

**TOWN OF RYE - SELECT BOARD
MEETING
Monday, February 13, 2023 – 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 5:34 p.m.

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

At 5:34 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A:3 II (c) Reputation. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

At 6:08 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

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

At 6:25 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Tom King. Roll Call: Winslow – Yes, Epperson – Yes, King - Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

IV. ANNOUNCEMENTS

- A. Town Offices will be closed Monday, February 20, 2023 for the Presidents' Day holiday.
- B. The drive-up window at the Town Hall Annex is now open for residents to use when conducting business with the Town Clerk's office.
- C. The deadline for submissions for the Rye400 Art Show is February 18th. This information is posted on the Town's website.
- D. The Select Board thanked the Rye Civic League for holding the first Rye Civic Fest after the Deliberative Session on February 4th. The event was a big success.

V. PUBLIC COMMENTS – (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.)

Public Works Director Jason Rucker introduced the Transfer Station's new attendant Justin Gray from Berwick, Maine. Mr. Gray has extensive background in recycling working as a manager at ACM Specialized Materials in Farmington, N.H. He was responsible for the daily operations, scheduling and receiving of metal shipments. Mr. Gray also has a background in operating heavy equipment and has great communication skills. Director Rucker welcomed Mr. Gray to the team and hopes he will have a long career in Rye.

Justin Gray gave a brief history of his work experience to the Select Board. He is enjoying the work at the Transfer Station and is happy to be a part of Rye.

The Select Board congratulated Mr. Gray on his new position and welcomed him to Rye.

Steven Borne, 431 Wallis Road, noted that the Rye Civic League is holding a Candidates' Night on Thursday, March 9th at 7:30 p.m., at the Library. He also noted that the Rye Water District is holding a meeting at the Junior High on the same night at 6:30 p.m. Mr. Borne pointed out that a few meetings ago, it was said there would be an update on the DNA testing. The key issue is that the contamination is going into the groundwater. If it's above a certain level, it will raise a "red flag." He continued that since the 2016 Parsons Creek Select Board Committee, which drove the Pump-Out Ordinance, there have been five FB Environmental Reports. Making the assumption that each one cost \$7,000., it comes to \$35,000 that has been spent on those reports in five years. He has not been at one single meeting where the results of those reports and plans of actions have been discussed. Mr. Borne commented that the Rye Master Plan Steering Committee chose not to participate in the Civic Fest, as they did not understand it and did not reach out to ask questions. He is concerned about the whole master plan update process. One of the things that people have been talking to him about is maintaining the semi-rural character of the Town. It may be just as important for the Town to maintain self-supporting water. This may be one of the biggest things that should go into the Master Plan.

- VI. CONSENT AGENDA ITEMS** – (to be discussed at the meeting only if pulled off the consent agenda by on of the three Selectmen.)
- A.** Recycling Education Committee – 1 year term ending 4/1/2024
 - 1. Terri McGee: Appointment as a member – Email rec'd 1/23/2023
 - 2. Recommendation letter rec'd 1/21/2023 from Alex Herlihy, Chair
 - B.** Parsons Field Application – Rye Lions Club 40th Annual Car Show: Sunday, September 17, 2023, 7:00 a.m. to 3:00 p.m. Also: Request waiver of the \$50/day fee for use of the field.
 - C.** Sign Request – Rye Lions Club requests permission to post a sign at Parsons Field announcing the Rye Lions Club 40th Annual Car Show. The sign is requested 9/9/23-9/16/23
 - D.** Email rec'd from Lydia Tilsley re: her resignation from the Rye Town Center Committee
 - E.** Memo from Planning/Zoning Administrator Kim Reed re: Certified abutter letter fees
 - F.** Event Application: Bob McGrath requests permission to hold a sign for candidacy at the Recycling Center on Saturdays, 2/25/23, 3/4/23 & 3/11/23, 8:00 a.m. – 3:00 p.m.
 - G.** Event Application: Cathy Hodson requests permission to hold a sign for candidacy at the Recycling Center on Saturdays, 2/18/23 & 2/25/23 and Tuesday 3/7/23 through Saturday 3/11/23, 8:00 a.m. – 4:00 p.m.
 - H.** Event Permit Application – Eastern State 20-Miler & Half Marathon, Sunday, 3/26/23, 11:15 a.m. – 1:45 p.m., to benefit Winnacunnet Booster, Exeter Boosters, Portsmouth Boosters & Elliot Cancer Center

Consent Agenda Items F and G were pulled for discussion under Discussion Item F. Consent Agenda Items A and H were pulled for discussion.

- Recycling Education Committee – Terri McGee Appointment

Terri McGee introduced herself to the Select Board. She has lived in Rye for twenty-nine years. She supports recycling and would like to be on the committee.

The Select Board welcomed Ms. McGee as a Recycling Committee Member and thanked her for volunteering.

Motion by Phil Winslow to accept Consent Agenda Items A, B, C, D, and E with a public hearing to be scheduled in regards to the change in the certified abutter fees. Seconded by Bill Epperson. All in favor.

- Event Permit Application – Easter State 20-Miler & Half Marathon

Police Chief Kevin Walsh reviewed the details of the race. He also confirmed that all necessary paperwork is complete.

Motion by Phil Winslow to accept Consent Agenda Item H with Chief Walsh's recommendations. Seconded by Tom King. All in favor.

VII. DISCUSSION ITEMS

A. PUBLIC HEARING – WASTEWATER ASSET MANAGEMENT PROGRAM GRANT

The purpose of the hearing is to consider acceptance and expenditure of up to thirty thousand dollars (\$30,000) grant funding from the New Hampshire Department of Environmental Services Clean Water State Revolving Fund to develop a Wastewater Asset Management Program.

At 6:47 p.m., Chair Winslow opened the public hearing for the Wastewater Asset Management Program Grant.

Sewer Director Lee Arthur spoke to the Select Board about the Wastewater Asset Management Program Grant in the amount of \$30,000. The scope of work to be covered under the grant includes: purchasing asset management software equipment; creating an asset inventory; integrating assets into a software platform; developing a level of service plan; prioritizing assets; developing a lifecycle costs analysis for all major equipment; creating a funding strategy for asset management and replacement of equipment; developing an implementation program; staff training; and developing a customer communication plan. The work will be done by an engineering consultant who meets the qualifications set by the State. The State funds these types of programs because they want municipal departments to understand the infrastructure and act responsibly in managing its assets.

Chair Winslow asked for comments or questions from the public.

Steven Borne, 431 Wallis Road, commented that he supports the program. He noted that the same thing is needed for Rye Water, the Cemetery, and Recreation. It's needed across all town departments to understand what the assets are for the Town. He suggested that someone look at this from the big picture to tie everything together.

Hearing no further comments from the public, Chair Winslow closed the public hearing at 6:52 p.m.

Director Arthur reviewed the timeline for the Select Board. The final application is due on March 1st with an RFQ being put out before that date for an engineering consultant. Holding a public hearing, as is being done, is also a requirement for the grant, as well as a detailed writeup for the scope of service. Director Arthur noted that a key component of the program is input from the stakeholders. A vision for the asset management plan will be created. There will then be the level of service component where key stakeholders will be invited to participate, along with the Select Board. Director Arthur noted that the State has an asset management toolkit for wastewater, which can be found on the DES website: [N.H. DES Asset Management Handbook and Toolkit, November 2021](#). This provides guidance on what should be in the asset

management plan. It is anticipated that the program will take about one year to complete. Director Arthur agreed to return to the Select Board with quarterly updates.

Motion by Tom King to accept and expend grant funds from New Hampshire Department of Environmental Services Clean Water State Revolving Fund to develop a Wastewater Asset Management Program for an amount up to thirty thousand dollars. Seconded by Bill Epperson. All in favor.

Referring to Mr. Borne's comment, Chair Winslow stated that the Town should have an asset management program, or at least an inventory, for all town departments.

Town Administrator Matt Scruton made note of this comment.

Note: *The following two Discussion Items were taken out of posted agenda order. (As shown in minutes.)*

B. Town Hall Annex Discussion

The Select Board, along with Administrator Scruton and Assistant Town Administrator Bergeron, discussed issues raised by the Historic District Commission regarding the Town Hall Annex, such as; the exterior sign, exterior lighting, and bulletin board.

Lydia Tilsley, Historic District Commission Member, asked if the Town Administrator could attend an HDC Meeting to discuss the vision for the name of the building, lighting, landscaping, and overall exterior of the building.

Town Administrator Scruton agreed to meet with the HDC.

Note: *Phil Winslow recused himself from discussion of the following agenda item. Vice-Chair King stepped in as acting chair for the agenda item.*

C. Greg Bauer requests permission for beach access to repair seawalls on Harbor Road, Old Beach Road & Ocean Blvd.

Greg Bauer spoke with Selectman King and Selectman Epperson in regards to applications submitted for several properties requesting access to the beach for seawall repairs and cleanup. Properties include: 100 Harbor Road; 2320 Ocean Blvd.; 2316 Ocean Blvd.; 28 Old Beach Road; 40 Old Beach Road; 15 Carbee Drive; and 11 F Street.

The Selectmen asked for input from DPW Director Rucker. Director Rucker did not have any issues with Bauer Construction accessing the beach, as Mr. Bauer is very familiar with the Town's protocols and procedures. Director Rucker spoke in regards to the Harbor Road Bridge. The bridge is currently at the old load weight, which is posted. This is based on axels and length of vehicle. He and Mr. Bauer agreed to meet to discuss further details about the bridge limitations.

Mr. Bauer confirmed that the work for all properties will be completed by Memorial Day.

Motion by Bill Epperson to approve the applications for seawall repairs to commence as soon as possible and to be completed by Memorial Day, conditioned upon NH DES approvals and the DPW Director's approval on the Harbor Road Bridge access. Seconded by Tom King. Vote: 2-0

Note: *Phil Winslow reseated as chair.*

D. Public Works Director, Jason Rucker – Emergency Highway Garage Furnace Replacement

DPW Director Rucker spoke to the Select Board about an emergency replacement for the Highway Garage furnace which failed over the past week and is not repairable. He requested that the Select Board waive the official RFP process and go to an emergency purchase mode by seeking three competitive bids to replace the furnace in kind. He noted that he is entertaining the idea to change from heating oil/diesel fuel to propane, as it's the safest option for the building. The intent is to get bids for both types of heating sources. He expects the replacement will be approximately \$5,000. He requests that the funds come from the Emergency Building Maintenance Fund.

Motion by Phil Winslow to waive the RFP process and expend from the Emergency Building Maintenance Fund for the highway garage furnace replacement. Seconded by Bill Epperson. All in favor.

E. Public Works Director, Jason Rucker – Modernizing Pavement Markings

Director Rucker recommended to the Select Board that all crosswalks in town be standardized in accordance with national safety protocols. The intent is to remark the crosswalks as roads are repaved in town. He recommends the continental style (piano key) crosswalk with no solid lines, which is predominant in New England towns.

The Select Board agreed with Director Rucker's recommendation for the crosswalks in town.

F. Blanket Approval for candidates in contested races in the Town Election to hold signs at the Transfer Station the Saturdays prior to the election.

Note: *Consent Agenda Items F and G were pulled to be considered under this discussion item.*

Director Rucker noted that there are currently two applications to hold signs at the Transfer Station for various days. It's the Department's request that the Select Board consider approving event applications for the Transfer Station for Saturdays only. The Transfer Station and the Highway Department are a place of business, not a place of public canvassing or political canvassing. To safely accommodate any canvassing or event, they need to be staged outside the travel lanes of the Transfer Station, which are clearly marked. To put them outside the travel lanes and allow for groups of people, interactions, and a place for public to park out of the way, it would require them to do so in front of the Highway Garage, which operates Monday through Friday. To ensure the applicant's safety, he requests the Select Board only approves the applications for Saturdays when the Highway Department is not working.

Vice-Chair King stated that this is a Rye tradition and he would hate to see it go away. He understands what is being said; however, no one has ever been hurt out there when canvassing. He pointed out that it's not often that someone stops. He reiterated it's a Rye tradition and would hate to see it go away. He pointed out that the Transfer Station is really the only place in town for canvassing.

Selectman Epperson commented that he agrees that he would hate to see the tradition go away. However, based on the element of safety and the inconvenience to the Department, he thinks Saturdays only would be fine.

Chair Winslow noted that in the past it's been Saturdays and Tuesdays, which would be the most he would agree with; however, only Saturday is probably even better for safety purposes.

After some discussion, it was the consensus of the Select Board to allow for Tuesdays and Saturdays. Director Rucker agreed with the Select Board's decision.

Cathy Hodson, applicant for holding signs, commented that Tuesday and Saturday would be reasonable. As a candidate, she was hoping to catch people during the week who don't go to the dump on Saturday. She didn't even consider the traffic and safety concerns.

Steven Borne briefly spoke about the location for the candidates to stand.

Director Rucker noted that candidates should be off the travel lanes, which would be right in front of the Highway Garage. On Saturdays, it's a safe space because no one is parked in that area and there's lots of room. He commented that as it gets close to the election, there may be more than just the two applicants who have applied. He imagines that the days will become larger with applicants and crowds will tend to gather. He is just trying to address the safety concerns.

Chair Winslow noted that candidates will still have to apply to the Select Board. Secondly, they will have to abide by the rules in regards to where they stand.

VIII. CORRESPONDENCE

None

IX. NEW BUSINESS

- A request was received from the Rye400 Committee to hang a Rye400 banner on the Town Hall Annex. The Select Board agreed that the request should be sent to the Historic District Commission. If the Commission gives their approval, the Select Board would not have any objection.

X. OLD BUSINESS

- Request from Lions Club to waive the \$50/day fee for use of Parsons Field.
(*Consent Agenda Item B*)

Motion by Tom King to waive the fifty dollar a day fee for use of Parsons Field for the Rye's Lions Club 40th Annual Car Show. Seconded by Phil Winslow. All in favor.

- A request was made at the Deliberative Session for information on how the Town Hall Annex was funded. Chair Winslow noted that this information is going to be in the next Town Newsletter. The cost was \$650,000 with \$400,000 coming from ARPA funds and \$250,000 from the Municipal Buildings Construction and Renovation Capital Reserve Fund.
Town Administrator Scruton clarified that \$650,000 is the budget for the annex. The costs have not yet reached that amount.
- **Craig Musselman, CMA Engineering**, will be at the February 27th Select Board meeting to review the testing for the Grove Road Landfill monitoring well.
- Parsons Creek pump-out data is available to the public. People who are interested may contact Janice Ireland or Town Administrator Matt Scruton.
- The TAP Grant Committee held their inaugural meeting at the beginning of February. There is still room for two more members on the committee. The State is appointing a program manager for the TAP Grant and one has been identified. A date is being set for the first week in March for a representative from the State and the program manager to meet with the TAP Grant Committee, Town Administrator, Police Chief Walsh, and Fire Chief Cotreau to discuss the project. They will also be observing the traffic and activity in the Town Center during the time when students are released from school.

XI. OTHER BUSINESS

- A. Meeting, Monday, January 9, 2023, 5:30 p.m., Rye Town Hall

Motion by Bill Epperson accept the minutes of Monday, January 9, 2023 as written. Seconded by Tom King. Vote: 2-0-1 recused: Phil Winslow

- B. Non-Public Session, Monday, January 9, 2023 (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:2 I (b) Collective Bargaining

Motion by Bill Epperson to approve the non-public session minutes of January 9, 2023 as written and to seal. Seconded by Tom King. Vote: 2-0-1 recused: Phil Winslow

Motion by Bill Epperson to approve the non-public session minutes of January 9, 2023, entered at 6:02 p.m., as written. Seconded by Tom King. Vote: 2-0-1 recused: Phil Winslow

**Motion by Bill Epperson to approve the non-public session minutes of January 9, 2023, entered at 6:07 p.m., as written and to seal. Seconded by Tom King.
Vote: 2-0-1 recused: Phil Winslow**

Motion by Bill Epperson to approve the non-public session minutes of January 9, 2023, entered at 6:17 p.m., as written. Seconded by Tom King. Vote: 2-0-1 recused: Phil Winslow

Adjournment

Motion by Tom King to adjourn at 7:47 p.m. Seconded by Bill Epperson. All in favor.

Respectfully Submitted,
Dyana F Ledger