

**TOWN OF RYE - SELECT BOARD  
MEETING  
Tuesday, December 27, 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:** *Town Administrator Matt Scruton and Finance Director/Asst. Town Administrator Becky Bergeron*

**I. CALL TO ORDER**

Chair Winslow called the meeting to order at 6:30 p.m. and led the pledge of allegiance.

**II. ANNOUNCEMENTS**

- A.** The Town Offices will be closed Monday, January 2, 2023 for the New Year's Day Holiday
- B.** Chair Winslow thanked Public Works Director Jason Rucker, the Public Works staff, Police Chief Kevin Walsh, Fire Chief Mark Cotreau, and the EMS Team for all their work during the recent storm. They did a marvelous job in keeping the residents safe.

DPW Director Rucker gave credit to his crew for working flawlessly as a team and having great communication with the other town departments. He noted there was damage to the seawall at Sawyer's Beach, which was repaired as soon as the tide would allow. The Public Works staff were on site with heavy equipment during a vehicle rescue by the Fire Department. He also noted the crew made a timely repair to Harbor Road, as it was undermined by the storm. He thanked his crew for their work during the storm.

Police Chief Walsh noted that NH DOT had loaders and snowplows out all at the same time. As the seawalls were compromised, they were being attended to so a lot of infrastructure was saved. Eversource and their contractors worked through the Christmas Holiday to restore power to the residents. The Homeland Security Director was in contact with Fire Chief Cotreau and himself to make sure Rye had the resources the town needed.

Selectman Epperson commented that the berm the Public Works Department created at the end of Cable Road to stop the second surge was something he has never seen before. The berm was purposely built to keep the water from coming down Cable Road.

Vice-Chair King pointed out that there was a tree down on Locke Road that affected the power for over sixty homes. There were a lot of residents without electricity and heat from Friday night into Saturday and throughout the weekend. Sometimes it's more than just what can be seen with water damage. He also pointed out that Chief Walsh was on the road speaking to Eversource workers to get information for the residents. He thanked him for his work.

Fire Chief Cotreau commented that the team approach worked really well. He noted that a couple of years ago, a high water rescue vehicle was acquired as part of the Town's emergency plan. This was able to be done with little or no investment. This truck was used successfully during the rescue of an elderly male who was stuck in his vehicle.

- C. Vice-Chair King commended Fire Lieutenant Chuck Gallant for the successful holiday parade, which also involved the Recreation Department and all town departments. The candlelight stroll and tree lighting was organized by Jenna MacDonald, from the Historical Society, Andy Stecher with the Rye 400 Committee, and Kaitlyn Coffey with the Historic District Commission. Everyone who attended enjoyed the festivities and there are plans to do this again next year.

Selectman Epperson noted that in addition to the holiday parade, Lieutenant Gallant is in charge of the toy drive. Toys were collected and distributed to Toys for Tots by December 22<sup>nd</sup>. He's sure there were a lot of children who received gifts who would not have normally done so.

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

*None*

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

- A. The Rye Heritage Commission requests permission to accept and expend funds received from donations made in the amount of \$1,775.00
- B. The Rye Fire Department requests permission to accept and expend funds received from donations made in the amount of \$4,820.73
- C. The Rye Recycling Education Committee requests permission to accept and expend funds received from New Hampshire the Beautiful as a prize for entering the 2022 Best Practices in Engaging Residents contest.

**Motion by Phil Winslow to accept Consent Agenda Item A. Seconded by Bill Epperson. All in favor.**

Consent agenda items B and C were pulled for discussion.

Referring to consent agenda item B, Chair Winslow asked Fire Chief Cotreau what the donated funds would be used for.

Chief Cotreau explained the funds are from the gift account, which are donations that have been made to the Fire Department over the years. The donations will be used to partially fund the pre-hospital ventilator. The ventilator is being funded by these donations, along with funds from a budget line item, and a \$1,500 donation by the Fire Union.

Referring to consent agenda item C, Chair Winslow asked how the Recycling Committee will be using the funds.

Town Administrator Matt Scruton explained the funds are restricted for recycling efforts. The Recycling Committee will have to document and report to New Hampshire the Beautiful as to how the funds were used.

**Motion by Phil Winslow to accept Consent Agenda Items B and C. Seconded by Bill Epperson. All in favor.**

## **V. DISCUSSION ITEMS**

### **A. Conservation Commission 2022 Operational Budget**

RCC Chair Suzanne McFarland and RCC Vice-Chair Sally King met with the Select Board to review the 2022 RCC Budget. It was explained by Mrs. McFarland that due to recent legal expenses from November and December, RCC will be going over the 2022 budget by approximately \$20,000. Mrs. King noted that this has never happened in RCC's history, as they often do not spend the whole budget and give money back. This is being driven by an unfortunate situation with legal fees that have incurred.

The Select Board agreed that RCC should work with the Town Administrator and Finance Director to find the funds within the overall town budget to cover the legal expenses that have been incurred. It was also agreed that the Select Board should hold a non-public meeting with RCC to discuss further details of upcoming legal issues.

**Motion by Phil Winslow to give Town Administrator Scruton and Asst. Town Administrator/Finance Director Bergeron authorization to reallocate funds up to \$20,000 to cover legal expenses incurred by the Rye Conservation Commission. Seconded by Bill Epperson. All in favor.**

### **B. Beach Parking Permit Policy Review**

Selectman Epperson noted that he, Chief Walsh, Amy Thibodeau and Mary Mitchell met last week to review the issues that were created by the Beach Parking Permit Policy that was put into effect. The reason for the policy was because the beach permit allocations and sales were out of control. There were people who would purchase up to twelve permits for one household. The policy was something that had to be done to get absolute control. He noted there are only 132

parking spaces. Originally, the beach permit allocation was two per household, which was back in 2001/2002. Over the years, it morphed into something that became much bigger. He continued that at the meeting last week, it was discovered there are a few items that were probably not fair and need to be adjusted. It was agreed by the Committee that multi-family dwellings should be allowed one sticker per unit. For example, for a building having eight units with one tax bill, each unit would be allowed one sticker rather than limiting the whole building to only two stickers. The tenants who are paying to live at the property should be entitled to beach stickers. It was also determined that some people who live near the beach were using the parking spaces as auxiliary parking for themselves. The Committee is trying to institute a “no right parking ban” to keep people from using the spaces for extra parking. The Committee is also looking at the issue of residents using business cars and dealer plates, which may not be registered in Rye.

Selectman Epperson explained that renters will need verification from their landlord that they are actually renting at the property to be eligible. The policy allowed for two permits per residence with a third for a scooter or motorcycle. Based on the number of stickers that were issued this past season, it seems the number of parking stickers per household can be increased to three with no restrictions. Generally speaking, the policy was well received by the residents. The Committee will be making the changes to the policy and it will be presented to the Select Board at the next meeting.

There was discussion about the beach parking sticker fee and whether it should be raised because of the increase in costs for beach maintenance. It was agreed that an increase to \$30 is warranted. A public hearing for the fee increase will be scheduled for the January 23<sup>rd</sup> Select Board meeting.

## **VI. CORRESPONDENCE**

*None*

## **VII. NEW BUSINESS**

Chair Winslow noted that Greg Bauer has received emergency authorization from NH DES for the repair of a seawall at 11 F Street due to the recent storm. It will take five days for the repair. Bauer Construction is requesting parking on F Street, along with access to the beach from that point.

**Motion by Phil Winslow to accept Greg Bauer’s request for emergency authorization to repair a seawall following damage by the recent coastal storm. Seconded by Bill Epperson.**

## **VIII. OLD BUSINESS**

### **A. Town Hall Annex Update**

Asst. Town Administrator/Finance Director Bergeron gave an update on the Town Hall Annex. The Finance Office and Assessing will be moving to the building this week with the Town Clerk’s Office moving the beginning of January.

## **B. Highway Safety Grant**

Police Chief Walsh spoke to the Select Board about the Highway Safety Grant for funds for extra patrols to address poor driving behavior in town. He is requesting that the Select Board give authorization to the Town Administrator to sign all the necessary paperwork for the grant.

**Motion by Phil Winslow to give Town Administrator Matt Scruton authorization to sign any documents related to the Highway Safety Grant agreement and to accept and expend the amount of \$9,400. Seconded by Bill Epperson. All in favor.**

## **IX. SELECTMEN'S 2023 BUDGET WORK SESSION**

### **A. Departmental Budget - 2023**

Conservation Commission – 4611-53

Requested: \$163,575

Finance Director Bergeron noted that the Budget Committee approved an increase in the legal line item for RCC's proposed 2023 budget. RCC is requesting an increase of \$25,000 to make the total RCC Budget \$163,575.

**Motion by Phil Winslow to recommend the Conservation Commission Budget in the amount of \$163,575. Seconded by Tom King. Vote: 3-0**

Conservation Commission Capital Outlay- 4902-768

Requested: \$64,790

Finance Director Bergeron explained that RCC's original request for Capital Outlay was for \$45,640. They are requesting additional funds to cover the survey of the Town Forest.

**Motion by Tom King to recommend the amount of \$64,790 for Conservation Commission Capital Outlay, line item 01-4902-768. Seconded by Bill Epperson. Vote: 3-0**

### **B. Capital Reserves**

*Select Board has already reviewed and voted at a previous meeting.*

### **C. Expendable Trusts**

*Select Board has already reviewed and voted at a previous meeting.*

### **D. Encumbrances**

The Select Board reviewed the final list of encumbrance requests for 2022.

**Motion by Phil Winslow to approve encumbrances in the amount of \$241,016.02. Seconded by Bill Epperson. Vote: 3-0**

### **E. Warrant Articles**

Article N: To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the Rye Public Library HVAC Capital Reserve Fund established by Article 12 of the 2016 Town Meeting under the provision of RSA 35:1 for the purpose of replacing the Rye Public Library's aging and

inefficient current heating, ventilation, and air-conditioning system. This appropriation is in addition to the Library's operating budget. Majority vote required.

**Motion by Phil Winslow to recommend Article N as presented. Seconded by Tom King.  
Vote: 3-0**

Article O: To see if the Town will vote to raise and appropriate the sum of one hundred twenty thousand dollars (\$120,000) for the purchase of a fourteen passenger bus for the Rye Recreation Department and to further authorize the withdrawal of sixty thousand dollars (\$60,000) from the Recreation Revolving Fund which was established by Article 15 of the 1997 Town Meeting with the remaining balance of sixty thousand dollars (\$60,000) to come from general taxation. Majority vote required.

**Recreation Director Dyana Martin** noted that the expense for fuel and maintenance of the bus have been budgeted in the Recreation Budget for 2023. The intent is to use the bus for some of the day trips put on by the Recreation Department. Right now, the Department relies on a bus company but is often bumped because of the small number of people on the trips. The bus will allow the Recreation Department to handle their own programming. It will also make the trips more affordable because there won't be the need to cover the cost of renting a bus. Ms. Martin pointed out that the bus can also be used by other town departments.

**Corey Belden, Recreation Commission Chair**, spoke to the Select Board about how the bus will fit into the Recreation Department's long-term master planning for town programming.

Chair Winslow expressed his concern about not having information on the number of trips the bus will be used for and where it will be stored. He noted that it's the Select Board's fiduciary duty to watch the finances of the Town. This will add .02 per thousand for valuation on the property taxes.

The Select Board agreed that more information is needed about the number of trips the bus will be used for, as well as more specifics about the bus and where it will be housed.

Vice-Chair King expressed liability concerns. He also expressed concerns in regards to town employees driving the bus without proper training. He does not think the Recreation Department has the manpower to do the kinds of trip being discussed. He also thinks it would be a rare occasion that other departments would use the bus. He commented this is a bit of a reach. The Select Board took a leap of faith in trying to hire a new program manager. The bus is a big jump to add at the same time. He would feel more comfortable if this request was being made next year and the program manager was in place. He thinks the Recreation Department could try increasing their program this coming year by using the Senior Serve van. He is not sure the Town is ready for the bus this year. The burden is on the Recreation Department to show they are ready for the bus.

Mr. Belden noted that the Recreation Department's priority for 2023 is to put the programming manager in place to make this all happen. He requested to come back to the Select Board with more information on trip projections and specific details about the bus.

The Select Board agreed to table voting on the warrant article until their meeting on January 9<sup>th</sup>.

**Motion by Tom King to table Warrant Article O until the next Select Board Meeting on January 9<sup>th</sup>. Seconded by Bill Epperson. All in favor.**

Article P: To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the Expendable General Trust Fund known as the Town Employees' Accumulative Leave Fund established pursuant to RSA 31:19-A by Article 14 of the 1990 Rye Town Meeting for the purpose of funding town employees' accumulated leave accounts. This appropriation is in addition to the operating budget. Majority vote required.

**Motion by Phil Winslow to recommend Article P as written. Seconded by Tom King.  
Vote: 3-0**

## **X. OTHER BUSINESS**

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

*To be addressed at the next meeting.*

### **B. Meeting Minutes**

#### **1. Meeting, Monday, October 17, 2022, 6:00 p.m., Town Hall**

The following correction was noted:

- Page 11, paragraph 5, second sentence should read: **He doesn't think that raising the cost will cause the town to lose too many beach sticker sales.**

**Motion by Tom King to approve the minutes of October 17, 2022 as amended. Seconded by Bill Epperson. Vote: 2-0-1 Abstained: Phil Winslow**

#### **2. Non-Public Session, Monday, October 17, 2022**

**(1) per RSA 91-A:3, II (b) Hiring & (d) Acquisition**

**Motion by Tom King to approve the minutes of the non-public meeting of October 17, 2022 as presented. Seconded by Bill Epperson. Vote: 2-0-1 Abstained: Phil Winslow**

#### **3. Meeting, Monday, November 14, 2022, 5:00 p.m., Town Hall**

**Motion by Phil Winslow to approve the minutes of November 14, 2022 as written. Seconded by Tom King. All in favor.**

**4. Non-Public Session, Monday, November 14, 2022**

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

**Motion by Phil Winslow to approve the minutes of the non-public session of November 14, 2022 per RSA 91-A:3, II (a) Personnel as written and not to seal. Seconded by Tom King. All in favor.**

**Motion by Phil Winslow to approve the minutes of the non-public session of November 14, 2022 per RSA 91-A:3, II (b) Hiring. Seconded by Bill Epperson. All in favor.**

**5. Meeting, Monday, November 28, 2022, 6:00 p.m., Town Hall**

**Motion by Phil Winslow to approve the minutes of November 28, 2022 as written. Seconded by Tom King. All in favor.**

**6. Non-Public Session, Monday, November 28, 2022**

- (1) per RSA 91-A:3, II (b) Hiring**

**Motion by Phil Winslow to approve the minutes of the non-public session of November 28, 2022 per RSA 91-A:3, II (b) Hiring as written and not to seal. Seconded by Bill Epperson. All in favor.**

**7. Non-Public Session, Monday, December 12, 2022**

- (1) per RSA 91-A:3, II (b) Hiring**

**Motion by Phil Winslow to approve the minutes of the non-public session of November 28, 2022 per RSA 91-A:3, II (b) Hiring and not to seal. Seconded by Bill Epperson. All in favor.**

**Adjournment**

**Motion by Bill Epperson to adjourn at 7:59 p.m. Seconded by Phil Winslow. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger