

**TOWN OF RYE - SELECT BOARD
MEETING
Monday, September 19, 2022 – 6:30 p.m.
Rye Town Hall**

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

Others Present on behalf of the Town: *Interim Town Administrator Kevin Walsh and Finance Director/Asst. Town Administrator Becky Bergeron*

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow reconvened the public meeting at 6:32 p.m. and led the pledge of allegiance.

II. ANNOUNCEMENTS

None

III. PUBLIC COMMENT – (at the beginning of 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, asked if the testing for the Parsons Creek Water shed is available.

It was noted that it is not yet available.

Fire Chief Mark Cotreau noted that the Fire Department will be holding an open house on Sunday, October 2nd from 12:00 to 2:00 p.m. This is being held during Fire Prevention Week. Several guests will be attending the event this year; such as, representatives from the Coast Guard, the Fire Marshall's Office along with one of their investigative dogs, and the Forest Fire Ranger. Everyone from the public is welcome to attend.

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

A. Historic District Commission – 3-year term

1. Lydia Tilsley: Appointment as a member – email rec'd 8/10/22
2. Recommendation letter rec'd 9/15/22 from Kaitlyn Coffey, Chair

Selectman Epperson stated that the volunteers are the lifebeat of the Town, along with the children in town. Anyone who would like to volunteer to do some constructive work in town are certainly more than welcome and appreciated.

Motion by Phil Winslow to accept Consent Agenda Item A. Seconded by Tom King. All in favor.

B. Public Works Director – Jason Rucker – Rubbish Hauling Bid Results

Public Works Director, Jason Rucker, reviewed the rubbish hauling bids received. Only two bids were received; Win Waste Innovations (formerly Shipyard Waste Solutions) and Waste Management. He recommends Win Waste Innovations as they are the current providers for hauling. A three-year contract is being proposed with an extension for two years, if agreed upon by both parties. Director Rucker explained for the public that this is for hauling household waste from the Transfer Station to the landfill site in Rochester. The recyclables are handled by a partner who brokers and sells the items in bulk for the Town.

The Select Board reviewed the bid proposals.

V. DISCUSSION ITEMS

Motion by Phil Winslow to take Discussion Item B out of posted agenda order. Seconded by Bill Epperson. All in favor.

- **Rye Elementary School 4th Grade Class** requests approval to sell lemonade at the Recycling Center on Saturday, 9/24/22 or 10/8/22 from 8:00 a.m. – 12:00 p.m. to benefit Alex's Lemonade Stand

Rye Elementary School 4th Grade Class Students; **Regan Stephan, Molly Berry, Benjamin Hackett, and Winston Underwood**, along with their fellow classmates **Charlotte Steadman** and **Avett Wellman**, gave a presentation to the Select Board regarding their request to sell lemonade at the Recycling Center on Saturday, September 24th. The students explained that as part of a summer reading assignment, they were asked to read 'The Lemonade War' by Jacqueline Davies. As a final activity, the fourth grade class would like to hold a lemonade stand to benefit 'Alex's Lemonade Stand', which is a charity that devotes it's money to childhood cancer research. This year alone, more than \$250 million has been raised and over 1,000 research projects have been funded at nearly 150 institutions. Sadly, a cure has not yet been found.

Shortly before her first birthday, Alex Scott, the founder of 'Alex's Lemonade Stand,' was diagnosed with neuroblastoma, a type of childhood cancer. In 2000, the day after her fourth birthday, Alex received a stem cell transplant. She told her mother that she wanted to have a lemonade stand in order to give the money to doctors to allow them to help other children, as they helped her. The first lemonade stand was held that year. With the help of her brother, Alex was able to raise an amazing \$2,000. In 2004, Alex passed away at the age of eight knowing that with the help of others, she had raised over \$1 million to help find a cure for cancer.

Jacqueline DeFreze, RES 4th Grade Teacher, noted that last year, the students raised \$900 at the recycling center with the lemonade stand. This year's goal is to bring in over \$1,000.

The Select Board thanked the students for their presentation and congratulated them on their work.

Motion by Phil Winslow to approve the request from Rye Elementary School 4th Grade Class to sell lemonade at the recycling center on Saturday, September 24th, from 8:00 a.m. to 12:00 p.m., with a rain date of October 8th. Seconded by Bill Epperson. All in favor.

A. PUBLIC HEARING – Highway Block Grant Funds

The purpose of the hearing is to consider acceptance of one hundred fifteen thousand four hundred one dollars and eight cents (\$115,401.08) from the State of NH as an additional appropriation of Highway Block Grant funds in accordance with the provisions of Senate Bill 401. This non-lapsing grant is to be used for highway construction, reconstruction or maintenance purposes.

Finance Director Becky Bergeron noted that annually the Town receives a Highway Block Grant that is included in the Town's income and is tied to the tax rate. This grant is in addition to the annual grant. This would be unanticipated revenue, so the Board can vote to accept and expend the grant. The funds can be directed to any areas of road construction, and in this case bridge repair, that the Board deems fit. She is hoping the Board will vote to use the funds for some of the items that have already been discussed; such as, the analysis being done by Hoyle, Tanner, and the scan for the Harbor Road bridge.

Chair Winslow opened to the public for comment at 6:47 p.m.

Steven Borne, 431 Wallis Road, asked how it was discovered that the bridge needed work.

Director Rucker explained that there was an incident under the bridge with a kayaker. The bridge has since been posted out of an abundance of caution.

Hearing no further comments, Chair Winslow closed the public hearing at 6:48 p.m.

Motion by Tom King to accept \$115,401.08 from the State of New Hampshire Highway Block Grant and expend two tranches of that for one already completed bridge inspection by Hoyle, Tanner, and a follow up bridge scan. Seconded by Bill Epperson. All in favor.

- B. Rye Elementary School 4th Grade Class** requests approval to sell lemonade at the Recycling Center on Saturday, 9/24/22 or 10/8/22 from 8:00 a.m. – 12:00 p.m. to benefit Alex's Lemonade Stand
Taken out of posted agenda order. See minutes above.

C. Alex Herlihy – Gazebo Restoration

Selectmen Epperson explained that the foreman of Triple Construction looked at the gazebo and is of the opinion that the gazebo can be patched up, but not to the satisfaction for waterproofing so it would last. His recommendation is to rebuild the bottom of the gazebo. That is the only way it would be lasting. His recommendation was also to do the work where it's going to be placed. Alex Herlihy was going to ask the Select Board if they would consider putting the gazebo on the flat portion of land adjacent to the north of the Town Hall. There is a landscape

architect that has done some work pro bono to create a plan for a path and access way, which would be ADA accessible, to the gazebo.

Chair Winslow noted that the Town Center Committee talked about changing the monument and constricting the roads, and possibly having a roundabout in this area. His concern is that the gazebo shouldn't be placed in a position that would encumber some of the land the roundabout would go through. He asked if they can get some sense as to where that is.

Selectman Epperson noted that there are renderings available and he will get that to the Board. He continued that he has encouraged the Heritage Commission to make significant plans and preparations to create where the gazebo is going to be located, so it can be constructed at that site.

Chair Winslow asked if there is a plan to use the gazebo functionally.

Selectman Epperson commented that it could be a meditation place or a resting place for people to enjoy. He pointed out that they have not yet received an estimate on what it's going to cost to restore the gazebo. The Heritage Commission has \$6,000 earmarked for the gazebo.

Vice-Chair King requested that Heritage approach the Historic District Commission and the Town Center Committee (once reconstituted) about the proposal.

Chair Winslow commented it would be appropriate to bring the proposal back to the Select Board once the HDC and the Town Center Committee have been notified.

Note: Alex Herlihy joined the meeting after this item was discussed amongst the Select Board. Mr. Herlihy spoke to the Board about the proposed location for the gazebo. He also spoke about putting a sign at the gazebo about historical hotels of Rye.

The Select Board agreed that they would like to see a staked location for the gazebo. They would also like more information about the sign; such as, the materials and size. It was noted by Mr. Herlihy that the sign will be 24" x 30" and will be made of indestructible material. He agreed to submit a photo to the Selectman showing the proposed sign. He will also stake where the sign would be located, along with the stakes for the gazebo site.

D. Lifeguard Seasonal Wage Scale Analysis

Fire Chief Cotreau and Lt. Jake MacGlashing met with the Select Board to discuss lifeguard recruitment and retention for the Town of Rye, in which the wage scale is an integral part.

Lt. MacGlashing, Coordinator for the Lifeguard Program, noted that there were only seven rain days over this past summer. The Town had nine lifeguards this year with four or five being part-time. The goal is to have fourteen fulltime lifeguards during the summer season. This presented a challenge in filling all the spots for this year. The Town had the normal amount of rescues this past season with no catastrophic events. He continued that in November, he and another lifeguard are going to take a lifeguard instructor class, so they will be able to teach their

own lifeguards. This will give the Department the ability to certify candidates as lifeguards. The intent is to hold a lifeguard class in April and another class just before Memorial Day, at a discounted rate, so these people will hopefully come and work for the Department. The Surf Club has offered use of their pool for the classes in exchange for help in training lifeguards for their facility. Another option is for classes to be held at the YMCA in Portsmouth. At this time, a class is \$385 through Swim N.H.

Chief Cotreau commented that the idea is to offer a discounted rate and if the person stays with the Town for a year, the cost would be reimbursed. This will give an incentive for the person to stay with Rye. He continued that the Seacoast Science Center allowed the Department to have a lifeguard table during their recent Shark Day event. The Center is also willing to help the Department advertise the classes. There will be a lifeguard table at the Department's upcoming open house. Plus, there will be advertising through Portsmouth High and Great Bay Community College.

Chief Cotreau stated that he doesn't have a lot of new data for the wage scale analysis. The Town's lifeguard wage is about .25 to .40 over the starting wage for the state lifeguards, which is Rye's current competition. The State is looking to up the pay for next year. Chief Cotreau suggested raising Rye's starting lifeguard wage by a dollar, so the Town will be in a good position to recruit lifeguards even if the State increases their wages. State lifeguards cover the beaches in Hampton, and are also stationed at Jenness Beach and Wallis Sands.

Lt. MacGlashing noted there are two state stands at Jenness Beach and two at Wallis Sands. The Town has a total of six stands; two at Wallis Sands, two at Cable, and two at Sawyer's Beach.

Mr. Borne spoke about the possibility of connecting with swimmers through swim meets in the area.

After discussion, the Board reviewed the budget for 2022 for the lifeguards' wages. The request from Chief Cotreau is to increase the wages by one dollar to bring starting lifeguards to \$16.50 per hour and senior lifeguards to \$18.50 per hour. The budget is based on 3500 hours, so this would be an additional \$3,500 to the budget for 2023.

Motion by Phil Winslow to increase the lifeguard wage scale by one dollar per hour for each assignment. Seconded by Bill Epperson. All in favor.

E. Body Camera Grant Agreement Approval

Interim Town Administrator Kevin Walsh spoke to the Board about the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). He has confirmed with Primex that there would be a 2.5% decrease in insurance for CALEA members. In adding up the annual fees for the Police Department to have the membership and the criteria for having that federal accreditation, it was found to not be worth the expense. In addition to the annual fee, audits are required every three years, along with a fulltime accreditation manager. This fulltime position would require the person to be a supervisor and would require travel across country every six months for training.

The Department is currently looking forward to the State's accreditation, which is just starting to get off the ground. The goal is for Rye to be one of the first five agencies in the State to apply for that accreditation and be successful.

Referring to the body camera grant, Deputy Chief Blaisdell noted that the grant can be used for either body or dashboard cameras. Rye is proposing to use body worn cameras, as it will go with the officer. The grant is in the amount of \$27,482. He also noted that if the Town accepts the grant and it is found that the program is too expensive to move forward, the Town will just not receive the money. Money from the grant will be released as invoices are submitted. If the Town decides to not use the grant for any reason, this will not disqualify the community from being considered for grants in the future.

- *Tabled for a public hearing to be scheduled.*

VI. CORRESPONDENCE

None

VII. NEW BUSINESS

Town Clerk/Tax Collector Donna DeCotis spoke to the Select Board about her request to set up a collection bin to benefit Rise Above, which is an addiction treatment center located in the States of N.H. and Mass. The idea is to have the bin available in the hallway at the Town Hall (in front of the Town Clerk's Office) for people to drop donations of various items to be included in Bags of Hope. Items for the bags include personal hygiene items, socks, gloves, and other necessities. Ms. DeCotis assured the Select Board that she would take responsibility for the bin and would also be the person to transfer the items to the Rise Above Organization.

After some discussion, the Select Board agreed that this is a worthwhile cause. However, they felt that the proposed location for the bin would not be appropriate, as it is already congested in the hallway and there is a space issue to be considered. They were also concerned about the precedent this would be setting for other organizations who want to do the same in the future. Management concerns for the collection bin were also noted as an issue. The Select Board would like to support the request, but there are practical constraints that won't allow it to happen effectively.

The Select Board asked Ms. DeCotis to submit information to the Board regarding other drop-off locations for anyone who is interested in donating.

VIII. OLD BUSINESS

A. 90 Locke Road Quitclaim Deed Request

Vice-Chair King explained that there was an inheritance issue in the title search for 90 Locke Road. Historically, the Town of Rye has an easement to extract gravel and sand from a location on this property, which was given around the year 1889. The request is for the Town to release

its interest, so there can be a clear title to sell the property. He noted that there's a house on the property now. The Select Board conducted a site walk at the property. The gravel pit seems to be fairly filled in. Town counsel has reviewed this request and has given the mechanism for how this can be done.

The Select Board reviewed correspondence, including a suggested release deed, received from Town Attorney Eric Maher. The applicant agreed with the proposed release deed. He requested that the town attorney's fees not exceed \$1,000., as he will be covering legal costs for the Town related to this request.

Vice-Chair King commented that he would like the Board to entertain legal fees and a symbolic fee; for example, one dollar and legal fees, to show they are getting something for the Town for releasing any interest in this property.

Selectman Epperson noted the fact that this property (easement) belongs to the Town of Rye. The Select Board has the jurisdiction over managing it.

Motion by Tom King to sign a release deed as drafted by Town Counsel for 90 Locke Road for consideration of attorney's fees, up to one thousand dollars (\$1,000) and a symbolic consideration of one dollar (\$1). Seconded by Bill Epperson. All in favor.

B. Harbor Road Bridge Update

Public Works Director Rucker gave a brief update to the Select Board regarding the Harbor Road Bridge repair project. At the previous meeting, the Select Board granted permission to move forward with the nondestructive ground penetrating radar test, which has been scheduled with Hoyle, Tanner for the end of September or first week in October. He noted that the radar scan is not the proper test to scan through the sheet piling for the concrete. Other tests are being researched to determine the structural stability and soundness of the abutments. Hoyle, Tanner is researching the most effective way to repair the bridge. Director Rucker will keep the Select Board updated.

C. Town Hall Annex Update

Interim Town Administrator Walsh gave an update on the Town Hall Annex project. He reported that work is currently being done on the exterior of the vault. The water main hookup is still on target for October 10th. After the electrical is complete there will be some insulation replacement. The project is moving right along. Administrator Walsh agreed to check on the functionality of the drive-up window equipment.

D. Beach Stickers

Vice-Chair King submitted a rendering showing a proposed beach parking sticker to be used during 2023 to commemorate the Rye 400th Anniversary. The sticker will be used for one year and the Town will return to the original stickers in 2024.

The Select Board liked the design. Town Clerk DeCotis will follow up with Administrator Walsh with the pricing for the stickers.

IX. OTHER BUSINESS

A. Select Board Representative Updates

- **Planning Board** – Selectman Epperson noted that the Planning Board is having a public hearing on September 20th for the proposed amendments for the Land Development Regulations. There are twenty-six amendments in total, including one addressing irrigation systems.
The Planning Board is still working on the application for 850 Washington Road and the Sagamore Road condominium/commercial project.
- **Beach Committee** – Selectman Epperson reported that the Committee has been pretty active. They are talking about shoulder season testing of the water at Sawyer's Beach from mid-September to December. This will be done in conjunction with Surfrider Association, as it is not traditionally done by the Town. The testing will also continue in January through May.
The Beach Committee is also planning a beach clean up at Pirate's Cove on October 1st with Blue Ocean Society. They are also planning two or three beach clean ups on April 1st for Rye's 400th Anniversary.
- **Heritage Commission** – Selectman Epperson pointed out that Heritage is working on the gazebo and the signs, which was discussed earlier in the meeting.
- **Historic District Commission** – Vice-Chair King reported that HDC continued to work on the Historic District Guidelines and are waiting for the warrant article process to begin.
- **Town Center Committee** – Vice-Chair King noted that he has spoken to a couple of members of the committee. He spoke about the general sense of what the Select Board wants to do with a technical committee and then a vision committee. This will require changes in the charter and some sense of which members want to be on those committees. Vice-Chair King will be working on a draft for the charter.
Vice-Chair King explained that the Town is at the phase with the TAP Grant where a committee is going to be formed to help choose a contractor to do the work. The Board is looking for people to be on the committee that have that kind of expertise.
- **Rockingham Planning Commission** – Chair Winslow reported that an RPC meeting was held last week. There were seventeen towns represented at that meeting. Water was a source of concern for everyone; as well as, infrastructure, sewer, and workforce housing. There are a number of towns that have put through irrigation constraints. None of the towns have actually banned irrigation completely. He will keep everyone informed as to what the next meeting brings.

- **Rye Water District** – Chair Winslow reported that a joint meeting between the Conservation Commission, Select Board, and Rye Water was held on September 15th to talk specifically about finding different sources for water. The focus area was primarily the Brown Farm property on West Road. The Water District is working with the Conservation Commission to identify any constraints that are required to get onto that property, so they don't disrupt the flora and fauna or any of the walking trails. Rye Water is going to be presenting an application to Natural Resources Conservation Service (NRCS), who holds the conservation easement on the property. The application will be reviewed by RCC before being submitted. It is anticipated that the project will take about two years to complete.
- **Capital Improvements Plan Committee** – Chair Winslow noted that the information for the CIP for all departments is due within two weeks. The updated CIP will be presented in October.

B. Meeting Minutes

1. Meeting, Monday, August 29, 2022, 6:00 p.m., Town Hall

Motion by Phil Winslow to accept the minutes of August 29, 2022 as written. Seconded by Bill Epperson. All in favor.

2. Non-Public Session, Monday, August 29, 2022 (1) per RSA 91-A:3, II (b) Hiring

Motion by Phil Winslow to accept and not to seal the non-public minutes of August 29, 2022. Seconded by Bill Epperson. All in favor.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:23 p.m. Seconded by Tom King. All in favor.

Respectfully Submitted,
Dyana F. Ledger