

**TOWN OF RYE - SELECT BOARD
MEETING
Monday, March 13, 2023 – 6:00 p.m.
Rye Town Hall**

Present: *Chair Phil Winslow, Selectman Bill Epperson, and Vice-Chair Tom King (via Zoom)*

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

6:00 p.m.

I. CALL TO ORDER

Chair Winslow called the meeting to order at 6:02 p.m.

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

At 6:02 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: Epperson – Yes, Winslow – Yes, King – Yes.

At 6:11 p.m., Phil Winslow made a motion to come out of Non-Public Session and recess until the public meeting at 6:30 p.m. Seconded by Bill Epperson. Roll Call: Epperson – Yes, Winslow – Yes, King – Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow reconvened the public meeting at 6:31 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- The Town Election is scheduled for Tuesday, March 14th at the Rye Elementary School. The polls open at 8:00 a.m. and close at 7:00 p.m.
- As his last select board meeting as a sitting Selectman, Chair Winslow thanked present and past fellow select board members: Priscilla Jenness; Craig Musselman; Keriann Roman; Bill Epperson; Mae Bradshaw; and Tom King. He also thanked town department heads and teams for their support and hard work on behalf of Rye. He gave a special thanks to Becky Bergeron, Matt Scruton, past Town Administrator Mike Magnant and town counsel for their help and guidance. In addition, he thanked the over one hundred and ten volunteers in the Town who have served on boards,

commissions, and committees. Without their help, the Town could not operate. In closing, he recognized Select Board Executive and Finance Assistant Janice Ireland who keeps everyone inline and out of trouble. Without her hard work, the Select Board could not operate. He thanked the electorate for the opportunity to represent them in managing town affairs over the last six years.

Selectman Epperson noted that it's Phil Winslow's last meeting and he reflected on events that have taken place in town over the last six years. The new town hall annex was opened after three committees, eleven years and fourteen warrant articles. The Planning Administrator has been moved from the front entryway of the Town Hall to an office on the second floor. Selectman Winslow was instrumental in the team that guided \$900,000 to reconfigure the Lang Road and Route 1 intersection. The Federal Government gave \$3,000,000 to dredge Rye Harbor. The Select Board negotiated and installed a new cell tower, which provides an additional \$300,000 yearly in revenue for the Town. The Town Center Committee was setup. There was \$800,000 to create a new safe and attractive town center, which will be seen in 2025. The Town has a commitment of \$500,000 to build bike lanes from the Rye/New Castle Bridge to Route 1A and from Sagamore Road to Odiorne's Point. It's anticipated that the bike lanes will be completed within the next two years. All of this has been done while keeping the taxes under a 3% increase for the last six years. The Town has never been in a better financial condition. Clearly, none of this could have been done without the help of all the volunteers. The committees and commissions have done so much work and good for the Town. There are over one hundred volunteers who have done work for the Town. Hopefully, the string of improvements will continue over the next decade or two.

Selectman Epperson presented Chair Winslow with a plaque as appreciation for his dedicated service as a Town of Rye Selectman.

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.)

Lisa Sweet, 7 Winslow Way, Rye Energy Committee Member, noted that the Energy Committee has been working to bring Rye Community Power to Rye. The program will be launching on or about April 24th. The program will be launching with nine other towns in N.H. Eversource customers in the Town will automatically be enrolled in Rye Community Power with a rate of 15.8¢ per kilowatt hour. This represents a 22% discount from the current Eversource rate. There will also be options that each Rye customer may choose. All the prices for the products are below the current Eversource rate. This information will be mailed out in a mailer to all Rye customers on March 24th. An informational meeting is scheduled for April 4th, 6:30 p.m., at the Rye Junior High. There will also be a table set up with information at the Town Election on March 14th.

Steven Borne, 431 Wallis Road, announced that April 4th is Rye Night Out with the Civic League. He appreciates the information that was posted on the Town's website in relation to the expenses for the renovation for the Town Hall Annex. He would like the total costs including

the land, lawyers, demolition and all the work to be posted as well. He asked if there is a report from the presentation that was given by Craig Musselman at the last Select Board meeting in regards to the landfill monitoring. He noted that the testing is done every three months and it takes a month to get the data. The Town has no idea if a plume is coming, getting into the water and getting into people's systems. The charts said that the readings are 5, 6 and 7, and it's pretty consistent. There's a consistent flow of PFOAs in the water supply. The real question is what's bioaccumulated in people's blood? It's really a safety issue. There's a real issue with the volume of PFOAs that are in the water. Spending eleven million dollars on a treatment plant may not actually make that go away because it's not known when the PFOAs are going to stop flowing into the Garland well.

- VI. CONSENT AGENDA ITEMS** – (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)
- A. Chief Walsh – Event Permit Application: Cystic Fibrosis Foundation Cycle for Life 2023, Saturday, 7/15/23, 6:00am – 4:00pm to benefit the Cystic Fibrosis Foundation.**
 - B. Letter rec'd from Ed Farley re: the protocol of how the town oversees the Police Department**
 - C. Jason Rucker, Public Works Director – Crack Sealing Bid Results**
 - D. Letter rec'd from Jaci Grote re: Her resignation from the Conservation Commission**

Consent Agenda Items A and D were pulled for discussion.

- **Event Permit Application: Cystic Fibrosis Foundation Cycle for Life 2023**

Chief Walsh reviewed the details for the Cystic Fibrosis Foundation event being held on July 15th. The noncompetitive bicycle event is for 200 riders. He confirmed that all insurance and paperwork is in order. There are no other permit applications for events on that day. Chief Walsh agreed to check the 400th Celebration calendar to be sure there are no conflicts.

- **Jaci Grote: resignation from RCC**

Chair Winslow asked that a letter of thanks be sent to Jaci Grote for her service on the Rye Conservation Commission.

Motion by Phil Winslow to accept Consent Agenda Items A, B, C and D as written.

Seconded by Bill Epperson.

Roll Call: Phil Winslow – Aye; Bill Epperson – Aye; Tom King - Aye

Vote: 3-0

VII. DISCUSSION ITEMS

A. Planning Board Update – on 2/8/2023 the Planning Board was awarded the NHHOP Invest NH Municipal Planning & Zoning Grant in the amount of \$17,750.00

Zoning/Planning Administrator Kim Reed spoke to the Select Board in regards to the NHHOP Invest NH Municipal Planning & Zoning Grant that was awarded to the Rye Planning Board in the amount of \$17,750. The grant will be used for a needs assessment study, which is part of Phase 1. The grant is a three part grant program. The needs analysis data is needed in order to apply for the other two grants. Administrator Reed submitted to the Select Board the RFP that has been vetted by Attorney Maher which will be sent out to certified consultants listed on the Invest NH Municipal Grant list. The Long Range Planning Committee, under the direction of the Planning Board, will be reviewing applications from consultants and will make a recommendation to the Planning Board on a firm to do the actual needs assessment work.

Planning Board Chair Patricia Losik reviewed the RFP and the few areas of concern that Attorney Maher pointed out. She noted that this Phase 1 grant can work on areas of the master plan that relate to housing related matters. It can also relate to discussions of difficult areas such as sewer and water, as long as it relates to housing.

It was agreed that Town Administrator Matt Scruton would be authorized to sign any contract documents as a liaison between the Select Board and Planning Board. All communications from NHHOP will be sent to Matt Scruton and Kim Reed.

Motion by Phil Winslow to accept the Invest NH Municipal Planning and Zoning Grant Program Housing Opportunity Planning Grant and authorize the Town Administrator to sign any necessary contracts or agreements. Seconded by Bill Epperson.

Roll Call: Phil Winslow – Aye; Bill Epperson – Aye; Tom King - Aye

Vote: 3-0

B. Proposed letter to PDA re: The Proposed Fuel Farm at Pease *Not addressed*

C. Illicit Discharge Detection and Elimination Ordinance

Town Administrator Matt Scruton reviewed the updates to the Illicit Discharge Detection and Elimination (IDDE) Ordinance. Updates include: clarification of the Select Board's authority to adopt the ordinance; further history of the ordinance; and reflect the statutory penalties under RSA 149-VI:1-a.

Motion by Phil Winslow to accept the Illicit Discharge Detection and Elimination Ordinance as written. Seconded by Bill Epperson.

Roll Call: Phil Winslow – Aye; Bill Epperson – Aye; Tom King - Aye

Vote: 3-0

VIII. CORRESPONDENCE

None

IX. NEW BUSINESS

None

X. OLD BUSINESS

A. Town Hall Windows

Referring to the Town Hall window project, Administrator Scruton noted that there is lead that needs to be remediated caused by the removal of the windows for the reglazing. The concern is how the costs for the lead cleanup and remediation is going to be paid, which could be upwards of \$20,000 in addition to the cost estimate for the reglazing of the windows. He asked the Select Board how they would like to proceed.

It was noted by Finance Director Becky Bergeron that there is a cost share for the windows between the Heritage Commission and the Friends of Rye Town Hall.

Administrator Scruton pointed out that it is his understanding that this work should be done every time a window is pulled out to be reglazed or any time there is disturbance of the lead paint. The lead dust could be a risk factor for town staff who may be working in the area. Costs would be reduced substantially if the work were done all at once when staff was not occupying the second floor. He noted that if the project could wait until another phase of the annex was done and the staff could be moved over to that building, it would be an appropriate time to do this type of work. Since it involves lead, he would be concerned for the safety of the town staff.

Mae Bradshaw, 106 Harbor Road, spoke to the Select Board about the Town Hall window project. She noted that the Friends of Rye Town Hall are willing to fund raise for half the remediation. This work may require the Heritage Commission to do some fundraising also. Depending upon the costs for the work, she believes there will not be much that the Town would have to cover.

Selectman Epperson agreed that it would be best to wait until there was an opportunity to move the staff over to the annex so the remediation can be done all at once. It would be the safest and most cost-effective way to do the work.

The Select Board agreed to take some time and explore other alternatives. They also agreed it was best to not remediate after every window and to do the work at one time.

Fire Chief Mark Cotreau commented that the goal is to not have to remediate at all. The goal is to protect the area under industry standards, so there's not a release of lead and dust that has to be remediated. It makes economic sense to do the work all at once. The Town would be well served to find out what the industry standards are for the work.

Ms. Bradshaw noted that the person who is doing the reglazing on the windows only does three windows at a time. The windows are taken off site to his workshop where the reglazing is done. She doesn't believe the contractor has the capacity to take out all the windows at one time. She suggested speaking with the contractor first.

It was the consensus of the Select Board to wait and put the project on hold at this time.

XI. OTHER BUSINESS

A. Meeting, Monday, February 13, 2023, 5:30 p.m., Rye Town Hall

Motion by Phil Winslow to approve the minutes of February 13, 2023 as written. Seconded by Bill Epperson.

Roll Call: Phil Winslow – Aye; Bill Epperson – Aye; Tom King - Aye

Vote: 3-0

**B. Non-Public Session, Monday, February 13, 2023 (1) per RSA 91-A:3 II (c) Reputation
(2) per RSA 91-A:3 II (a) Personnel**

Motion by Phil Winslow to approve the non-public minutes of February 13, 2023 for Reputation as written and not to seal. Seconded by Bill Epperson.

Roll Call: Phil Winslow – Aye; Bill Epperson – Aye; Tom King - Aye

Vote: 3-0

Motion by Phil Winslow to approve the non-public minutes of February 13, 2023 for Personnel as written and not to seal. Seconded by Bill Epperson.

Roll Call: Phil Winslow – Aye; Bill Epperson – Aye; Tom King - Aye

Vote: 3-0

ADJOURNMENT

Motion by Phil Winslow to adjourn at 7:25 p.m. Seconded by Bill Epperson. All in favor.

Respectfully Submitted,
Dyana F. Ledger

3-13-23 Consent Item B

Ed Farley
472 Wallis Rd
Rye, NH 03870

March 1, 2023

Matt Scruton
Town Administrator
Rye Town Hall
10 Central Road
Town of Rye, NH 03870

Dear Matt,

I am writing as to establish confirmed correspondence of important protocol of how the Town of Rye, NH oversees its Police Department so that ALL its residents have obvious and transparent access to a direct oversight committee of law enforcement. This has been a hot topic across our country and the topic must be proactively addressed here too. I called and left a message via voicemail on

Topic 1

Approximately 9 years ago, February 10, 2014, I stood before the then 3 Rye, NH selectmen/ women after I requested a place and time to address Rye, NH Police Department integrity or lack there of in my experience. At that time, I had direct witnessed evidence that the police had accepted an anonymous call for dog barking and an officer was dispatched to my home. This officer had parked our town PD cruiser at the bottom of my driveway. He was intervened in his activity by a friend of mine who asked what he was doing. The reply was merely " Good thing you are here not 10 minutes from now or the owner of this house (mine) would receive a \$500 citation for barking ordinance violation." Long story short, the police report stated the officer parked 2 houses away (which was a lie). When addressed with Chief Kevin Walsh at my home, after showing Kevin the serious infraction, I was met with Kevin face in my grille telling me that 2 houses to him was different that 2 houses to me. That made no sense (He was telling me I must accept the police abuse or write the NH AG to complain).

At or about the same time, the Greenland, NH Chief of Police was murdered on duty. I had investigated their department compared to Rye's. I discovered that Greenland's then new female Chief had made a fabulous proactive effort to establish a mission statement and public interaction that would promote Police trust and integrity in their town. Since, even their department has waned from this. Compared to then Rye's weak and inconsequential and current mission statement and protocol that has no mention of professional conduct requirements or oversight by an independent unbiased agency. I then requested the Selectmen rule to adopt the then Greenland, NH PD mission statement and protocol which addressed such. I was never alerted to the decision and to why, but my request was bypassed. The Greenland NH police website has changed since, I no longer support for same reasons set forth herein.

The day following the above event I was rudely pulled over by Rye Police in my car. This officer was angry and upset with me simply asking why he pulled me over. Once I gave him my ID and

registration the officer melted because he knew who I was and it was he who was recently called to my home about my dogs and he found nothing of the ordinary. He had said he was in the military and his duty is to protect people's constitutional rights and that he aligned with me being abused by my select neighbors. It was my missing front license plate that was missing, but highly likely I was targeted by the Chief. Not long into the future, Kevin would regularly and creepily slow his unmarked cruiser to walking speed approaching me in the same direction as I walked my pups along the road. He would ask "How am and I doing, everything all right?". He knew what I knew. There is much more devious information about this.

Our Town needs to have a specific protocol with neighbors addressing neighbors and not simply using police as their self interest baton. We also need a protocol that is police ever conduct a barking ordinance check that they have confirmed neighbors have talked, are in no scent of the animals in question, show specifically where they park and assure no suspicious/provoking activity has or is commencing. There are many people who do not like animals, that alone is suspicious in character.

Here we are today and I am finding that residents in our town are misusing the police with illegal misrepresentations of police reporting truths and the police are yet again abusing reasonable barking ordinance checks (at their discretion) and police misconduct per <https://www.pstc.nh.gov/publications/documents/policing-standards-conduct-iacp.pdf>.

My Requests

I request Rye, NH Administration the Town of Rye, NH will have public oversight of our police department to assure all of us that law enforcement is acting within their required NH Conduct duties and within the law and Constitutional rights. If not residents deserve a quick and direct avenue to make complaints that will be imminently addressed with unbiased review. These people have an important duty and conduct that can never be breached. We support them if they abide to their commitments in a critical operations duty.

I request Rye, NH Administration, without delay, institute an enhanced mission statement that includes the police will abide by specific police conduct rules (as noted) and that an oversight committee is erected and implemented to assure public trust between police and residents. In addition, show access on their website required PD NH conduct rules. Police internal affairs is not enough and allows the fox to guard the hen house. This to be added to our current police website and Town Website.

I request Rye, NH Administration, without delay, to institute our own transparent and credible PD oversight committee with transparent public trust and integrity. I highly suggest this Town agree to belong to the National Association for Civilian Oversight of Law Enforcement (nacole.org). We are not looking for a bandaid or fluff, we want and deserve imminent oversight to assure our PD is acting with Constitutional rights and professional conduct requirement parameters at all times.

I request Rye, NH Administration require the same protocol is instituted for the building inspector protocol too. Many have suffered rude and unwarranted behaviors for simply making efforts to oblige to building standards.

At my employment we are required to operate with honesty, integrity and respect. And we are required to support and help each other (not harm), nor do we provoke or spin a situation to self serve. I request Rye, NH Administration adopt these principles that too many have tossed to the wind and or except if self serving.

Thank you for your attention and consideration. I look forward to your response.

Topic 2

It has come to my attention that Edward K. (Ned) Paul, the same Ned Paul who was arrested on March 9, 2013 1032 p.m. on charges of driving while intoxicated, conduct after an accident and resisting arrest or detention, is a member of the Rye Administration as Finance Director. Please advise what protocols are in place so that people with these type records are not considered part of the Rye Administration. This is an unacceptable public trust matter. He must be terminated respectively and conditions set forth that any Administration member has no irresponsible public record.

Thank you for your attention and consideration. I look forward to your response. Let us be focused on being proactive supportive and honest, integral and respectful leaders with oversight.

Thoughtful Regards,



Edward Farley

Karma
Be kind, Be fair, Be honest. Be true.
And all these things will come back to you.
What goes around comes around.

3-13-23 Disc Item C

ILLICIT DISCHARGE DETECTION AND ELIMINATION ORDINANCE

CHAPTER 70

§ 70-1.0. Illicit discharge detection and elimination (IDDE). [Added 3-10-2020 by Art. 4]

- A. History. This Illicit Discharge Detection and Elimination (IDDE) Ordinance was enacted as §190-5.7.1 of the Town of Rye Zoning Ordinance, by through Zoning Amendment 4 of the 2020 Rye Town Meeting. By and through Zoning Amendment 6 of the 2023 Rye Town Meeting, the Planning Board recommended the elimination of §190-5.7.1 and the re-adoption of the IDDE Ordinance by the Select Board in accordance with the Select Board's authority under RSA 149-I:6, I-a. In accordance with that recommendation, the Select Board hereby adopts this IDDE Ordinance, which will become effective and contingent upon the Town Meeting's vote in the affirmative of Zoning Amendment 6 at the 2023 Town Meeting.
- B. Authority. This IDDE Ordinance is adopted in accordance with RSA 149-I:6, I-a.
- C. Purpose and intent. The purpose of the IDDE Ordinance is to provide for the health, safety, and general welfare of the citizens of Rye through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. The IDDE Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this IDDE Ordinance are to:
- (1) Regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
 - (2) Prohibit illicit connections and discharges to the MS4.
 - (3) Establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this IDDE Ordinance.
- D. Definitions. For the purposes of this IDDE Ordinance, the following terms shall mean:
- AUTHORIZED ENFORCEMENT AGENCY — Employees or designees of the Board of Selectmen designated to enforce this IDDE Ordinance.
- BEST MANAGEMENT PRACTICES (BMPS) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

ILLEGAL DISCHARGE — Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in Subsection E of this IDDE Ordinance.

ILLCIT CONNECTION — Either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any nonstormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY — Activities subject to NPDES industrial stormwater permits as defined in 40 CFR 122.26(b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Rye and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONSTORMWATER DISCHARGE — Any discharge to the storm drain system that is not composed entirely of stormwater.

POLLUTANT — Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

STORM DRAINAGE SYSTEM — Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER — Any surface flow, runoff, and drainage consisting entirely of

water from any form of natural precipitation and resulting from such precipitation.

STORMWATER MANAGEMENT PLAN — A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

- E. Applicability. This IDDE Ordinance shall apply to all water, pollutants or other substances entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Board of Selectmen.
- F. Compatibility with other regulations. The requirements of this IDDE Ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this IDDE Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- G. Discharge prohibitions.
 - (1) Prohibition of illegal discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows and if it is determined that the activity is causing an adverse impact.
 - (a) The following discharges are exempt from discharge prohibitions established by this IDDE Ordinance:
 - [1] Waterline flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
 - [2] Discharges or flow from firefighting and other discharges specified in writing by the Board of Selectmen as being necessary to protect public health and safety.
 - [3] Discharges associated with dye testing; however, this activity requires a verbal notification to the Board of Selectmen prior to the time of the test.
 - (b) The prohibition shall not apply to any nonstormwater discharge permitted

under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA).

(2) Prohibition of illicit connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
 - (b) The prohibition in Subsection E(2)(a) expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (c) A person is considered to be in violation of this IDDE Ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - (d) Improper connections in violation of this IDDE Ordinance must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Board of Selectmen.
 - (e) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Board of Selectmen requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system or other stormwater discharge point be identified. Results of these investigations are to be documented and provided to the Board of Selectmen.
- H. Surface water protection. Every person owning property through which surface waters or a watercourse passes, or such person's lessee, shall keep and maintain that part of the surface waters or watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- I. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices. The Board of Selectmen will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States.

- J. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. Failure to provide notification of a release as provided above is a violation of this IDDE Ordinance.
- K. Enforcement; violations and penalties.
 - (1) Violations.
 - (a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this IDDE Ordinance. Any person who has to continue.
 - (b) Improper connections in violation of this IDDE Ordinance must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the Board of Selectmen.
 - (c) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Board of Selectmen requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system or other stormwater discharge point be identified. Results of these investigations are to be documented and provided to the Board of Selectmen.
- L. Surface water protection. Every person owning property through which surface waters or a watercourse passes, or such person's lessee, shall keep and maintain that part of the surface waters or watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- M. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices. The Board of Selectmen will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States.
- N. Notification of spills. Notwithstanding other requirements of law, as soon as any

person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. Failure to provide notification of a release as provided above is a violation of this IDDE Ordinance.

- O. Enforcement; violations and penalties.
- (1) Violations.
 - (a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this IDDE Ordinance. Any person who has violated or continues to violate the provisions of this IDDE Ordinance may be subject to the enforcement actions outlined in this IDDE Ordinance or the violation may be restrained by injunction or otherwise abated in a manner provided by law.
 - (b) In the event the violation constitutes an immediate danger to public health or public safety, the Board of Selectmen is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.
 - (2) Warning notice. When the Board of Selectmen finds that any person has violated, or continues to violate, any provision of this IDDE Ordinance, or any order issued hereunder, the Board of Selectmen may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice.
 - (3) Suspension of MS4 access due to the detection of illicit discharge.
 - (a) Any person discharging to the MS4 in violation of this IDDE Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Board of Selectmen will notify a violator of the proposed termination of its MS4 access. The violator may petition the Board of Selectmen for a reconsideration and hearing.
 - (b) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this IDDE Ordinance without the prior approval of the Board of Selectmen.
 - (4) Penalties of this IDDE Ordinance shall be subject to a civil penalty not to exceed \$10,000 per day of such violation per RSA 149-I:6.