

**TOWN OF RYE - SELECT BOARD
MEETING
Monday, July 25, 2022 - 6:00 p.m.
Rye Town Hall**

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

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

6:00 p.m.

I. CALL TO ORDER

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

**II. NON-PUBLIC SESSION (1) RSA 91-A:3, II (b) Hiring
(2) RSA 91-A:3, II (e) Legal**

At 6:00 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 6:09 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 6:09 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (e) Legal. Seconded by Tom King. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.

At 6:30 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Tom King. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.

At 6:30 p.m., Bill Epperson made a motion to go into Non-Public Session per RSA 91-A:3 II (d) Acquisition. Seconded by Tom King. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.

At 6:36 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.

6:30 p.m. RECONVENE PUBLIC MEETING

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

Selectman King announced that the Rye Water District has issued a mandatory level 1 water restriction.

A level 1 restriction consists of:

- Lawn watering by odd numbered addresses allowed on Monday, Wednesday, and Friday.
- Lawn watering by even numbered addresses allowed on Tuesday, Thursday, and Saturday.
- Lawn watering shall occur between the hours of 12:01 a.m. and 10:00 a.m. or 6:00 p.m. and midnight.

The restriction has been posted on the Rye Water District and town websites, on the town's Facebook page, and on the town message board.

Fire Lieutenant MacGlashing introduced Firefighter/AEMT Lexie Gorski. Ms. Gorski has been on the Rye Fire call department for ten years and is now moving to a per diem position with the department working 24 hours a week.

Chair Epperson stated that Ms. Gorski is very qualified. She was highly recommended by everyone at the fire department. He congratulated Ms. Gorski. Rye is very happy to have her onboard.

V. 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.)

Steven Borne, 431 Wallis Road, noted that a couple of weeks ago on a hot day at Sawyers Beach it was packed. There were six to seven cars with parking tickets on them. He asked if there was any way they could be towed.

Administrator Walsh explained that there would need to be a town ordinance outlining the conditions that allowed for towing. There are also the logistics of towing. The town has a towing policy to protect the town against civil liability. The tow truck would have to pull the car out sideways because it's all parallel parking. The officer then has to do an inventory of possessions inside the car and write the report. This whole procedure would take about 2.5 hours to complete.

Mr. Borne asked for an update about Parsons Creek.

Assistant Administrator Bergeron stated that they just had the kickoff meeting to start the project.

Mr. Borne asked who the project manager will be and if there will be public updates.

Asst. Admin. Bergeron responded that FB Environmental is coordinating the project management with the Planning/Zoning Administrator, the Public Works Director and the Town Administrator. The updates will be on the town website.

Mr. Borne also commented about the Town Clerk changing the hours of her office. Mr. Borne also recommended that the town provide more information to the public on how to be more prepared when they go into the tax assessor's meeting to discuss the validity of the assessment on their home.

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

- A. Deputy Chief Blaisdell – Event Permit Application: Sanders at Rye Harbor 10K Road Race, Thursday, 8/18/22. 6:00-9:00 p.m. to benefit the NHSPCA
- B. Letter rec'd from Karen Stewart re: her resignation from the Town Center Committee
- C. Beach Committee – 3 year term
 - 1. Anne Baker: Appointment as a member – email rec'd 7/18/22
 - 2. Recommendation letter rec'd 7/18/22 from Mary-Ann Sullivan, Chair
- D. CIP Committee – unlimited term
 - 1. Matt Curtin: Appointment as a member – email rec'd 7/19/22
 - 2. Recommendation letter rec'd 7/19/2022 from William Roach, Chairman
- E. Letter rec'd from Brendan Carney re: his resignation from the Beach Committee

Selectman Winslow asked that they discuss consent agenda items A, B, C and E.

- **Deputy Chief Blaisdell – Event Permit Application: Sanders at Rye Harbor 10K Road Race, Thursday, 8/18/22. 6:00-9:00 p.m. to benefit the NHSPCA**

Deputy Chief Blaisdell reported:

- This is the 47th Anniversary of this race.
- There will be a limit of 350 participants.
- The insurance and all other documentation are in order.
- There will be duty officers on site to assist with traffic.
- The route will be the same as last year
- It starts and ends at Outdoor Pride on Central Road.
- There is no ambulance and EMT service because it is a small event

Motion by Bill Epperson to approve the Sanders at Rye Harbor 10K Road Race to be held Thursday, 8/18/22. Seconded by Phil Winslow. All in favor.

- **Letter rec'd from Karen Stewart re: her resignation from the Town Center Committee**

Chair Epperson reported that the Board received a letter from Karen Stewart submitting her resignation from the Town Center Committee. He added that the committee has been tasked with some pretty serious decisions to be made on behalf of the Town. She has done an exceptional job of leading that effort. It is a loss for the Town. He reluctantly accepted the letter. He asked that a letter be sent to her thanking her for her service.

Motion by Phil Winslow to accept the resignation of Karen Stewart from the Town Center Committee. Seconded by Bill Epperson. All in favor.

- **Letter rec'd from Brendan Carney re: his resignation from the Beach Committee**

Chair Epperson stated that he has worked with Brendan on the Beach Committee and he is a very conscientious guy when it comes to the environment. His heart is really into the environmental efforts on the beach and the town at large. His commitment to the committee is appreciated. Chair Epperson regrettably accepted the letter. He asked that a letter be sent to him thanking him for his service.

Motion by Phil Winslow to accept the resignation of Brendan Carney from the Beach Committee. Seconded by Bill Epperson. All in favor.

Administrator Walsh informed the Board that he received an email from Deirdre Larkin dated the 23rd of July resigning as an alternate from the Beach Committee.

Motion by Bill Epperson to accept the resignation of Deirdre Larkin as an alternate from the Beach Committee. Seconded by Phil Winslow. All in favor.

Motion by Phil Winslow to appoint Anne Baker as a member of the Beach Committee for a three-year term. Seconded by Bill Epperson. All in favor.

Motion by Phil Winslow to appoint Matt Curtin as a member of the CIP Committee for an Unlimited Term. Seconded by Bill Epperson. All in favor.

VII. DISCUSSION ITEMS

A. Energy Committee – Community Power Update

Howard Kalet and Lisa Sweet represented the Energy Committee. Mr. Kalet explained that Lisa is on the Board of Directors of Community Power New Hampshire and he is the alternate. If Ms. Sweet cannot attend a meeting, then Mr. Kalet would go in her place. They sometimes attend meetings together. Ms. Sweet is also involved in many other facets beyond being a director.

Ms. Sweet explained that they were going to ask the Select Board for two things. The first is an amendment to the Joint Power Agreement. The Joint Power Agreement is the charter and by-laws by which the organization operates. Most of the articles in the Joint Power Agreement only need two thirds of the CPCNH Board to approve them. However, there are a couple of articles that need the approval of the Board as well as member approval (all the member towns) before they can be adopted.

One of the articles that needs to be approved by the members allows CPCNH to amend the JPA at any meeting, not just at the annual meeting. The original article states that they can only change the Joint Power Agreement at the annual meeting in April. Because they are a startup organization, and they want more flexibility, they voted unanimously to change it to any member board meeting. The meetings are monthly or more often.

Ms. Sweet asked the Select Board to approve this article.

Chair Epperson asked where the PUC stands on the agenda.

Ms. Sweet reported that they are meeting to release the final rules. Then they should be able to take the final rules to the joint legislative council for administrative rules. There is a date for that on August 18th.

Motion by Bill Epperson: We, the Rye Select Board approve the amendment to Article 16, Section 2 of the Joint Power Agreement of the Community Power Coalition of New Hampshire as presented in the agenda of July 25, 2022. Seconded by Tom King. All in Favor.

The second thing that the CPCNH is asking of the Select Board will take a little more time. Ms. Sweet explained that she is bringing it before the Board in order to give them time to review it and understand it.

Ms. Sweet referred to the community power aggregation plan that CPCNH finished in January and was approved by the voters in March. It was a comprehensive plan about how Rye Community Power will operate. It was submitted to the PUC with a couple of other plans. The PUC said that the plan looks great, but they were not ready to approve anything, because they had not finished their rules yet. They had a couple of questions on each of the plans that had been submitted and wanted more detail on these items. The details have been added to the plan.

Ms. Sweet pointed out the changes to the plan. Most of the changes throughout the plan were to change the tense of a statement. She gave an example of “we will do this” to “we are doing this.”

Other minor changes are:

- Adding Portsmouth as a member.
- CPC has grown from 13 members to 19 members.

Amendments 9 & 10 are technical attachments that explain in more detail things that are in the plan. They are not changing the plan. They are just adding a lot more technical detail. She referred to page 26 in the plan. It reads: "See attachment nine for more detail".

Mr. Kalet stated that they are hoping to be on the agenda for the Select Board's August 22nd meeting, in order to provide any additional feedback and to answer any further questions.

Ms. Sweet reviewed the timeline:

- Tonight, the Board has received the amended aggregation plan.
- Wednesday night, the final rules should be coming out.
- CPCNH will review the rules.
- As long as that review goes well, the town could get legal review.
- She and Mr. Kalet could come back to the August 8th meeting to answer any questions.
- They could return on August 22nd to ask for the Board's approval.

Selectman King expressed concern about going for legal review prior to the Joint Legislative Council for Administrative Rules giving their final approval on August 18th.

Mr. Kalet stated that he understood that concern. He just wanted to get the information in front of the Selectmen to give them time to review it. He also reported that CPCNH has hired a national law firm that deals in community power across the nation. They sit in on the board meetings and advise them on procedures and approaches.

Selectman King pointed out that by the 8th they will know if they have the rules and what they are.

Ms. Sweet agreed. If the rules come out as they went in, then the plan is great. If there are major changes, then there is more work to do. If the rules are delayed, it delays anyone in the State from being able to implement any of the community power programs. She added that they are hoping to get the plan modified by the end of August and submit it to the PUC (based on their rules), so they can take their sixty days to approve it, and everything can happen for a launch in May. If they keep delaying the launch will keep getting push back.

There was further discussion on customer data protection.

B. Rye 400 Update

Andy Stecher of the Rye Historical Society introduced himself to the Select Board. Mr. Stecher is originally from Germany and came to the U.S. about 36 years ago. His wife's family has been associated with Rye for 100 years. The family is from Quincy, MA and spent their summers in Rye. He and his wife have two children and moved to Rye about 2 years ago. Mr. Stecher joined the Rye Historical Society about eight months ago and is a huge history buff.

About Rye 400:

Earlier this year, there was discussion among the members of the Rye Historical Society. Someone said they wished someone would do something about the Rye 400. There had been a committee, but it fell apart due to Covid. Mr. Stecher said, "If no one else takes it, I will."

- About 2 months ago, the Rye Historical Society Board adopted the status of being the umbrella organization for the festivities.
 - The Rye 400 Committee was formed.
 - There are about eight to nine active members.
 - Each Member is a project manager.
 - Each project manager takes a particular activity or task and runs with it.
- This is an all-inclusive event
 - Open to Town Boards and Commissions.
 - Open to any community group:
 - Lion Club
 - Art Clubs
 - Garden Clubs
 - Music Clubs
 - Senior Groups
 - Indigenous Folks
 - Open to anyone who lives in Rye.
 - Open to anyone who is associated with Rye.
- Including all the geography of Rye:
 - Odiorne
 - Beaches
 - Forest
 - Rye Town Center
 - Farms
 - Harbor
- It will be a yearlong event:
 - Different seasons
 - Indoor and Outdoor
- Events:
 - Lectures focusing on three different areas of Rye History; WW II, The Hotel Era, and Onassis.
 - Lectures focusing on Rye Neighbors, unique people in Rye and Rye legends.
 - Photo and art contests
 - Silent auctions
 - Recreational events
 - Rye Day

Mr. Stecher reported to the Board that Janice Ireland help get the permit to hang banners around town advertising the 400th Celebration. Mr. Stecher showed the mockup of the banner to the

Board. There will be 60 banners hung on telephone poles. Mr. Stecher reported that they have developed a budget for the event. He stated that they aimed high and the bottom line was \$150,000.

- Sources of Funding
 - \$20,000 warrant article
 - Active fundraising in the community
 - Businesses
 - Private citizens

Mr. Stecher reported that they have already raised \$25,000. The idea is that if they can't raise all of the funding, they will have to cut back. However, at this stage they want to do as much as they can to get people excited.

With Selectman Tom King's help, they have created some publicity and now have a website. The activities that have already been planned are on the activities calendar on the website.

The first event that kicks off the festivities is the Christmas Parade followed by the Rye Historic District Commission's Candlelight Stroll. The parade starts at 3:00 p.m. on December 4th. The candlelight stroll will start directly after the parade at the Rye Public Library and will end at Parson's Field with the lighting of the Christmas Tree.

The budget for this event is \$5,000, which includes all new lights for the tree at Parsons Field. The Fire Department will be putting up the lights.

In summary, Mr. Stecher stated that he would like to spend some of the money now. He asked to allocate funds to different positions at this time so that they can get started in building the program. They want to make a firm announcement by hanging up banners and planning the events and creating the fundraising. The cost for all 60 banners is a total of \$10,000. They have decided not to do all the banners at once. They scaled it down to do 30 to 35 banners which will bring the cost to \$6,000. They are also asking for \$4,000 to pay for all the Christmas items; such as, lights and candles. He pointed out that some of the items will be used again next year like the lights.

Selectman Winslow expressed concern that this was not budgeted for this year, so the Town does not have \$10,000.

Asst. Admin. Bergeron pointed out that there is a Capital Reserve Fund set up for Rye Day. Her concern is that if that money is spent now, when they get to Rye Day, if they have not raised additional funds or received the funds that have already been pledged then what would happen? The other question is if the Committee will be coming back to the Select Board to ask for additional funds for 2023.

Mr. Stecher stated that they have not made that decision yet. At this point, they would like to raise as much money privately as possible.

Selectman King pointed out that the concept of Rye Day did not exist when the Select Board wrote the warrant article. Also, the Select Board did not have a firm number when they wrote the article. They came up with the \$20,000 and figured that it sounded reasonable. He also stated that the Historical Society is spending some of their money on items as well.

Motion by Bill Epperson to authorize the expenditure of \$10,000 from the \$20,000 Capital Reserve Account. Seconded by Phil Winslow. All in Favor.

C. Public Works Director, Jason Rucker – Salt Shed Update

Public Works Director Rucker reported that the foundation is complete and the shed itself is up. The project is not at 100%. There is electrical, lighting, and paving that needs to be done. The color of the building has been a current topic. The reason that white is recommended is that it lasts longer than a brown or green material and it absorbs the UV light better.

D. Public Works Director, Jason Rucker – Loader Purchase Update

Director Rucker reported that they will receive delivery of the loader tomorrow.

E. Pump out Update

Administrator Walsh reported that Attorney Maher has recommended that they take the current town ordinance and change it into a health ordinance. That will become the vehicle for the enforcement action. The building department asked that language be added that upon the sale of a property an inspection of the septic system must be done, along with language that states that an inspection must be done every six years. These inspections should be done by someone that is certified in septic service by the State of New Hampshire. Administrator Walsh pointed out that the system that is currently in place has a lot of voluntary compliance in it. The gap is with the inspection and having someone qualified to do the inspection. With the health ordinance, it would be the property owner's responsibility to get a certified inspector to do the inspection.

Administrator Walsh will check to see if this ordinance change would have to go on the town warrant.

Chair Epperson asked Asst. Admin. Bergeron what the reporting mechanism for the grant is on the water shed.

Asst. Admin. Bergeron responded she would check with Planning Administrator Kim Reed as to how often FB Environmental will be updating the town on the work status.

PWD Rucker interjected that FB Environmental has been communicating with the Building Department and he has been copied on the correspondence.

VIII. CORRESPONDENCE – None

IX. NEW BUSINESS

Selectman Winslow pointed out that the Town has received Rockingham County's budget. The town's share is based on its valuation, so it will be a sizable amount this year. He stated that he would like to have a representative from Rockingham County come in to present their budget. The Board will reach out to State Rep Jaci Grote to arrange a meeting.

Chair Epperson reminded the Board that they had voted in March that he would remain the Chair until the end of July. Vice Chair Winslow will take the chair position until town meeting in March of 2023. Selectman King will become vice-chair. At the end of this meeting, he will be stepping down as chair. It will be official at the end of July.

X. OLD BUSINESS

A. Town Clerk's Office Hours

Chair Epperson brought up the concern that Town Clerk Donna DeCotis has about security, if they offer evening hours. He asked Ms. DeCotis to address the issue.

Ms. DeCotis responded by saying that her office gives great customer service. She has a great team and she is proud of them. At this time, she does not feel comfortable having night hours. When they move to the annex, and they have the drive through, she will consider moving to evening hours.

Chair Epperson asked if she was refusing the move to evening hours.

Ms. DeCotis responded by saying "At this time, yes". She added that as she looks at the situation, the Building Department is closed and the upstairs door is closed and locked. There is only one way in and out of the Town Clerk's office.

Administrator Walsh stated that the Building Inspector is in every morning at 6:30 and he is in at 6:35 every morning. The building is safe 24/7. There is 24-hour police protection. If the office is open in the evening, the patrol officer will stop in and drive through the parking lot, as they do with the other businesses in town that are open after normal business hours.

IX. OTHER BUSINESS

A. Select Board Representative Updates

Selectman King reported:

- There is nothing important to report on the Sewer District Commission.
- The Town Center Committee would like to have a workshop with the Select Board.
 - Their next regularly scheduled meeting is Wednesday, August 3rd at 5:30 p.m.
 - Prior to that meeting the Select Board needs to review the charge and decide what it will be moving forward. Currently, there is not a complete consensus as to what that would be.

The Board agreed to meet in a joint session with the Town Center Committee on Wednesday, August 3rd at 5:30 p.m. As the Selectman's Rep to the committee, Tom King will draft the charge and get it to Administrator Walsh who will get it out to the other two selectmen for edits.

- There is not much happening on the budget committee at this time.
 - Selectman King talked to Janice Ireland today about the calendar.
 - Janice reported that she is waiting for the calendar from the State Department of Revenue.

Selectman Winslow reported that the CIP Committee met last week for the first time. They have scheduled minor additional meetings to start putting together the document. They have to include the tax rate in this document so they cannot complete it until then. The process is that as the work comes in, the committee will recommend or not recommend projects. They will present the completed plan to the Select Board on November 14th.

He also reported that Rockingham Planning Commission is working on a municipal housing focus group session to inform all the towns in the county on what is being done to develop workforce housing.

The Water District is waiting anxiously as to when they will have to build a new water treatment plant at the cost of \$10 million.

Chair Epperson reported that the Heritage Commission's Demolition Review Committee has been looking at notifications of potential demolition of properties. If the property is of historic interest, they will hold a hearing. They can't stop anyone from doing the demolition, but they can educate the homeowner on the historic nature of their property.

The Rye Advocates are asking their members to be more attuned to the Historic District. Alex Herlihy is creating a walk through the Historic District to explain to everyone about the historic homes. The sign committee is work on placing informational signs in historic areas around town.

The gazebo restoration is in limbo at this time. They are still trying to find a contractor to do the work. The graveyard adoption program is ongoing. There are 67 identified graveyards in Rye. There are 7 that have been adopted. Anyone who wants to adopt a graveyard should call Alex Herlihy and he will put it on the agenda for the Heritage Commission.

The Beach Committee lost its chairman, but the new chair is Mary-Ann Sullivan. They had a gentleman that lives in town come forward who gave them a proposal for a limited parking survey. He has the background to do it, but the committee felt that there was no justification or if there was any additional information that they didn't already have that he could provide. So, they asked him to give them an outline of what the survey would document. The Beach Committee is still working on water quality and trash issues.

The Planning Board is working on some big projects:

- 850 Washington Road – three lot subdivision
- Tower Ave. - ADU
- Condo Conversion at 251/279 Pioneer Road
- 33 Sagamore Road – Bill Labrie has asked for a one-year extension
- 15 Sagamore Road – proposal for a three-family condo dwelling at the back of the lot with two commercial units at the front

Selectman Winslow noted that the Labries are doing a great job on the intersection of Foye's Corner. He suggested that the Board send them a letter to thank them.

Selectman Winslow asked when the Historic District guidelines will be available.

Selectman King responded that they are available now. However, they will not be in effect until they are voted on at town meeting in March because it is a land use regulation.

B. Meeting Minutes

1. Meeting, Thursday, June 30, 2022, 9:00 a.m., Rye Town Hall

The following was noted:

- Page 3, last large paragraph should read: From the pump station the water gets discharged to a gravity collection system, (this one is on Ocean Road).

Motion by Bill Epperson to approve the meeting minutes of Thursday, June 30, 2022, as amended. Seconded by Tom King. Vote: 2-0-0 Phil Winslow abstained.

ADJOURNMENT

Motion by Tom King to adjourn the meeting at 8:32 p.m. Seconded by Bill Epperson. All in Favor.

Respectfully submitted,
Dyana F. Ledger