

**TOWN OF RYE - SELECT BOARD  
MEETING  
Monday, January 9, 2023 – 5:30 p.m.  
Rye Town Hall**

**Present:** *Acting 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**

Acting Chair King 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  
(3) per RSA 91-A:3, II (c) Reputation  
(4) per RSA 91-A:3, I (b) Collective Bargaining**

At 5:31 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, King - Yes.

At 6:00 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Tom King. Roll Call: Epperson – Yes, King - Yes.

**Motion by Tom King to seal the non-public minutes of the session just concluded.  
Seconded by Bill Epperson. All in favor.**

At 6:02 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Bill Epperson. Roll Call: Epperson – Yes, King - Yes.

At 6:07 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, King - Yes.

At 6:07 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (c) Reputation. Seconded by Bill Epperson. Roll Call: Epperson – Yes, King - Yes.

At 6:16 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, King - Yes.

**Motion by Tom King to seal the non-public minutes of the session just concluded.  
Seconded by Bill Epperson. All in favor.**

**At 6:16 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3, I (b) Collective Bargaining. Seconded by Bill Epperson. Roll Call: Epperson – Yes, King - Yes.**

**At 6:35 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, King - Yes.**

**6:30 p.m. RECONVENE PUBLIC MEETING**

**III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Acting Chair King called the meeting to order at 6:40 p.m. and led the Pledge of Allegiance.

**IV. ANNOUNCEMENTS**

- A.** Assessing and Finance Offices are now open at the Town Hall Annex, 500 Washington Road. It is anticipated that the Town Clerk's Office will be open at the annex around January 30<sup>th</sup>.
- B.** The Town Offices will be closed Monday, January 16, 2023 on MLK - Civil Rights Day
- C.** A Pease Development Authority Meeting is being held on January 19<sup>th</sup> at 8:30 a.m. East West Aeronautical will be giving a presentation on their proposal for a cargo facility at Pease.

**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.)

**Lindsay Gray, 9 Acorn Acres**, noted that she was reading an update on the Parson's Creek Watershed in the Rye Civic News. She urged the Select Board to be more transparent about what is going on to fix the issue. She continued that there was a drought last summer. The beaches didn't have to be closed because the water tables were pretty low. Her concern is that when the water levels go back to normal, people with children or people who are immunocompromised will not be able to enjoy the beach because there will be contamination.

**Joe Cummins, 990 Washington Road**, expressed his concern about the Transfer Station no longer accepting cash and residents only being able to pay by credit card. He asked the Select Board to consider a system similar to the beach parking stickers for residents who have bulk trash to dispose of. The stickers could be purchased at the Town Clerk's Office, which would still remove the need for cash to be accepted at the Transfer Station. Mr. Cummins asked if the public had a chance to provide input on this decision.

**Steven Borne, 431 Wallis Road**, requested a list of the open positions on the boards and committees in order to post them in the Rye Civic League Newsletter to get some competitive races for the election this year. He also asked for a copy of the warrant articles and the final

reserve fund balances. Mr. Borne spoke about Article 14 from 2015, which allowed the beach parking sticker funds to go from 25% to 50% and beach monitoring was added. He asked how much monitoring has been done since 2015. He continued that there has been discussion at meetings about moving the Grove Road monitoring to operating expenses in the budget. He suggested that if this is done, the warrant article should be taken off the warrant. Mr. Borne noted that there has been no discussion or updates on the DNA testing that is being done through a state grant. There has never been a meeting or public discussion about the FB Environmental reports.

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

- A. Mileage Reimbursement Rate Change:** The IRS announced effective January 1, 2023 the standard mileage rate for transportation expenses was set @ 65.5 cents per mile.

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

**VII. DISCUSSION ITEMS**

- A. Donna DeCotis, Town Clerk/Tax Collector** – Requesting permission to waive interest on taxes

**Town Clerk Donna DeCotis** spoke to the Select Board about the property at 21 Pine Street and her request to waive the interest on the second tax bill of 2022. She explained that the property trustee never received the tax bill, as the bill was sent directly to the property and not the trustee. When the new tax software was installed for the Town, the properties were all converted over by location, not the mailing address. The abatement request for this property is \$120.11. She confirmed for the Select Board that the software has since been rectified.

The Select Board expressed their concerns that this situation has happened for other properties in Rye. Town Clerk DeCotis agreed to review the outstanding tax bills to be sure there are no further issues.

**Motion by Bill Epperson to abate \$120.11 for Nancy C. Squatrito Trust at 21 Pine Street. Seconded by Tom King. All in favor.**

- B. Riverside & Pickering Marine Contractors request permission to access the beach to repair the seawall at 1090 Old Ocean Blvd.**

The Select Board reviewed the package submitted for the repair of the Seawall at 1090 Ocean Boulevard by Riverside & Pickering Marine Contractors.

Referring to the package documents, Selectman Epperson noted that the NH Department of Environmental Services opines about a planting plan. He's not sure why there would be a

planting plan for the repair of the seawall. He wants to be sure the planting plan does not include planting more grass on the beach.

Acting Chair King pointed out the plan is a five-year plan approved by DES. Eben Lewis from DES said it's still a valid permit, so a separate permit is not needed for the repair. A copy of the original permit was provided in the package to the Select Board.

A representative from Riverside & Pickering Marine Contractors confirmed for the Select Board that there will not be any planting. The contractor will be simply entering the beach at Pirates Cove to access the site and replacing rocks that were displaced due to the storm.

Acting Chair King noted there are conditions for the work being done; such as, the hours and days the work can be done.

Town Administrator Matt Scruton agreed to provide a copy of the conditions to Riverside & Pickering Marine.

**Motion by Bill Epperson to approve the request for the repair of the seawall at 1090 Old Ocean Boulevard contingent upon the acceptance of the Town's conditions regarding access to the beach, work days and times. Seconded by Tom King. All in favor.**

#### **C. Energy Committee – Community Power Next Steps**

**Howard Kalet and Lisa Sweet, Energy Committee Members**, met with the Select Board to give an update on Community Power. The policies that Rye would need to sign have all been reviewed by legal counsel and comments have been received. The next step is for the Town to choose its procurement partner. The Rye Energy Committee recommends that the Town procure power from the Community Power Coalition. Ms. Sweet reviewed the next steps for the Select Board and spoke about the designation of an authorized representative for the Town. The representative would be attending a meeting on January 30<sup>th</sup> to say if the range of rates proposed by the Coalition are acceptable for the Town. After that time, the Coalition will procure power and the rate will be set based on how much will be purchased. The Select Board agreed to keep moving forward with CPCNH and to choose an authorized representative at the next board meeting.

It was noted that all documents have been vetted by Town Counsel Eric Maher.

**Motion by Bill Epperson to accept the final Electric Aggregation Plan update required for launch. The update confirms the Energy Aggregation Plan with adopted policies and cost sharing agreement. It enables net meter reading customers to opt in, if necessary, to protect them from unintended results. Seconded by Tom King. All in favor.**

**Motion by Bill Epperson to adopt the Coalition Data Security Plan. Seconded by Tom King. All in favor.**

**Motion by Bill Epperson to adopt the Coalition Energy Portfolio Risk Management, Rates, and Reserve Policies. Seconded by Tom King. All in favor.**

**D. Finance Director, Becky Bergeron – 12 Months COLA Average**

The Select Board reviewed the revised budget numbers to reflect the recommended COLA increases for nonunion employees.

**Motion by Tom King to recommend the following budget line items for the 2023 Rye Operating Budget:**

• Executive	4130-01	\$361,795
• Tax Collector	4150-14	\$315,360
• Assessing	4150-20	\$206,223
• Finance	4150-21	\$230,323
• Planning Board	4191-11	\$193,218
• Town Custodian	4194-02	\$164,918
• Cemetery	4195-25	\$139,918
• Police Department	4210-15	\$1,787,451
• Ambulance	4215-19	\$186,573
• Fire Department	4220-16	\$1,962,494
• Building Inspector	4240-18	\$362,460
• DPW Personnel	4312-23	\$970,886
• Health Officer	4411-37	\$14,050
• Animal Control	4414-38	\$54,768
• Recreation	4520-50	\$401,328
• Land Management	4520-55	\$154,581
• Fund 2 – Sewer	4326-90	\$425,648
• Fund 8 – Parking	4210-15	\$47,434

**Seconded by Bill Epperson. Vote: 2-0**

**VIII. CORRESPONDENCE**

*None*

**IX. NEW BUSINESS**

**Sally King and Susan Shepcaro, members of the Rye Conservation Commission,** met with the Select Board to request a waiver to the Town Purchasing Policy which asks for at least three bids for any amount over \$2,500 for services or purchases. It was explained there are some issues with the beams in the Goss Farm Barn. The Conservation Commission has engaged Richard Bartlett to do the work. Mr. Bartlett is known in the Town, as he has done work on town buildings and a number of barns in Rye. Because of urgency and the need for someone with a certain expertise for this type of work, RCC would like to engage Richard Bartlett in

accordance with his contract. The Commission also requested that the waiver be applied to all work for the Goss Farm Barn in 2023. All work will be done by Richard Bartlett.

The Select Board reviewed the proposal for the work to be done on the barn.

**Motion by Bill Epperson to waive the requirement for three bids for the Goss Farm Barn repairs, which will occur immediately, and to approve a quarter payment of \$16,040 and to further waive the requirement to rebid for the outstanding work on the Goss Farm Barn. Seconded by Tom King. All in favor.**

Acting Chair King noted that the Rye400 Committee asked if they could use the Town's digital sign to advertise the art competition being held in March. They would like to advertise the submission deadline which is sometime in February.

The Selectmen agreed to the request. Police Chief Kevin Walsh agreed to work with Rye400 with regard to the digital sign.

## **X. OLD BUSINESS**

- Acting Chair King asked DPW Director Jason Rucker if there have been further updates from Joe Rankin and his residential trash pickup service launch. Director Rucker did not have any new information to report.
- Referring to the Parson's Creek Pump-Out Ordinance, Acting Chair King noted that the Town is working on seeking a legal opinion on how it can be enforced. He assured the public that it has not been dropped by the Select Board and is still to be addressed. Town Administrator Matt Scruton pointed out that the Building Department has a pump-out report that is available to the public for anyone who is interested. He confirmed that the reports are submitted to his office once a week. The reports show the properties that are not in compliance with the ordinance.
- Acting Chair King asked DPW Director Rucker if he would like to add to the public comment that was made regarding DPW fees with no cash. Director Rucker commented it has been suggested from the auditors, as well as the Town's insurance company, that moving away from a cash system and going to a cashless system is preferred. He noted that there is no target date at this time. He is still working with the providers of the services to finalize the details. Public service announcements will be starting within the next few weeks. The intent is to slowly transition into the cashless system.
- Referring to the Parson's Creek study results, Acting Chair King noted that a final annual report from FB Environmental has been received. Administrator Scruton confirmed that the report has been posted on the Town's website.

**Steven Borne, 431 Wallis Road,** asked about the grant to do the DNA testing.

Director Rucker noted that the results of that study should be back in January. The Town has not yet received that data.

- Chair King reported that the Regional Association Review Committee has completed their analysis of the regional associations. The committee would like to have a meeting with the Select Board for discussion.

The Selectmen agreed that a meeting with the committee to review their work would be beneficial.

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

### **A. Warrant Articles**

**ARTICLE A:** To see if the Town of Rye will vote to approve the cost items included in the Collective Bargaining Agreement reached between the Town of Rye Select Board and the Professional Fire Fighters Association of Rye affiliated with the International Association of Fire Fighters IAFF Local #4411, which calls for the following increases in salaries and benefits at the current staffing level:

<b>Year</b>	<b>Estimated Increase over prior Year</b>
2023 – 9 months @5%	<u>\$50,023.00</u>
2024 – 12 months @3.75%	<u>\$46,812.00</u>

And further, to raise and appropriate the sum of fifty thousand and twenty-three and 00/100 dollars (\$50,023.00) for the 2023 fiscal year, such sum represents the additional costs attributable to the increase in salaries and benefits required by the new agreement and over those that would be paid at current staffing levels in accordance with the most recent collective bargaining agreement. This appropriation is in addition to the operating. (Majority vote required.)

**Motion by Bill Epperson to recommend Article A. Seconded by Tom King. Vote: 2-0**

**ARTICLE B:** Shall the Town of Rye, if Article A is defeated, authorize the Select Board to call one special meeting, at its option, to address Article A cost items only?

**Motion by Bill Epperson to recommend Article B. Seconded by Tom King. Vote: 2-0**

**ARTICLE C:** To see if the Town of Rye will vote to approve the cost items included in the Collective Bargaining Agreement reached between the Town of Rye Select Board and the Rye Police Association affiliated with the Teamsters Local 633 of New Hampshire, which calls for the following increases in salaries and benefits at the current staffing level:

<b>Year</b>	<b>Estimated Increase over prior Year</b>
2023 – 9 months @5.5%	<u>\$34,681.00</u>
2024 – 12 months @4.5%	<u>\$36,304.00</u>
2025 – 12 months @2%	<u>\$30,327.00</u>

And further, to raise and appropriate the sum of thirty-four thousand six hundred and eighty-one and 00/100 dollars (\$34,681.00) for the 2023 fiscal year, such sum representing additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels in accordance with the most recent collective bargaining agreement. This appropriation is in addition to the operating budget. (Majority vote required.)

**Motion by Bill Epperson to recommend Article C. Seconded by Tom King. Vote: 2-0**

**ARTICLE C:** Shall the Town of Rye, if Article C is defeated, authorize the Select Board to call one special meeting, at its option, to address Article C cost items only?

**Motion by Bill Epperson to recommend Article D. Seconded by Tom King. Vote: 2-0**

**Article:** To see if the Town will vote to raise and appropriate the sum of fifty thousand and 00/100 dollars (\$50,000.00) to be placed in the expendable general trust fund known as the Town Employees' Accumulated 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 Bill Epperson recommend the article for the Town Employees' Accumulated Leave Fund. Seconded by Tom King. Vote: 2-0**

**B. Departmental Budgets**  
*No further items at this time.*

## **XII. OTHER BUSINESS**

### **A. Meeting Minutes**

1. Meeting, Monday, December 12, 2022, 5:30 p.m., Town Hall

The following correction was noted:

- Page 11, third paragraph from bottom, 1<sup>st</sup> sentence should read: **Chair Winslow pointed out that from the standpoint of the definition of active service it means guard and reserve forces.**

**Motion by Tom King to approve the minutes of December 12, 2022 as amended. Seconded by Bill Epperson. All in favor.**



2. Non-Public Session, Monday, December 12, 2022 (1) per RSA 91-A:II (b) Hiring

**Motion by Tom King to approve the minutes of the non-public session of December 12, 2022 and not to seal. Seconded by Bill Epperson. All in favor.**

3. Meeting, Tuesday, December 27, 2022, 6:30 p.m., Town Hall

The following correction was noted

- o Page 2, Item C, Jenna MacDonald should be **Ginna MacDonald.**

**Motion by Tom King to approve the minutes of December 27, 2022 as amended. Seconded by Bill Epperson. All in favor.**

- B. Correspondence from Miles Borne:

As part of the Rye400 activities, the Rye Civic League is coordinating a 'Civic Fest' during lunchtime on February 4<sup>th</sup> at the Town Deliberative Meeting. RCL will coordinate food to be available in the Rye Junior High Cafeteria. Town departments, boards and commissions are being asked to setup informational tables at the Civic Fest.

Steven Borne confirmed which departments/boards he has spoken with about setting up a table.

#### **ADJOURNMENT**

**Motion by Bill Epperson to adjourn at 7:53 p.m. Seconded by Tom King. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger