it is important to get the show schedule as soon as possible in order not to lose the vendor to another town. Chief Cotreau suggested that the Town bring in American Thunder this year on the 1<sup>st</sup> or 2<sup>nd</sup> and ask them to reserve a place in their schedule for Rye on the 4<sup>th</sup> of July next year.

**Motion by Bill Epperson to approve the fireworks display for 2022 on Friday, July 1<sup>st</sup> by American Thunder. Seconded by Tom King. All in Favor.**

**D. Town Hall Ornamental Window contract**

Chair Epperson reported that this contract has been vetted by Eric Maher the Town's Attorney. He asked Administrator Bergeron to give some background on it.

Ms. Bergeron explained that the windows are going to be removed, three at a time. Steve Decatur will bring three at a time to his workshop for repair. Each window will be reglazed and reinstalled. It will take about three weeks to do three windows. The project will be substantially completed by June 30<sup>th</sup>.

**Motion by Phil Winslow to authorize Town Administrator Bergeron to sign the contract for the ornamental windows. Seconded by Bill Epperson. All in favor.**

**E. SB249- Prohibiting Planning and Zoning Ordinances that prohibit short-term rentals**

Chair Epperson reported that this passed the Senate on February 16<sup>th</sup>. Currently, Rye does not have an ordinance prohibiting short-term rentals. His issue with this bill is that it takes away the local ability to create its own environment. It is eroding home rule.

Selectman King stated that the bill talks in generalities and is not clear as to what the local government can regulate.

Vice-Chair Winslow stated that regulating noise and sanitation is a positive thing.

The Board agreed to have a letter written to Senator Tom Sherman asking him to vote against this bill as currently written.

Administrator Bergeron explained that she has been contacted by Nick Borelli of Madison, NH. He is spearheading the charge on community support behind the opposition. Right now, there is about fifteen communities that have registered in support of the opposition. Dover and Portsmouth are included in that number. Mr. Borelli asked Administrator Bergeron to put this before the Select Board hoping to garner their support to oppose this. There may be a Coalition Community created to fight this. Administrator Bergeron has also reached out to Kim to have it put on the planning board agenda.

**Motion by Bill Epperson to have a letter sent to Tom Sherman asking him to vote against SB 249 and to make a statement in opposition of SB249 to Nick Borelli and the other towns. Seconded by Phil Winslow. All in Favor.**

**VIII. APPOINTMENTS: BOARDS, COMMISSIONS, COMMITTEE**

**Note: All appointments are for 3 years, 4/01/22 to 4/01/25, unless otherwise noted. Motion required.**

Chair Epperson reported that he asked Janice to send a copy of the ordinance that was created to setup these commissions and the people that are serving on them. The vacancies and openings are defined and the Select Board is filling them in accordance to the ordinance. If there is going to be any changes, that will need to be discussed in detail at some future date.

**A. Heritage Commission**

1. Peter White: Reappointment as a member – email rec'd 3/4/22
2. Alex Herlihy: Reappointment as a member – email rec'd 3/4/22
3. Recommendation letter rec'd 3/4/22 from Phil Walsh, Chair

**Motion by Bill Epperson to reappoint Peter White and Alex Herlihy as members to the Heritage Commission. Seconded by Phil Winslow. All in Favor.**

**B. Beach Committee**

1. Frank Hwang: Reappointment as a member – email rec'd 3/13/22
2. Brendan Carney: Reappointment as a member – email rec'd 3/25/22
3. Recommendation letter rec'd 3/25/22 from Frank Hwang, Chair

**Motion by Phil Winslow to reappoint Frank Hwang and Brendan Carney as members to the Beach Committee. Seconded by Tom King. All in Favor.**

**C. Mosquito Control Commission**

1. Tim Sanborn: Reappointment as a member email rec'd 3/21/22

**Motion by Phil Winslow to reappoint Tim Sanborn as a member to the Mosquito Control Commission. Seconded by Tom King. All in Favor.**

**D. Recreation Commission**

1. Cory Belden: Reappointment as a member – letter rec'd 3/24/22

**Motion by Phil Winslow to reappoint Cory Belden as a member to the Recreation Commission. Seconded by Tom King. All in Favor.**

**E. Conservation Commission**

1. Karen Oliver: Reappointment as an alternate member – email rec'd 3/21/22
2. Suzanne McFarland: Reappointment as a member – letter rec'd 3/22/22
3. Susan Shepcaro: Reappointment as a member – letter rec'd 3/25/22
4. Sally King: Reappointment as a member – letter rec'd 3/23/22
5. Recommendation letter rec'd 3/22/22 from Suzanne McFarland, Chair

**Motion by Bill Epperson to reappoint Karen Oliver as an alternate and Suzanne McFarland, Susan Shepcaro, and Sally King as members to the Conservation Commission. Seconded by Phil Winslow. Vote: 2-0-1 Tom King Abstained. Motion passed.**

**F. Recycling Education Committee – 1 year term ending 4/1/2023**

1. Joan Provencher: Reappointment as a member – letter rec'd 3/1/22
2. Pamela Helfrich: Reappointment as a member – letter rec'd 3/20/22
3. Alex Herlihy: Reappointment as a member – email rec'd 3/21/22

**Motion by Tom King to reappoint Joan Provencher, Pamela Helfrich, and Alex Herlihy as members to the Recycling Education Committee. Seconded by Phil Winslow. All in Favor.**

**G. CIP Committee – Unlimited Term**

1. Kevin Brandon: Appointment as a member – email rec'd 3/21/22
2. Recommendation letter rec'd 3/16/22 from Kim Reed on behalf of the Planning Board

**Motion by Phil Winslow to appoint Kevin Brandon as a member to the CIP Committee. Seconded by Tom King. All in Favor.**

Vice-Chair Winslow asked Administrator Bergeron to put the appointment process on an agenda for review sometime in April or May.

Steven Borne suggested having all the boards, commissions and committees at future deliberative sessions to have them talk about who's up and what it takes to serve on the boards.

**IX. CORRESPONDENCE - None**

**X. NEW BUSINESS**

Selectman King expressed concerns that it doesn't seem like the Town has any effective way to send out important information to the citizens of Rye. He felt that there should be some sort of public service announcement type place for town announcements. He pointed out that not everyone is on Facebook or the internet. The newsletters are not timely enough. They only come out quarterly.

Steven Borne talked about the Civic League News and how it was expanding and the coverage it has had throughout town.

Chief Walsh suggested having a messaging sign someplace in town.

Vice-Chair Winslow pointed out that just three years ago the town didn't have a website or social media pages. So, they are making some progress. He felt that they should continue to use the website and social media to get the information out. Also, he felt that they should make sure that Steve gets the information for the Civic League News. He suggested that Janice should be in charge of this.

Selectmen King recommended that this type of information should go out from the Board as an official notice from the Town.

**XI. OLD BUSINESS**

Vice-Chair Winslow reported that there are a number of people who have been asking about Parsons Creek and the septic pumping requirements. He had talked to Chuck in the building department and there is over 100 people that have not submitted the documentation that they have had their systems pumped yet.

Chair Epperson reported that there are 639 septic systems inside that jurisdiction and there are 43 in violation. The pumping program just started back up again this year, but it fell thru the cracks during Covid.

Selectman King stressed the need to get this program back up and running and take some concrete step to address the issues.

Administrator Bergeron reported that she has had this conversation with the Building Inspector. There are ten properties that will be presented to the Board that are in violation and the Board will have to take the next step. This will have to involve Attorney Maher and potentially litigation.

Selectman King suggested that going forward it would be good to get a quarterly report from the Building Inspector.

Selectman King asked how they were doing with the information that they got from Dana Truslow regarding potential grants.

Administrator Bergeron reported that Ms. Truslow has identified the grants and the next steps. Ms. Truslow had copied the department heads and they are working on picking away at the information.

PWD Rucker reported that he is working to get an application into the FEMA Grant Hazard Mitigation to the Flood Smart Watch Program the deadline is the beginning of May. As far as the infrastructure grants, it is going to be highly competitive. The application process is very lengthy with a small number of applicants being awarded. So, the best returns would be to put the efforts on some of the other grants.

Selectman King asked what is happening with the Land Use Assistant Position.

Administrator Bergeron reported that the internal posting expired on the 18<sup>th</sup> of March. There are now postings externally with ads on the New Hampshire and Maine municipal websites. There has been one application received so far and they are hoping for more responses shortly.

Selectman King stated that it seems that there is a lack of understanding from the public regarding the TD Bank project. It is safe to say the no one, especially the people at the table (The Select Board and the Town Administrator), are happy with where they are at with the bank building right now. He stressed that this was not the plan. He pointed out that even though the Select Board followed procedures and felt that they were being transparent, some of the public felt like they were not being informed. He suggested that it is important for the Select Board to do more than the minimum and should go beyond the required process. To have an informed citizenry, the Board needs to do more. He recommended that they hold a public meeting, relatively soon, to talk about where they are at with the bank building, why they had to reject the

bid that they had, the schedule they think they are going to follow, and what the plan is for coming out of this and the costs involved, and the source of the funding.

Chair Epperson stated that he understood, but disagreed with holding a meeting. He felt that it would just bog things down. He felt that they should come up with a plan and present the plan and say this is what we are going to do. Everyone knows that they are behind the eight-ball with the building and that a lot of issues have come up. The Board's goal is to be moved into the building by the end of August.

Vice-Chair Winslow felt that the Board should put out a statement that explains the plan and where the funding will be coming from.

After further discussion, Chair Epperson suggested waiting until Triple Construction gets back to them regarding the changes and negotiations to the bid. He added that he understands that people need to understand what is happening and there needs to be transparency, but they cannot reconstruct this by committee.

The Board agreed to put out a statement.

Selectman King asked for a progress report on the Master Plan.

Chair Epperson reported that the questionnaires were sent out to the all the department heads, commission, boards and committees and to all the citizens. The results have come back in and all that information has been accumulated for the vision statement. The Long-Term Planning Committee has reconstituted itself to come back for the next steps. So, it is moving forward.

## **XII. OTHER BUSINESS**

### **A. Select Board Representative Updates.**

Chair Epperson reported that the Long Range Planning Committee has reached out to the other boards and commission to have them review their sections of the Master Plan.

The Beach Committee is focusing on the beach cleanup with Blue Ocean starting on April 1<sup>st</sup> and going through the summer until October. The NHDES sent out the schedule for testing at the beaches this summer. There is also a lot of conversation regarding beach access.

Heritage is having ongoing conversations about restoring the Gazebo. They have \$7,000 for the project, but cannot find anyone to do the work.

Selectman King reported that the Budget Committee will be meeting next month. The new guidelines for the Historic District Commission are substantially finished. They are still being refined. They cannot go into effect until they go to the Rules and Regulations Committee and are voted in by the voters.

The Commission is trying to find some historic looking signs to be used for advertising that could be used in the Town Center.

The Town Center Committee had a representative from Rockingham Planning and the DOT come in to talk about the process for the TAP Grant.

Vice-Chair Winslow reported Kevin Brandon for the Planning Board will be replacing Steve Carter on the CIP Committee.

Rockingham Planning Commission talked about the regional housing assessment project schedule at their last meeting. They are also looking at the ten-year transportation schedule. Selectman Winslow is planning to promote a DOT project for the intersection of Route 1 and North Road.

Rye Water District is looking for funds for a water treatment plant. The manganese levels are going to be reduced by the State to around three and there is one well that is close to three. This may push them over the limit and that would force the treatment plant. They are working with Wright-Pierce to try to find the funds.

The Board agreed to doing this update once a month.

**A. Meeting Minutes**

**1. Meeting, Monday, March 21, 2022 9:00 a.m. Site Walk**

The following was noted: Second Paragraph says Mike Garvin further explained ~~to~~ access to the property it should read: Mike Garvin further explained the access to the property

**Motion by Phil Winslow to accept the minutes as amended. Seconded by Tom King. All in Favor.**

**ADJOURNMENT**

**Motion by Phil Winslow to adjourn at 8:40 p.m. Seconded by Tom King. All in Favor.**

Respectfully Submitted  
Dyana F. Ledger

DRAFT MINUTES of the BOS Meeting 3/28/2022  
Please see minutes of 6/13/2022 for approvals/corrections



**To: The Rye Select Board**  
**From: Mark Epply**  
**Topic: TD Bank Building Renovations**  
**Date: March 28, 2022**

In a review of various Town of Rye documents including Rye Annual Reports, Town of Rye Newsletters, Warrant Articles and Select Board meeting minutes regarding Rye's purchase and renovation of the of the TD Bank building at 500 Washington Rd. there are several questions that come to mind.

- **March 2021 Town of Rye Newsletter, Selectmen's Message:** In January the Town agreed to pay Dan Philbrick \$700,000 for the TD Bank building with the Rye Library paying \$400,000 and the Rye Conservation Commission paying \$300,000, As a concession the Rye Library would control the Parsonage property and the Conservation Commission would obtain 2.3 acres behind the bank building. The Town would sell the Trolley Barn and use the proceeds to renovate the TD Bank building for Town offices. "This is a big step forward in cost-effectively solving the space needs of the Town Hall employees" stated the Rye Newsletter.
- **June 2021 Town of Rye Newsletter, Selectmen's Message:** The Selectmen entered into an agreement to sell the Trolley Barn at 37 Central Road for \$411,000. The Town authorized the Select Board to set up a Municipal Buildings and Construction and Renovation Capital Reserve fund and to place \$280,000 of the Trolley Barn sale proceeds into the fund to use for the renovation of the TD Bank building.
- **Questions:** What happened to the remaining \$131,000 (\$411,000 - \$280,000) from the sale of the Trolley Barn? Was the \$280,000 considered the amount necessary to complete the renovation of the TD Bank building? How was the \$280,000 determined to be the correct amount?
- **September 2021 Town of Rye Newsletter, Selectmen's Message:** The conversion of the TD Bank building has begun. Renovation will be in 3

phases. The first consists of configuring the interior into offices for a number of Town employees. It appears that \$30,000 was spent on the interior design. Also the DPW will do preliminary preparations like carpet removal etc. to reduce costs. The Town has applied for a demolition permit to remove interior walls. Previously it had been stated that the TD Bank building was move-in ready.

- **Questions:** What are the anticipated phases 2 and 3? What transpired from the move-in ready condition to requiring a building permit to remove interior walls? Who authorized the demolition?
- **December 2021 Town of Rye Newsletter, Selectmen's Message:**  
Demolition of the TD Bank building has been completed. Exterior renovations were approved by the Historic District Commission. The Select Board approved the final version of the design and an RFP/RFQ will be sent out the week of November 29, 2021
- **Questions:** What are the planned exterior renovations? Is this part of phase 2 or phase 3? Is there a planned addition to the building?
- **Select Board Meeting Monday, March 14, 2022:** Per meeting minutes there is currently \$250,000 available from the \$280,000 allocated to fund the TD Bank building renovation. That coupled with the additional \$100,000 to be added to the renovation fund with the passage of Article 9 at the March 8, 2022 Town elections results in \$350,000 available for the renovation. The only bid received by the Select Board in response to the RFP/RFQ for the renovation of the TD Bank building was \$698,591.
- **Questions:** Is this bid only for phase 1 or does it include phase 2 and 3? Is there a document that details the TD Bank building project through completion?

- The Town of Rye spent \$700,000 to acquire the TD Bank building, \$30,000 on interior design plans and has a bid for almost another \$700,000 for renovation to the building interior. Additionally the Rye DPW performed the interior demolition which must have had an opportunity cost to that department as well as overtime costs for DPW employees. It has also been stated that the septic system at the TD Bank building has some issues that need to be addressed.
- **Questions:** Is there any document discussing what the issues are with the building septic system and are there any cost estimates for addressing those issues? Has the Select Board considered appointing a committee to thoroughly study this project and design an action plan for completion instead of the step by step method that has gotten us to where we are today?

**Shawn Joyce**  
**270 Washington Rd**  
**BOS Meeting 03.28.22**

Thank you for allowing me to speak tonight.

There are four Conservation Commission members on tonight's agenda for reappointment. However, there no public notice that any of these seats were up for consideration. That does not seem legal, ethical, fair, or transparent.

No other Rye residents, including protected classes, are being afforded the opportunity to apply and be considered by the selectmen regardless of their experience, expertise, diversity and insight they may bring to the commission. This is a missed opportunity for the Town. It also allows discrimination.

The Committee Policy for the Town of Rye clearly states, "it is the intent of the selectmen to ensure that the widest variety of citizens participate in government by appointing members who represent the diversity of the community. How can the selectmen do that without allowing all residents an opportunity to be considered?

I have seen letters in the Portsmouth Herald from longtime residents, Mel Low, Jane Holloway and other Rye citizens calling for fair process and transparency in Rye's government. Selectman, King also ran his election campaign on the need for transparency. Shouldn't that also apply to being appointed to the Conservation Commission?

Unlike the other commissions and committees, the selectmen have no authority over the Conservation Commission other than appointing its members. The Conservation Commission is entrusted with millions of dollars of taxpayer money, so the selectboard has a fiduciary responsibility to ensure there is fair and transparent process with appointment as well as choosing diverse members that are not a tight group of homogenous close friends who keep reappointing themselves.

The Committee Policy for the Town of Rye also clearly states that all openings or vacancies shall be posted 30 days in advance of the Board of Selectmen's meeting where the appointment is scheduled to be made. Fact is the current members are seeking reappointment to seats that will "open" in April. Nowhere in the Town's policy or website does it state that members are reappointed to as many terms as they like without other residents having an opportunity to be considered. If that were the case, it would be part of the written policy and there would not be a distinction between an "opening" and a "vacancy" in the Town's policy.

Whether people want to debate what constitutes an open seat or not, it would be wise for the selectmen consult with the town attorney, put a stay on these reappointments, put out adequate public notice, allow all residents to apply, be interviewed and considered for appointment by the selectmen, so all residents are treated fairly and afforded the opportunity to serve.

The selectmen must ensure there are no opportunities that allow any form of discrimination. Protected and non-protected classes must have an opportunity to be considered by the selectmen with an open, transparent process for any position, every three years or it should be an elected position.

In summary, I would like to submit a petition that was signed by 64 Rye residents in two days, asking that the selectmen ensure there is a fair process and transparency with being appointed to the RCC. I ask that all six pages be included with the minutes of tonight's meeting.

**We, the undersigned residents of Rye, respectfully request that the Rye Board of Selectmen (BOS):**

1. Institute a policy that requires an accurate posting of upcoming openings (month and year) for the Rye Conservation Commission (RCC), so that all citizens of Rye are allowed the opportunity to apply to the BOS and serve on the RCC.
2. Publicly interviews and considers the background and experience of applicants to ensure eligibility and diversity of the RCC membership.
3. Allows the RCC Chairperson to submit a recommendation letter for applicants. However, the BOS does not require that applicants have a recommendation letter to be considered by the BOS thereby ensuring that all applicants are afforded the opportunity to be considered.
4. Encourages the RCC to follow best practices as outlined by the Handbook for NH Municipal Conservation Commissions and adopt bylaws, procedures and practices, which ensure fairness and consistency for all Rye residents.

Name	Address	Signature
M.J. Anderson	10 WASHINGTON RD. Rye	M.J. Anderson
MIKE FLANIGAN	252 WASHINGTON RD RYE	Mike Flanigan
Sally Flanigan	252 Washington Rye	S. Flanigan
Andrew Widen	1677 Ocean Blvd	Andrew Widen
EMILIO MADDALONI	274 WALLIS ROAD	Emilio Maddaloni
Linda Maddaloni	274 Wallis Road	Linda Maddaloni
Scott Morrissey	40 Harborview Dr, Rye NH.	Scott Morrissey
FRANK PINTO	34 Harborview Dr. Rye NH.	Frank Pinto
Herb Garbarini	24 Harborview Dr. Rye NH	Herb Garbarini
Yvonne J. J. J.	270 Washington Rd Rye NH	Yvonne C. J.
Thompson Higgins	84 Washington Rd, Rye, NH	Thompson Higgins
Scott Marm	71 Washington Rd, Rye NH	Scott Marm
David S. S.	71 Washington Rd Rye, NH	David S. S.
DAVID TILTON	390 Washington Rd Rye	David Tilton
Catherine Catalano	264 Bracket Rd Rye	Catherine Catalano

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Name	Address	Signature
JAMES PIPER	6 GROVE RD.	[Signature]
LAWRENCE ALBRECHT	537 WALLIS RD	[Signature]
PAUL CHASE	193 CENTRAL RD	[Signature]
RICHARD HAYDEN	41 GARLAND RD, RYE	[Signature]
SHAW J TOLLE	270 WASHINGTON RD	[Signature]
TIM DELANEY	540 WALLIS RD	[Signature]
ALF LUCKER	960 Washington Rd	[Signature]
Peter Neuffer	603 Brackett Rd	[Signature]
R. CORRENTE	61 WASHINGTON RD	[Signature]
Patricia Andersen	10 Washington Rd	[Signature]
Vespa Anderson	10 Washington Rd	[Signature]
Kim Neuffer	603 Brackett Rd	[Signature]
Johna Coscia	5 MTN VIEW TER.	[Signature]
[Signature]	77 Central Road	[Signature]
EDWARD R. SHEPHERD	80 CENTRAL RD	[Signature]

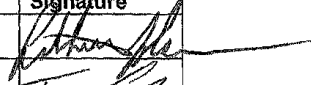
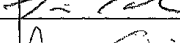
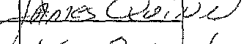
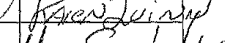

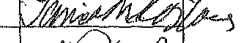
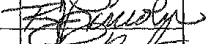
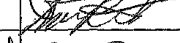


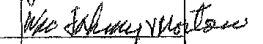
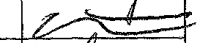

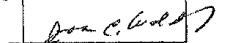

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Name	Address	Signature
G. Hutchins White	30 Lang Rd. Rye	G. Hutchins White
Deborah White	30 Lang Rd. Rye	Deborah White
Nancy Travers	55 Lang Rd Rye	Nancy Travers
DEL RECORO	260 CRENSHAW RD RYE	DEL RECORO
Laurel McKenna	32 Cable Rd, Unit 2 Rye	Laurel McKenna
Thomas J. Schlesselman	32 Cable Rd, Unit 2, Rye	Thomas J. Schlesselman
MARCIA ALBRECHT	537 WALLIS RD. RYE	MARCIA ALBRECHT
Julie Tucker	960 Washington Rd	Julie Tucker
Judy Danielson	1137 Washington Rd Rye	Judy Danielson
Sidney LaBonte	215 Garland Rd. Rye	Sidney LaBonte
Donald Stevens	430 BRACKETT RD. RYE	Donald Stevens
Brett Mulvey	48 Dow Lane Rye	Brett Mulvey
Michelle CANTY	172 WASHINGTON RD	Michelle CANTY
Rachael Brown	9 Young Lane	Rachael Brown
Mindy Anderson	117 Washington Rd Rye NH 03870	Mindy Anderson

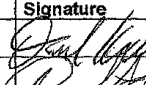
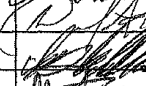
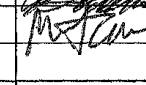
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Name	Address	Signature
ARTHUR SPAIN	81 CABLE RD	
TIM CARBERRY	235 Parsons Rd.	
James Quinn	27 Cable Rd	
James Quinn	27 Cable Rd	
Max SINK (Kozlowski)	89 Cable Rd	
James Quinn	89 Cable Rd. (CJM Realty Trust)	
Robert Lincoln	110 Locke Rd, Rye, NH	
RONALD COTE	31 Cable Rd RYE N.H.	
NANNY SPAIN	81 Cable Rd Rye	
James Penick	101 Cable Rd Rye	
Colin Morton	101 Cable Rd Rye	
Andrew Morton	101 Cable Rd. Rye	
Hannah Morton	101 cable Rd Rye	
James Penick	77 Cable Rd, Rye	
CHUCK CALANDI	264 BARLETT RD RYE	



fairness and consistency for all Rye residents.

Name	Address	Signature
David Kohlhaase	335 Washington rd	
DAVID ADAMS	843 Washington Rd	
Lucas Kohlhaase	335 Washington Rd	
Margaret Caswell	328 Washington Rd	