

**TOWN OF RYE - SELECT BOARD
MEETING**

Wednesday, June 29, 2022

6:30 p.m.

Rye Town Hall & Zoom

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

Others Present: Acting Town Administrator Kevin Walsh and Finance Director/Assistant Town Administrator Becky Bergeron

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Epperson called the meeting to order at 6:32 p.m. and led the pledge of allegiance.

II. ANNOUNCEMENTS

Chair Epperson announced that the Town of Rye will be having fireworks at Parsons Field on Friday night for the first time in three years. They will start at 9:00 p.m.

The Town offices will be closed on Monday, July 4th.

Recreation Director Dyana Martin announced that the events on Friday, July 1st will start at 7:00 p.m. and include a band, a food truck, an ice cream truck, popcorn, face painting, the balloon lady and games for the kids.

Chair Epperson introduced Cole Struble a gold medal winner of the New Hampshire Special Olympics. He congratulated Cole on behalf of the Select Board and read a brief statement from the Select Board on behalf of the Town of Rye. Cole is also on the Portsmouth High School Golf Team.

Cole's mother, Julie Struble, presented the Select Board with New Hampshire State Special Olympics pins.

Statement From the New Hampshire Special Olympics website about Cole

Rye, New Hampshire is a coastal community that is home to Team New Hampshire golfer Cole Struble and the Wentworth by the Sea Country Club. One of the state's top golf courses. Cole started golfing when he was three years old. It would be years before he discovers Special Olympics New Hampshire. Cole began his journey with Special Olympics in high school, participating in Unified Soccer and bowling. Cole's mother, Julie Struble says, that a mailer

came to the house about the SONH State Golf Tournament. That one piece of mail turned out to be “life-changing” for Cole

Cole’s golf experience with SONH paved the way for him trying out for the Portsmouth High School Golf Team. A team he is now a proud member of.

Cole’s focus has been training for the upcoming 2022 Special Olympics USA Games. In doing so, Cole even scored his first-ever hole-in-one at the Wentworth Country Club in March of this year. He and his golf teammates Lauren Costa and Kay Ryan are looking forward to the opportunity to play at the Orange County National Golf Center in Orlando and represent the Granite State nationally. At 17 years old, Cole is the team’s youngest golfer.

Recently Julie Struble spoke to the Special Olympics New Hampshire Board of Directors about the impact SONH has had on her son’s life... and her own.

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

- **Public Works Director Jason Rucker** publicly acknowledged Chris Jenness’s 47 years of service with the Town of Rye’s Public Works Department. Chris is the longest serving employee of the Town of Rye. He is retiring on Saturday, July 2nd. PWD Rucker invited everyone to stop by the transfer station to “razz” Chris and wish him well. Director Rucker added that Chris has always been a dedicated employee; showing up for all the snowstorms, good attendance record and always helpful and giving a hand whenever necessary. After a couple of weeks off, Chris will return to the transfer station as a part-time employee helping out on the busy days.
- **Clemintine Alexis, 1447 Ocean Blvd,** stated that she and her husband have been part-time residents of Rye for 46 years. Both she and her husband cannot drive due to health issues. Their daughter is their primary driver. They have been denied a beach sticker for their daughter’s vehicle. The beach issue was resolved, but since then her husband has passed away and they have disposed of the car. The issue now is that without a beach sticker on a car, they cannot access the transfer station.
- **Suzanne Barton, 114 Clark Road,** spoke about concerns of the parody, equity, quality, in gender rights in the country. She read a poem from a 17-year-old girl; “When will America Sing for Us?” Ms. Barton stated that she has joined a public committee that stands in solidarity in support for children and young women. She cannot stand for the pledge of allegiance anymore and believes that individuals should be given an option. They should not be pressured to stand and repeat an anthem when there isn’t justice for all. She strongly believes that change needs to start with the town.
- **John Loftus, 108 Straws Point,** pointed out that the flag of the United States represents people that died for this country, so that people like Ms. Barton can have “Free Speech”. The Constitution of this Country is how people make change. The United States is a great country and it should be protected.

- **Howard Kalet, co-chair of the Rye Energy Committee**, reported that Eversource's rates will be increasing. The supply portion of the electricity will increase from the current of .1066 cents per KWH to .22566 as of August 1st. This is primarily due to the increases in the natural gas prices. Eversource's bills will increase from roughly 21.7 to 33.6 cent KWH including the delivery fee or a 55% increase. To minimize this impact there are options to purchase energy from third party suppliers. For a full listing and rates, there is a website with the information: energy.nh.gov. Currently the lowest residential rate is Direct Energy, Live Brighter 30, 12.7 cents per KWH; for a fixed period of thirty months; with no cancellation fee.
- **Steven Borne, 431 Wallis Road**, reiterated his comments from the last Select Board meeting. He would like to see the Board take this time of transition, to step back and look at how the Town is structured. They should look at hiring a town manager that has a lot of planning expertise. He also spoke about Parson's Creek and the lack of work done on it in the last five years.

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

- A. Draft letter proposed by Mindi Messmer to NH DES Commissioner re: Coakley Landfill
- B. Mileage Reimbursement Rate Change: The IRS announced effective July 1, 2022 the standard mileage rate for transportation expenses will be set @ 62.5 cents per mile for the remainder of the year.
- C. Email rec'd from Frank Hwang re: His resignation from the Beach Committee.
- D. Request from Kim Reed, Planning & Zoning Administrator to accept a gift from Jim Verra of a flat file drawer cabinet to store plans and maps.

Chair Epperson pulled Consent Agenda Items A and C.

**Motion by Phil Winslow to approve Consent Agenda Items B and D as presented.
Seconded by Bill Epperson. All in Favor.**

- Consent Agenda Item A. Draft Letter proposed by Mindi Messmer to NH DES Commissioner re: Coakley Landfill.

Chair Epperson reported that the Board has received the draft letter proposed by Mindi Messmer to NH DES regarding the Coakley Landfill. The Board has edited it to more reflect the concerns of Rye. Currently, it is under the Board's review. Acting Town Administrator Walsh will adjudicate the statements to make sure they are legitimate and pertinent to the situation. If it comes back positive, then the letter will be sent out.

Selectman King had some suggested edits that were given to Acting Administrator Walsh.

- Consent Agenda Item C. Email rec'd from Frank Hwang re: His resignation from the Beach Committee.

Chair Epperson explained that Frank Hwang's resignation came due to personal reasons and after having a snowboarding accident this past winter. Chair Epperson added that Mr. Hwang brought some new energy, insight, and initiative to the Beach Committee. He asked that a letter be sent to Mr. Hwang thanking him for his service.

Motion by Phil Winslow to approve Consent Agenda Items A as amended and D as presented. Seconded by Bill Epperson. All in Favor.

Chair Epperson moved 'Correspondence' next on the agenda.

Email rec'd from Peter Gordon requesting preliminary approval for beach access to have his seawall repaired this winter at 63 Harbor Road.

Assistant TA Bergeron explained that a letter will be sent to the contractor that spells out the requirements and conditions of approval. A copy of the letter was given to Mr. Gordon.

The work will depend on the tides but will be started by January and completed by March.

V. DISCUSSION ITEMS

A. Regional Association Submittal Letter Review.

Upon review of the letter, Chair Epperson recommended giving the committee more responsibilities. He noted that there is a lot of information that needs to be adjudicated and looked at. He suggested that the requests be directed to the Regional Review Committee. At which point, the committee will be able to make sure that the criterion of the application matches the requirements that they have outlined and that they are comfortable with the applicant. The committee will make a recommendation to the Select Board and the Select Board will either approve it or make some modifications to it.

The requests will continue to be mailed, e-mail, or faxed to the Selectman's office and then will be scanned to the committee members. The committee will meet in September to review, approve, modify or not approve the requests. According to the Town's Attorney, the committee cannot defund any request that was approved by warrant article; however, they can reduce the amount.

There was discussion regarding the need to educate the public about the benefits of sponsoring these regional associations. The committee provided the Select Board with a handout that answered some of these questions and volunteered to help in this respect.

B. Clemintine Alexis of 1447 Ocean Blvd. Beach Permit

Ms. Alexis' daughter's car is registered in Massachusetts. Upon discussion, Chair Epperson pointed out that Ms. Alexis can park anywhere in Rye with her handicap placard, including resident parking spaces.

Public Works Director Rucker suggested that Ms. Alexis give her daughter a letter to be kept in her car stating that she is bringing her trash/recycling from her 1447 Ocean Road address.

Chair Epperson explained that the Board will be reviewing this policy again in the fall to resolve some of the obstacles that have been run into. Then they will create a new policy based on what they have learned.

Steven Borne pointed out that there are Rye Dump Stickers that can be used. In the past, the Select Board would review the situation on a case-by-case basis. The individual should present their case to the Select Board and if it makes sense for the individual to get a sticker, they should get one.

C. Donna DeCotis, Town Clerk/Tax Collector – Staffing in the Town Clerk's Office

Town Clerk/Tax Collector DeCotis explained that one of the tax office part-time employees has resigned and the other part-timer, Lindsay Murphy, has asked for more hours. Ms. DeCotis reported that Ms. Murphy could work up to 32 hours a week and still retain her part-time status. Ms. DeCotis asked that the Select Board schedule a non-public session for modification of Ms. Murphy's original hire letter and to discuss salary. Ms. DeCotis pointed out that Ms. Murphy is an asset to the office because she is a resident of the Town and as such, she is able to help with more of the functions of the office that require town residency in order to fulfill; such as, working at the elections.

After a lengthy discussion regarding the needs of the office, and the qualifications and certification requirements for the position, the Board agreed to change the two 20-hour assistant positions to one 32-hour assistant position.

Motion by Bill Epperson to move Lindsay Murphy to thirty-two (32) hours. Seconded by Phil Winslow. All in Favor.

Chair Epperson instructed Acting TA Walsh and Asst. TA Bergeron to have a conversation with Ms. DeCotis about a new letter to Mrs. Murphy.

D. The Wave Community Center Agreement

Chair Epperson reported that the Town has an official agreement with the church for the Wave Community Center Agreement. It will be in effect for the foreseeable future. The Board is interested in seeing how this agreement will support the 400th Anniversary Event.

- Will the church be available for the 400th Anniversary community events?

- Chair Epperson has talked to Reverend Lavoie about this. As long as there is sufficient notice (15 - 30 days) and there is no conflict with another program, there should be no problem.
- The 400th Committee would be responsible to fill out the church's event application form and pay any fees.
- There was discussion regarding liability insurance. It was decided that the Town needs to get a copy of the church's event application to understand how the insurance is addressed.
- Selectman Winslow stated that he would feel more confident if the agreement is vetted by the Town Attorney.
- Selectman King reported the only things that he is aware of that would be happening at the church is a speaker series in the Fellowship Hall and an open house after the Candlelight Strolls in December of 2022 and 2023. The church would be hosting the open house. There was talk about having their choir perform and serving hot chocolate during the open house.
- Recreation Director Martin asked that she be kept in the loop on this. She will be meeting with Andy Stecher on Friday to discuss some of the ideas they are currently working on.

E. Jason Rucker, Public Works Director – MS4 Update

- There are six Minimum Control Measures.
 - Rye is entering Minimum Control Measure #2.
 - There will be a public forum tomorrow.
 - This is a requirement for Minimum Control Measure #2.
 - Public involvement and participation
- All of Rye's documentation for its participation in the MS4 program are on the Town of Rye's website.
- MS4 stands for Municipal Separate Storm and Sewer System.
 - Separate Storm Water from Sewer Water includes:
 - drainage pipes;
 - catch basins;
 - structures owned by the town; and
 - structures owned by individual developers.
- The Town has performed numerous functions required by the MS4:
 - wet water sampling;
 - dry water sampling;
 - create source identification;
 - annual salt use reports;
 - spill prevention evaluations;
 - identified quality impaired water bodies;
 - outreach to developers and construction; and
 - lots of public outreach.
- There is no termination date for this program. It is only going to get more stringent as more pollution happens and more expensive as more requirements are developed.

F. Jason Rucker, Public Works Director – Town Hall Boiler Replacement Bid Results

Director Rucker reported that he only received two bids by the required due date.

1. Dowling Corporation - Hampton
2. Palmer and Sicard, LLC - Exeter

There was a third bid that came in after the due date. It was higher than the other two bids.

Director Rucker recommended that the Board award the bid to Dowling Corporation. Dowling Corporation was higher than Palmer and Sicard, but not significantly. Dowling has a work history with Rye. They are currently doing a lot of the Town's servicing.

Selectman Winslow asked if it would be beneficial for the geothermal system to be brought back online and what the costs would be.

Director Rucker stated that he has plans in the next budget proposal for winterization of the Town Hall. He will ask the contractors for their opinion and for a cost estimate on the geothermal.

Motion by Bill Epperson to approve the bid from Dowling Oil Corporation in the amount of \$27,040 for the Town Hall boiler replacement. Seconded by Phil Winslow. All in favor.

G. Town Center Committee Review

Selectman King explained that the Town Center Committee has some concerns regarding their mission and the focus of their committee going forward.

Karen Stewart, chair of the Town Center Committee, addressed the Select Board. She explained that the original charge required the Town Center Committee to act in an advisory capacity to the Select Board. The committee was able to complete the task of creating a warrant article, which resulted in the funding of the TAP Grant. They feel that they have not been given the authority to act in the advisory capacity, so, they are adrift at this point. She asked the Select Board to consider whether they need a Town Center Committee, and if so, what the charge would be.

Selectman Winslow asked about the current status of the DOT. Once the Governor signs the budget, the money will be freed up for the TAP Grant. Once that happens, what is the timing to work with DOT?

Ms. Stewart responded that she is not allowed to speak to the DOT. They will only speak to the Town Administrator. She received an email today that was shared with her. The Town got a response from the DOT answering a series of questions that the committee had resulting from a meeting that they had with Scott Bogle from Rockingham Planning Commission. Ms. Stewart felt that there is nothing for the committee to do prior to getting the grant.

Selectman Winslow asked Asst. TA Bergeron about the opportunity to investigate some engineering firms.

Ms. Bergeron stated that there is an approved DOT list of engineering firms on the DOT website. She reminded the committee that Mr. Jameson had told them they could move ahead with investigating engineering firms ahead of the Governor's Executive Counsel formally signing the funding.

Chair Epperson stated that the Town Center Committee should be involved in vetting the engineering firms. He added that the Committee certainly has the expertise to ask the right questions and to come up with the right firm for Rye. Once the Committee has reviewed and interviewed the firms, they should make their recommendations to the Select Board.

The Governor should be signing this within a month. The Town has the authorization to spend \$300,000 of their matching funds for this project as soon as the project has been formally approved by the State. Ms. Bergeron pointed out that this is not a grant. It is a reimbursement program. The Town does not have the authority to spend any money until the Governor signs.

Ms. Stewart reiterated that she would prefer that the Select Board consider whether they need a Town Center Committee and to reflect on the mission of the committee, rather than having them overseeing a portion of the TAP Grant.

Selectman Winslow stated that the core mission of the committee should be to follow up on the TAP Grant. This is so critical for the Town. It is the core of what the Town Center Committee was put together for.

Ms. Stewart disagreed. It came out of a charge, which was to consider what the future of the Town Center should look like.

Selectman Winslow responded that the committee has done a great job with getting the funding and the warrant article passed. He added that he would like to see the committee take this as one of their primary objectives.

The discussion also revealed that 10% of the project would be retained for a state employee to be the project manager on behalf of the Town. Some of the members of the committee are also advisory to the Library Trustees on their project with the former Parsonage Property.

At the end of the discussion, Chair Epperson stated that it looked like everything is on a thirty day hold until the Governor signs off. He also recommended that at the end of the thirty days, the Select Board and the Town Center Committee should schedule a work session to work on the committee's charge.

Selectman Winslow asked Ms. Bergeron to contact Jaci Grote to see if she could shine some light on when the Governor is expected to sign the budget.

VI. CORRESPONDENCE

- A. Email rec'd from Peter Gordon requesting preliminary approval for beach access to have his seawall repaired this winter at 63 Harbor Road. *Addressed earlier in the meeting*

VII. NEW BUSINESS

Ms. Bergeron reported that she has gone through the Town's electric bills. All that had Eversource as the supplier, are earmarked to be transferred to Direct Energy. She talked to Direct Energy yesterday. Since then, their rates have increased again from .1369 to .1399. She also reported that there is going to be a cost increase regardless. However, the cost of not changing would be \$1,048, and by moving to Direct Energy the increase will be \$291 overall. This program is for 48 months with no cancelation fee,

Motion by Bill Epperson to move the Town's electric accounts that are being supplied by Eversource to Direct Energy. Seconded by Phil Winslow. All in Favor.

Ms. Bergeron reported that she has spoken to Triple Construction, and they will have the contract back to her by tomorrow or Friday, so that it can be sent to Attorney Maher. The building permit application will be into the building inspector by Friday. They are giving him three weeks to review, and they are hoping to start by July 25th.

VIII. OLD BUSINESS

Selectman King stated that he was reading in the Beach Committee minutes that a resident has volunteered to do a parking study. He thought it was a good idea because the Board would need the data in the fall. The discussion focused on what data would be appropriate and pertinent. It was suggested that this resident should sit down with Police Chief Walsh, prior to mapping out a plan.

Selectman King noted that upon review of the documentation that was provided by the Town Center Committee, he came across the Rye Highway Pavement Width Policy from 2005. It stated that as Rye roads are being overlaid, they would be reduced down to 11' 6" travel lanes to allow for wider shoulders.

PWD Rucker reported that the travel lanes are smaller than 11'6", in order to reduce speed and to allow for alternative modes of transportation.

During the discussion, PWD Rucker explained that on a ten-foot travel lane the measurement is from the center yellow line to the white fog line.

Selectman King asked for an update on the Parson's Creek pump out. He asked if all the letters had been sent out.

Ms. Bergeron responded that she would follow up with Attorney Maher.

Selectman King noted that the Rye Historical Society wants to provide something tangible to the Town in celebration of the 400th Anniversary. He asked if the Select Board had the authority to put a monument on town property or if it would require a warrant article.

Ms. Bergeron stated that unless it is specifically precluded, then the Select Board would have the authority to accept and place the gift.

The discussion led to the possibility of putting something on the front lawn of the Town Hall Annex.

Selectman King asked if the Board was going to try to proceed with any type of digitization.

During the discussion, it was pointed out that it is not only a function of staffing, but funding.

Acting Town Administrator Walsh reported that he and Ms. Bergeron have an appointment on July 22 with Shawn Mulholland, the City Manager of Lebanon, NH. He was recommended to them as he has been involved in a number of large digitization projects. They are hoping that he will give them some direction as to what they could do in a year, two years, etc., and how to get started.

During the discussion, it was decided that the Town should asked for copies to be put in electronic format as much as possible. It was also decided that on the letter that is mailed to the applicants for the Regional Associations, it will say that a digital copy is highly recommended.

Acting TA Walsh reported that in response to Selectman Winslow's request, they have an officer stationed at the Dunes Motel. The Granite State Wheelers have moved their rest area to the first parking lot at Odiorne State Park, where they are turning around.

It was decided that no officer would be needed, due to this change.

Chair Epperson reported that the Planning Board is working on the property of the Split Rock Cove Family Trust at 15 Sagamore Road. It is proposed as a commercial property in the front with 3 residential units in the back. Rules and Regulations are still working on the rules for 2023 and there is a big push to do something with irrigation systems. Attorney Donovan states that it will come in the form of a town wide ordinance, not as part of land use regulations. Long Range Planning is in the process of creating a format for an RFP with their consultant, Julie LaBranche. They are trying to get the RFP done by July 15th. They will come before the committee with their markups by September 12th. The goal is to have a warrant article for 2023 and to have a complete rewrite by 2025. Beach Committee has been working mostly on parking issues and frequent beach closures due to pollution. Testing will continue and they are waiting on the governor's signature on the environmental grant.

Selectman Winslow reported that Counselman Stevens told him that it was signed last week.

Ms. Bergeron stated that she had not heard that, neither had PWD Rucker. Ms. Bergeron will check into it tomorrow.

Selectman Winslow reported that the Water District will be meeting on Wednesday, July 6th at the Water District office on Sagamore Road. The CIP Committee will be meeting for the first time on July 18th. Letters have gone out to the department heads. Rockingham Planning

Commission wants to work on the potential of obtaining a portion of \$1 million in federal funding for safe streets and roads.

Selectman King reported that Karen Stewart is planning to resign as the chair of the Town Center Committee due to personal reasons. She will stay on the committee and also on the Historic District Commission as well. The Historic District Commission guidelines are developed, but cannot be officially adopted until it goes through Rules and Regulations and a vote for an ordinance change.

IX. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Thursday, June 16, 2022, 8:30 a.m., Pease Development Authority Office.

Motion by Phil Winslow to approve the meeting minutes of June 16th as presented. Seconded by Bill Epperson. All in Favor.

2. Meeting, Tuesday, June 21, 2022, 2022 p.m., Town Hall

Motion by Phil Winslow to approve the meeting minutes of 21st as presented. Seconded by Bill Epperson. All in Favor.

3. Non-Public Session, Tuesday, June 21, 2022 (2) per RSA 91-A:3 (e) legal

Motion by Phil Winslow to approve and not to seal the minutes of June 21st non-public session as presented. Seconded by Bill Epperson. Vote: 2-0-1 Abstained: Phil Winslow

ADJOURNMENT

Motion by Bill Epperson to adjourn the meeting at 9:00 p.m. Seconded by Tom King. All in Favor.

Respectfully Submitted
Dyana F. Ledger