

TOWN OF RYE –SELECT BOARD
Monday, January 11, 2021
6:30 p.m. – Via Zoom

Present: Chair Phil Winslow, Selectman Bill Epperson, and Selectwoman Mae Bradshaw

Others Present: Town Administrator Becky Bergeron

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

Reading of Attestation

Statement by Phil Winslow:

As Chair of the Rye Select Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing public access to the meeting by telephone, with additional access possibilities by video and other electronic means. We are utilizing Zoom for this electronic meeting. All members of the board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number: 646-558-8656 and Password: 963258 or by clicking on the following website address: www.zoom.com ID #810-6062-1529.

- a) Public notice has been provided to the public for the necessary information for accessing the meeting, including how to access the meeting using Zoom telephonically. Instructions have also been provided on the Town of Rye website town.rye.nh.us
- b) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- c) Adjourning the meeting if the public is unable to access the meeting.
In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

If anyone has a problem accessing the meeting please email the Town Administrator at:
bbergeron@town.rye.nh.us.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Roll call attendance of Select Board:

- Bill Epperson
- Mae Bradshaw
- Phil Winslow

Note: The Selectmen stated where they were at home and stated that their spouses were in the home/room during the meeting.

II. ANNOUNCEMENTS

Chair Winslow announced the following:

1. The Town Offices will be closed Monday, January 18, 2021 for MLK – Civil Rights Day.
2. Chief Walsh’s mother passed away unexpectedly this week. Thoughts and prayers go out to him and his family during this difficult time.
3. In notice of Law Enforcement Appreciation Day; thank you to Chief Walsh and the officers and staff of the Police Department for the great job they do to keep the residents safe and secure.
4. Chair Winslow asked for a moment of silence for Washington, DC Police Officer Brian Sicknick, who was killed in the line of duty this week.

III. 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.)

There being no public comments, Chair Winslow closed the public comment period.

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

A. Coalition Communities Funds Allocation

B. Building & Grounds Workman Job Description

- C. Mileage Reimbursement Rate Change; The IRS announced effective January 1, 2021 the standard mileage for transportation expenses was set @ .56 cents per mile.**

Chair Winslow requested that Consent Agenda Items A & B be removed for discussion.

Motion by Bill Epperson to approve Consent Agenda Item C as presented. Seconded by Mae Bradshaw.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed.

A. Coalition Communities Funds Allocation

Town Administration Bergeron explained that the Coalition is currently trying to organize and raise enough funds to hire a lobbyist. The City of Portsmouth Assistant Attorney Jane Ferrini is taking the lead on this. The auditors have recommended to the individual communities that are participating in the Coalition, to have their governing bodies approve the funding to hire the lobbyist.

Chair Winslow stressed the fact that the Board is not contesting having fair and adequate education throughout the State of New Hampshire. They are contesting that the property tax mechanism is not the way to provide it. There are other ways to fund the process.

Motion by Bill Epperson for the Board to authorize the City of Portsmouth, as agent to the Coalition Communities, to expend monies previously contributed by the Town of Rye for the purpose of hiring a lobbyist to advocate for an educational funding mechanism that is not based on the former SWAP Donator Town model. Seconded by Mae Bradshaw.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed.

B. Building & Grounds Workman Job Description

Public works Director McCarthy explained that it has been brought to his attention that this job description has never been approved. It had been reviewed by the previous Board, but never approved. This fulltime position has been filled for the past year and a half.

Motion by Bill Epperson to accept the Building & Grounds Workman Job description as presented. Seconded by Mae Bradshaw.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed.

V. DISCUSSION ITEMS

- A. Tim Sanborn, Chairman of the Rye Mosquito Control Commission – discussion re: changing the name of the commission and their mission statement.**

Chair Winslow recommended that the Commission stay focused on health and safety related issues and not on environmental issues. The environmental issues are too broad. As far as the name is concerned, Chair Winslow would like to turn it back over to Mr. Sanborn to come up with a name that does not include the word “Environmental”. Referring to the first draft mission statement, Chair Winslow recommended that the words “environmental threats” be replaced with “healthy/safety threats”. In the second draft mission statement, Chair Winslow recommended the change from “threat to Rye’s environment” to “threat to health and wellbeing of the Rye residents”.

The Board agreed.

Town Administrator Bergeron will contact Commissioner Sanborn with the Board’s edits.

B. Discussion regarding the Deliberative Session

Chair Winslow announced that while addressing the Deliberative Session and the voting process for 2021, the Board wants to consider two major issues. 1) To ensure the health and wellbeing risks of the electors, the poll and election workers is minimized to the maximum possible. 2) To ensure that the rights of the voters to cast their ballots is not disenfranchised.

Town Moderator Bob Eaton outlined three options as follows:

1. Have the Deliberative Session as usual.
 - a. Try to take all the necessary safety precautions against the Corona Virus.
 - b. The Board is not in favor of this, due to the recent increased spread of the virus.
 - c. The vaccines are coming out in a slower process than anticipated.
2. Adopt the Virtual Deliberative Session outlined in HB1129.
 - a. Requires two virtual meetings.
 - b. Only the Select Board can amend the warrant articles.
 - c. The public can not offer their own amendments (Moderator Eaton feels this to be undemocratic).
 - d. The Town will be required to hold a “drive-up” election. The ballot would be divided in two parts. The first would be the election of the town officers and zoning articles. The second part would be the other warrant articles, including the operating budget.
 - e. The Town will be required to have as the first article on the warrant an article that says; “Do you approve of the virtual option of the Deliberative Session that has already happened?” If the Town disapproves, then all subsequent warrant articles will automatically fail, regardless of the votes.
3. Invoke RSA 40:4 and RSA 669-1 and 669-1A.
 - a. Allow the Town Moderator the digression to postpone the Deliberative Session every 72 hours and the Town election once every two weeks, until the point in time where the deliberative session could be held outside.
 - b. This option allows for the most safety and is the most democratic.
 - c. The Town Attorney has agreed that this is legal and makes the most sense.

- d. The School Board and the School District Moderator have agreed to this.

The challenge will be to keep the voters informed of what is happening. When the notice of postponement is posted, it should clearly set forth the intent that the Deliberative Session and the election are ultimately planned to be held on certain dates. If the House passes the bill (SB2) that will allow the Town to postpone the process, with an election happening on the second Tuesday of April, May, June or July, this will perhaps give time for them to pass that law.

It was decided that the Deliberative Session will be dated February 6th. The notice of postponement will state the ultimate date of the Deliberative Session as June 5th with the Election on July 7th.

Motion by Bill Epperson to date the Deliberative Session for February 6, 2021. Seconded by Mae Bradshaw.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed

C. Chief Walsh – Acceptance of Highway Safety Grant Agreement

Lieutenant Scott Blaisdell thanked the Board for the kind words at the beginning of the meeting in noting Law Enforcement Appreciation Day. This is a great town to work for, with a lot of the members of the community supporting the Department. The Department does not look for the praise, but its nice to hear it.

Lieutenant Blaisdell, on behalf of Chief Walsh, explained that the Highway Safety Grant has three pieces. This one is the Driver Behavior Management Plan.

The focus on this phase is:

1. Signage
2. Education
3. Enforcement

Enforcement is where the Highway Safety Grant comes into play. It will allow the department to have an officer stay on their normal patrol function, while also allowing for focus on driver behavior; whether it be speed, DWI enforcement, or distracted driver. The grant will pay to bring in an extra officer to focus on just these issues.

Lieutenant Blaisdell requested that the Select Board authorize the Town Administrator and the Police Chief to enter into the grant agreement.

Motion by Mae Bradshaw to authorize the Town Administrator and the Police Chief to sign the Highway Safety Grant Agreement. Seconded by Bill Epperson.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed

D. Update – Cell Tower on Port Way

Selectman Epperson reported that the application for the building permit has been received by the Town and it will be on the agenda soon. The goal is to start construction in the spring.

VI. CORRESPONDENCE

None

VII. NEW BUSINESS

None

VIII. OLD BUSINESS

None

IX. 2021 BUDGET WORK SESSION

Town Administrator Bergeron stated that in the original budget session, the Select Board voted to approve \$10,000 to be added to the Parsonage Fund (Fund 5). The Budget Committee voted not to add any more to the Fund. She recommended that the Select Board do the same.

Motion by Phil Winslow to discontinue the \$10,000 in funding for the Parsonage that was formally approved. Seconded by Mae Bradshaw.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed

A. Warrant Articles

Read by Selectman Epperson as follows:

Shall the Town raise and appropriate as special operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling ten million seven hundred fifty-four thousand six hundred sixty-five dollar (\$10,754,665)? Should this article be defeated, the default budget shall be ten million one hundred eighty-nine thousand three hundred three dollars (\$10,189,303) which is the same as year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up this issue of a revised operating budget only. (Majority vote required.) NOTE: This operating budget warrant article does not include appropriations in any other warrant article.

Selectwoman Bradshaw requested that the “?” mark after the first sentence, be taken out of the article.

**Motion by Mae Bradshaw approve to the article as amended. Seconded by Bill Epperson.
Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.
Motion Passed**

To see if the Town will vote to raise and appropriate the sum of Eight Hundred Thousand Dollars (\$800,000) for construction of transportation safety improvements, including a sidewalk and a bike lane in the Town Center, from the intersection of Washington Road and Wallis Road to the intersection of Central Road and Washington Road. With Five Hundred Thousand Dollars (\$500,000) to come from NH Department of Transportation Alternative Program grant, (TAP) and the balance of Three Hundred Thousand (\$300,000) to come from general taxation for the local match required for the grant. This article is non-lapsing until December 31, 2025 or until the project is complete whichever comes first. This project is contingent upon receipt of the TAP Grant.

**Motion by Mae Bradshaw to approve the article as presented. Seconded by Bill Epperson.
Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.
Motion Passed**

X. OTHER BUSINESS

A. Meeting Minutes

1. Meeting, Monday, October 19, 2020, 8:00 a.m. via Zoom

**Motion by Bill Epperson to approve the meeting minutes of October 19, 2020 as presented.
Seconded by Mae Bradshaw.**

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed

2. Non-Public Session, Monday, October 19, 2020 (1) per RSA 91-A:3 II (1) Legal Advice

Motion by Bill Epperson to approve the minutes of the non-public session of October 19, 2020 per RSA 91-A:3 II (1) Legal Advice as presented. Seconded by Mae Bradshaw.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed

3. Meeting, Monday, December 14, 2020, 6:30 p.m. via Zoom

The following correction was noted:

- Page 11; 4th paragraph from the bottom reads: Chair Winslow felt that the ~~process~~ is sidelined until they get clear direction on the TD Bank and the parsonage.

- It should read: Chair Winslow felt that the process is sidelined until they get clear direction on the TD Bank and the parsonage.

Motion by Mae Bradshaw to approve the meeting minutes of December 14, 2020 as amended. Seconded by Bill Epperson.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed

4. Meeting, Monday, December 28, 2020 6:30 p.m. via Zoom

Motion by Mae Bradshaw to approve the meeting minutes of December 28, 2020 as presented. Seconded by Bill Epperson.

Roll Call Vote: Bill Epperson – Aye; Phil Winslow – Aye; Mae Bradshaw – Aye.

Motion Passed

ADJOURNMENT

Motion by Bill Epperson to Adjourn at 7:45 p.m. Seconded by Mae Bradshaw.

Roll Call Vote: Phil Winslow – Aye; Bill Epperson – Aye; Mae Bradshaw – Aye.

Motion passed

Respectfully Submitted
Dyana F. Ledger