

**TOWN OF RYE - SELECT BOARD
MEETING
Monday, October 24, 2022 – 5:30 p.m.
Rye Town Hall**

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

Others Present on behalf of the Town: *Town Administrator Matt Scruton and Finance Director/Asst. Town Administrator Becky Bergeron*

5:30 p.m.

I. CALL TO ORDER

Chair Winslow called the meeting to order at 5:30 p.m.

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

At 5:30 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., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. 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 (a) Personnel. Seconded by Bill Epperson. Roll Call: Epperson – Yes, Winslow – Yes, King - Yes.

At 6:30 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 Winslow reconvened the public meeting at 6:41 p.m. and led the pledge of allegiance.

IV. ANNOUNCEMENTS

- NH DES is holding an Open House/Public Comment on the Coakley Landfill on November 14th at the Bethany Church in Greenland from 6:30 to 8:00 p.m.

- The Town of Rye has submitted the Rye Community Power Plan to the Public Utilities Commission (PUC). The plan is an attempt to help control pricing and reduce pricing for town residents.
- The Select Board gave a special thank you to Chief Cotreau, Chief Walsh, the Fire Department and Police Department staff, and volunteers for managing the water distribution to Rye residents during the Rye Water District Boil Order.

Fire Chief Mark Cotreau reported that they are receiving water from a vendor two days prior to distribution. They will continue to distribute water as long as needed. Right now, they have distributed water for four days with a total of 1,560 cases being given out. Distribution is taking place at the Fire Department, between the hours of 3:00 to 7:00 p.m., and will continue until the water boil order is lifted.

- Chief Cotreau announced that Garrett Matthews will be joining the Fire Department and filling one of the per-diem firefighter/EMS positions. Mr. Matthews comes from Concord and is bringing a lot of enthusiasm to the department. The Fire Department looks forward to working with Mr. Matthews.
- Chair Winslow noted there have been a number of people asking about communications for emergency issues. About three years ago, Chief Walsh introduced the Town to the N.H. Alerts program. People need to sign up with their contact information. Any information which reflects an emergency will communicate to those who are signed up. Chair Winslow pointed out that on October 12th at about 4:10 p.m., he received a text message and two phone calls from N.H. Alert and the Rye Water District about the Boil Order. He encourages people to sign up for N.H. Alert and the Rye Water District alerts to receive information as it happens.
- Chair Winslow explained that Rye Water District is a distinct, legal entity from the Town. The Rye Water District has a commission made up of three commissioners and staff who operate the water system for part of Rye. They have a separate deliberative session and election every year. They are separate from the Select Board. However, in the same token, everyone is working together through this whole process.

Rye Water District continues to actively work with the Department of Environmental Services (DES). They have currently not found any obvious cause for the contamination. The investigation remains ongoing with the help from NH DES. This is both encouraging and also challenging. Encouraging because it does not indicate a serious and obvious problem. It's challenging because it makes it harder to determine the cause. Rye Water District would like to express their gratitude to mutual aid partners of Portsmouth who provided assistance with flushing efforts, including help on scene with flushing and providing dichlorination materials. Additional mutual aid from Rochester was on standby in case of an unrelated water emergency helping RWD to focus on treating the water system quickly and effectively. Additionally, NH DES has been an instrumental partner and has been on the ground since day one. Rye Water District understands that

the situation was both unexpected and extremely inconvenient. Rye Water District and the Select Board will continue to work towards a common goal of reestablishing clean water in the community. Testing has resumed and according to DES, two negative tests over consecutive days are required before water is deemed safe for consumption. Long-term, RWD is exploring the idea of bringing in a third-party consultant to assess the situation, collaborate on what caused this contamination, and what can be done to prevent this from happening again in Rye.

RWD is very fortunate to have mutual aid partners like Portsmouth Public Works on site. They loaned RWD it's dechlorinator which removes the excess of chlorine from water being flushed to ensure that chemicals are not being dumped into the environment. RWD is also using a jet focus discharge method from the hydrants that will prevent erosion from high pressure water flowing from the system. There are a number of things that residents can do to help prevent pollution from entering the water system: regularly inspecting septic systems and making repairs when necessary; private well owners should inspect and replace well caps or dug well covers where indicated; and keeping animals and livestock away from waterways, including streams.

The Rye Water District and Select Board thank the residents of Rye for their patience. All efforts remain aggressive. RWD is working diligently to resolve this issue.

V. 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.)

Ralph Hickson, Rye Water District Commissioner, noted that this afternoon, the Rye Water District took the first round of tests to hopefully prove the water has come back clean. A second set of tests will be taken tomorrow. The samples take 24-hours to develop to see if they are positive or negative for E. coli or coliform. Rye Water District would also like to thank the residents of the District for their patience. Over the years, people have become accustomed to having clean, drinking water when they turn their tap on. Unfortunately, over the last eleven days it hasn't worked that way. The Water District is working diligently on correcting the situation and to determine, if possible, how it was caused. It is likely that it will never be known what caused the problem. The Engineer from DES has said that in seventy percent of the boil water cases, the cause was never determined. It's important to note that the wells have been tested and those have tested clean. Mr. Hickson commented that the Rye District Commissioners appreciate the cooperation of the Town in working on this issue. As pointed out, these are two separate entities that are working together for a common cause.

Marilyn Page introduced herself to the Select Board. She is from Greenland and is running for District 24 State Rep.

Steven Borne, 431 Wallis Road, commented that he applauds the effort to improve communications by hiring a public relations firm. He suggested that the most important information be put at the top of the updates with verbiage below.

Joe Cummins, 990 Washington Road, suggested making the water testing more frequent.

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

Chair Winslow pulled consent agenda item A for discussion.

- A. Municipal Resources, Inc. – Assessing Services Contract Renewal**
- B. Recycling Education Committee**
 - 1. Cynthia Bogert: Appointment as a member – letter rec'd 9/27/22
 - 2. Recommendation letter rec'd 10/19/22 from Alex Herlihy, Chair
- C. Beach Committee**
 - 1. Cybele Grier: Appointment as member – email rec'd 10/20/22
 - 2. Joan Zofnass: Appointment an alternate – email rec'd 10/20/22
 - 3. Recommendation letter rec'd 10/19/22 from Mary-Ann Sullivan, Chair

Motion by Bill Epperson to accept Consent Agenda Items B and C. Seconded by Tom King. All in favor.

- Municipal Resources, Inc. – Assessing Services Contract Renewal

Finance Director Becky Bergeron noted that the last contract was \$5,775 per month. The new contract is \$6,060., which is increase of about 4%. The contract details are the same as the previous contract with the exception of the fee schedule.

Motion by Phil Winslow to accept the Municipal Resources, Inc. assessing services contract as written. Seconded by Bill Epperson. All in favor.

VII. DISCUSSION ITEMS

- A. NH DOT – Discussion on the replacement of the stone box culvert on Route 1A, 500ft north of Locke Road**

A representative from N.H. DOT, along with **Bill Straub, CMA Engineers**, and **Joel Ballestero** from **Streamworks, PLLC** met with the Select Board to discuss the replacement of a stone box culvert on Route 1A north of Locke Road. After the presentation of the project and the details of the replacement, there was discussion about the timing for the work to be completed.

- B. Representative Jaci Grote – Legislative Update**

Representative Jaci Grote met with the Select Board to give a legislative update. She noted that at the beginning of every legislative session, there is a period where bills can be entered for legislation. Those can be filed beginning November 9th and the last day to file is November 22nd. Something being filed on November 22nd has to be in its final format, as it cannot be amended.

One of the things that was talked about was a possible position for Rye on the PDA. She thinks they will need to get the support of other members, specifically from Greenland and Newington. She suggests they have a meeting with representatives from those towns to discuss Rye's plans.

Chair Winslow suggested having the town administrators meet to start the discussion. It was explained that Pease Development Authority (PDA) runs the Pease operations. Currently, Rye does not have a representative on the PDA, so news about any development is heard second-hand. PDA has the responsibility for Pease and all of the Harbors in N.H., including the Isles of Shoals and Rye Harbor. Rye deserves to have some representation on the PDA and would even be happy to have a shared representative to have some insight.

Representative Grote noted that other items before the legislature include the removal of old utility poles in communities. The legislation is looking at what can be done to improve the system for removal of those poles. She continued that the private well initiative has been launched under the Safe Drinking Water Commission. All private wells have been identified on the Seacoast. There has already been a test program in Madbury where ninety people attended a workshop run by DES. Out of those ninety people, eight-eight water samples were taken for private wells and sent in for testing. The testing was done for arsenic, manganese, bacteria and PFAS. The next towns the Safe Drinking Water Commission will concentrate on will be North Hampton and Exeter. It will probably be some time in the spring for the commission to get to Rye.

Representative Grote also noted that the legislature is also looking at licensing for mental health professionals to determine if the process has any hurdles that would keep the work force in that field from increasing, as there is a 13% vacancy rate in that field at the State level.

C. Congestion Mitigation/Air Quality (CMAQ) Discussion

Dania Seigle, Rockingham Planning Commission Representative, spoke to the Select Board about the Congestion Mitigation/Air Quality (CMAQ) Grant possibility which allows towns to obtain funds for projects that reduce hazardous air quality issues in communities. Projects that are eligible include; signal coordination, intersection improvements, park and ride facilities, sidewalks, and acquisition of transit vehicles. The minimum funding size of a project is between \$100,000 and \$200,000. A letter of interest for the grant is due by November 4th from the Town. A mandatory CMAQ project workshop is being held sometime in December. The grant application is due to NH DOT by January 6th.

The Select Board spoke with Ms. Seigle about the replacement of sidewalks or the addition of new sidewalks through the center of town. The Select Board had some concerns with regard to idea of the sidewalks for the grants as the Town does not currently maintain the existing sidewalks. Additional funds for equipment and maintenance would be needed. There would also be a need for additional personnel to help maintain the sidewalks. The Select Board also want to be sure that Rye maintains its semi-rural character and sidewalks may take away from that. There was some discussion about the expansion of the bicycle lanes from the Sagamore bridge to Odiorne Point. It was agreed that a letter of intent could be submitted to see what the next step would be.

D. Telecommunications Infrastructure Committee Charge

The Select Board reviewed the charge for the Telecommunications Infrastructure Committee to see if any changes needed to be made. It was agreed that the charge was fine and no changes were needed.

Motion by Phil Winslow to redraft the Rye Telecommunications Infrastructure Committee Charge with a change of date to March 31, 2024 and leaving the body of the document the same. Seconded by Bill Epperson. All in favor.

E. Telecommunications Infrastructure Committee Update

John Bellino, 2136 Ocean Blvd, representing the Telecommunications Committee, gave an update to the Select Board. He also spoke about the possibility of funding for a consultant to do an additional search for possible cell locations.

F. Current Town Hall Building Future Renovations

Asst. Town Administrator/Finance Director Becky Bergeron, Town Administrator Matt Scruton and the **Select Board** spoke about the phasing of the staff from the current Town Hall to the Town Hall Annex, which is intended to happen between Thanksgiving and Christmas of this year. Ms. Bergeron noted that the reconfiguration and maximization of the current Town Hall space is going to be contingent upon emptying one floor or the other. There was discussion about the timeframe for putting forward a warrant article for Phase 2 of the Town Hall Annex in order to create meeting room space. Currently, the warrant article for Phase 2 is planned for 2024. There may be a need to move staff who are staying at the current town hall into temporary office spaces in order to keep the current meeting room available for meetings until Phase 2 on the Town Hall Annex moves forward.

The Select Board asked Asst. Town Administrator Bergeron and Town Administrator Scruton to come up with a plan for a temporary plan for the staff until the current Town Hall can be reconfigured. The Select Board agreed that they need to get the annex finished, the town staff moved, and then have a discussion about how to move forward.

G. Rye/New Castle Bridge Update

Chair Winslow explained that the bridge runs from Rye to New Castle near the Wentworth Hotel. The state has determined it has to be taken down. It's a bascule bridge and is one of only two in the State. It has been decided by DOT that it will go to a fixed bridge. The historical group in NH want to keep the bascule bridge but it's going to cost ten million dollars more than having a fixed bridge. A fixed bridge would allow for water lines to be run from New Castle into Wentworth Road where fire suppression capability is needed. With a fixed bridge, the water line can be run along the bottom of the bridge and would be a significantly less cost. Chair Winslow noted that putting in a fixed bridge would save the Town \$960,000 as that would be the

cost to put in a water line along Wentworth Road that would handle the fire suppression. With the water coming in from New Castle to Portsmouth, the Town would not have that cost. Five years ago, a letter was sent from Rye in favor of a fixed bridge. Chair Winslow would like to send that same letter at this time. It has been determined that the number of times the bridge has been lifted to bring boats in or out of the back channel has been 2.9 times each year over the last five years. The bridge has been lifted a total of about 12 times over five years. A cost of ten million dollars for the purpose of two to three boats on an annual basis doesn't sound like a conservative way to use money.

Selectman Epperson stated that it's really kind of a financial issue, as far as he's concerned. He would support the fixed bridge. His heart tells him it should be a lift bridge. His head says that a fixed bridge is just fine.

Vice-Chair King stated that he would rather it be a lift bridge. However, it should probably be a fixed bridge because of the cost. If money were no issue, it would certainly be a lift bridge. He hates to see the Town give up an infrastructure capability, as it's never brought back. This is a seventy-year-old bridge. It was heard earlier that there would be five feet of sea-rise in the next seventy to eighty years. A lot of boats are going to have trouble getting through with a fixed bridge proposed. He thinks it is short sided and he wouldn't do it if he was making the decision. He's not sure why the Select Board has to weigh-in on this decision. He thinks it's a national security issue to have roads, bridges and infrastructure. He is not in favor of a fixed bridge. He doesn't see where it would save any money. There's no estimate to say what it would cost if it's not a fixed bridge. In regards to the water line going across to feed New Castle, it's known from the current situation that no town feeds another. If this was built, unless there's some municipal agreement that Rye is feeding water to New Castle, there would be no interconnect with them.

RWD Commissioner Hickson noted that the water in that area is all Portsmouth water. It would never be Rye District water going into that system. It would be the Rye Water District water main providing Portsmouth water.

Vice-Chair King asked if the Rye Water District pipe dead-ends at the end of the bridge.

RWD Commissioner Hickson confirmed. He noted that the pressure in that area is sufficient for domestic use, but inadequate for fire protection. That's why there's the \$960,000 project to increase the size of the water main in that area for fire protection. It's not adequate for fire protection along Wentworth Road. The project would replace the line from Sagamore all the way up to the bridge. The water line going over into New Castle would create a loop between the other end of Portsmouth through New Castle into Rye.

Chair Winslow explained this would eliminate the requirement to put in a twelve-inch line from Sagamore to the bridge. The water coming in from Portsmouth would allow for additional pressure for fire suppression.

Vice-Chair King clarified if it's a fixed bridge that pipe will not be replaced and the \$960,000 will not be spent.

RWD Commissioner Hickson confirmed. He also confirmed that New Castle and Portsmouth will pay to run the water line across the bridge and connect into the Rye Water line. He noted the expense for Rye to connect up to the bridge is minimal compared to the \$960,000., as it's only a couple of hundred feet.

Vice-Chair King stated that he can see why this would save the Town a million dollars. He can support the letter for the fixed bridge.

H. PDA Discussion (Pease Development Authority)

Vice-Chair King reported that the monthly PDA meeting was last Thursday. There are two teams who have options for development of the cargo hub. One of those, Procon/Kane, is probably the bigger threat of the two for building something. They had said previously that they were not going to go for primary use of a cargo hub. They had decided to go with an advanced manufacturing facility on one of the two parcels they had the ability to propose something for. They have received the approval from the PDA to move forward with the permitting of the advanced manufacturing facility on the lot near the old Air Force One Hanger. The North 40 parcel, which they also had an option on and is on the Newington end of the field, was released and the option was terminated. However, East West Aviation, which was the other contractor involved, has previously stated that they intend to go forward with an air cargo facility proposal. They still have an option on the North 40, so the threat has not gone away. The Select Board will continue to monitor this situation and will keep the residents updated.

VIII. CORRESPONDENCE

A. Email rec'd from Kristine Keeler, Whitehorse Association re: The current water issue and notification to residents

Police Chief Walsh noted that Ms. Keeler has spoken with the Rye Water District Commission and Asst. Town Administrator Bergeron. Ms. Keeler wants to thank everyone's response to the situation and the attention to detail. She will be ensuring that she and everyone in the development are signed up for future communication.

B. Email rec'd from Collen Westcott, Hampton Area Chamber of Commerce re: The Beach & Brew Fest that they would like to host at Wallis Sands State Park on June 24, 2023.

John Ryan, President of the Hampton Area Chamber of Commerce, along with **Collen Westcott** and **Andy Stecher**, met with the Select Board to discuss the Beach & Brew Fest that they would like to hold at Wallis Sands State Park in June 2023, as part of the celebration festivities during the Rye400 Anniversary. This is the third annual Beach & Brew Fest. The chamber works with experienced brewers who are accustomed to doing these types of events. They are very familiar with watching for over serving and how to deal with the public. The Chamber has to work with the NH State Liquor Commission for their approval. They have very strict guidelines on how to operate the event; including, public safety, serving sizes, the time of the event, and perimeters of where it will be held. It will include putting a fence around the

location, so there will be no coming and going from the event and alcohol will not be allowed out of the perimeters. A police detail will be on site to be proactive. There have not been any situations at past events that have caused the police to get involved. There will be strict ID checking by Granite State Volunteers who have done this for many events. The event is three hours and is a handcrafted NH brewer event. People who attend are aficionados of craft beer and want the tasting. This is an acquired taste for a mature audience. Tickets will be sold online prior to, so the number of people attending will be known beforehand. People will not be allowed to enter without a ticket. They will be given a bracelet to show they are allowed to attend and are of legal drinking age. This is a small quality tasting event, so people will be given three-ounce pours. All cleanup at the end of the event will be the responsibility of the Chamber and their volunteers.

Police Chief Walsh stated this will be something that will ultimately start to commercialize the beach much like Hampton. He doesn't think it's a good idea. However, it's a state park and the State can allow this to happen. He reminded the Select Board about the challenges with littering, noise, and loud music. He also spoke about the challenges for the Police Department with open containers, which violates the town ordinance.

Andy Stecher, Chair of the Rye400 Committee, spoke about some of the events planned for the Rye400 Celebration. He also spoke about how the Beach & Brew Fest will add to next year's celebration.

Selectman Epperson commented that he would love to have this event. However, he thinks it would set a precedent. He doesn't think they want to do that.

Vice-Chair King asked about the net proceeds and where they would go.

Mr. Ryan stated that they have discussed combining the net revenue and divide it with Rye400. He noted that the total income is about \$12,000 with the total costs running about \$6,000. It is not a major money maker for the Chamber. He pointed out that the event has been very successful at Hampton Beach for the last two summers. He wanted to give Rye the opportunity to have this event because of the Rye400 Celebration. If there is opposition, they have a place in Hampton to hold the event. He also pointed out that the intent is to not do this every year in Rye, but just next year as it is a special year for the community.

Vice-Chair King stated that he appreciates the points made by Chief Walsh. However, the commercialization is more like the businesses that use the beach now. Eight permits are given out for the summer for that purpose. So, there is already commercialization of the beach. There is also alcohol served at events at Odiorne. He doesn't want to set precedent for having this be something that will be happening at every beach in Rye every summer. However, he thinks that given that this event is for this coming year, he doesn't see it as a precedent that is going to lead them down a path of "death and destruction" on the beach. It's a relatively small residential impact in this area. He doesn't see this as a problem. He thinks it will be a great opportunity for the Rye400.

Chair Winslow stated that if this wasn't for the Rye400, it would be easy and they wouldn't do it.

There was some discussion about the possibility of having the event at Rye Harbor State Park (Ragged Neck) or at Odiorne State Park. Chief Walsh noted that Odiorne State Park has plenty of parking. There are also locations specifically set up to manage an event away from the general public and the beach. Chair Winslow pointed out that they would probably not want music at Wallis Sands, but there could be music at Odiorne. The venue seems to accomplish everything and the Select Board could be supportive of that location. He pointed out that Odiorne is also the site of the first inhabitants in NH, which seems to go with the Rye400.

Vice-Chair King commented this is a great opportunity. He would like to see it come to Rye. He doesn't see it being a problem at Wallis Sands State Beach. He thinks there are some advantages to having it at Odiorne. He thinks either location would be a good venue.

After some discussion, it was agreed that Mr. Ryan would check with the State about the possibility of holding the event at Odiorne. The Select Board and Chief Walsh were in agreement that they could support the event at Odiorne State Park.

Motion by Phil Winslow to allow the Hampton Area Chamber of Commerce to conduct the Beach & Brew Fest on June 24, 2023 at Odiorne State Park contingent upon the NH State Park's agreement. Seconded by Bill Epperson. All in favor.

IX. NEW BUSINESS

None

X. OLD BUSINESS

A. Pump Out Update

Tabled to the next meeting.

B. Work From Home Policy

Tabled to the next meeting.

C. Town Center Committee

Vice-Chair King submitted to the Board a draft copy of the Rye Town Center Committee Charge for review. The Select Board will review the draft and submit any changes to Town Administrator Scruton. Vice-Chair King will then submit the draft with changes to the Town Center Committee Chair Kaitlyn Coffey for comments.

The Select Board discussed the proposal from the Lions Club for a bench donation to the Town. The Lions Club would like to donate one bench at this time with another being donated in the future. The Select Board discussed possible locations for the bench. They agreed to accept the bench, but not commit to where it will be located at this time. There is a possibility that it will be located at the Town Hall Annex; however, the Select Board will give it some more thought.

XI. OTHER BUSINESS

A. Select Board Representative Updates
Tabled to next meeting.

ADJOURNMENT

Motion by Tom King to adjourn at 10:01 p.m. Seconded by Bill Epperson. All in favor.

Respectfully Submitted,
Dyana F. Ledger