

**TOWN OF RYE - SELECT BOARD
MEETING
Monday, March 27, 2023 – 5:30 p.m.
Rye Town Hall**

Selectmen Present: *Tom King, Bill Epperson, and Bob McGrath*

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

5:30 p.m.

I. CALL TO ORDER

Selectman King called the meeting to order at 5:30 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (c) Reputation
(2) per RSA 91-A:33, II (e) Legal**

At 5:30 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, McGrath – Yes, King – Yes.

At 5:40 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath – Yes, King – Yes.

At 5:42 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (e) Legal. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath – Yes, King – Yes.

At 6:12 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King – Yes.

At 6:13 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (c) Reputation. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King – Yes.

At 6:28 p.m., Tom King made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Epperson – Yes, McGrath – Yes, King – Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Acting as chair, Selectman King called the public meeting to order at 6:33 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- Selectman King introduced Bob McGrath who was recently elected as a new Rye Selectman. The Select Board welcomed Selectman McGrath and look forward to working with him.
- Selectman King thanked Town Moderator Bob Eaton and his team for another flawless town election. Those who have been involved know how much work goes into the elections, not just on election day. The election was run very efficiently, especially considering the weather.
- The Rye400 Committee held its first major event, the Rye Art Exhibition, at the Rye Congregational Church on Saturday, March 25th. The event was well attended and was enjoyed by all. Selectman King thanked the Rye400 Committee for organizing such a successful event.
- The Rye Historical Society is having a membership drive. The goal is to add 400 new members to help celebrate the Rye400. Residents are encouraged to join and help the Historical Society reach their goal.
- As part of the Rye400 Celebration, there are four beach cleanup opportunities for people to join. Schedule for beach cleanups are as follows:
 - Monday, April 3, Foss Beach – 4:00 to 5:30 p.m.
 - Saturday, April 8, Pirates Cove – 9:00 to 10:30 a.m.
 - Thursday, April 20, Jenness Beach – 4:30 to 6:00 p.m.
 - Friday, April 28, Sawyer's Beach - 10:30 a.m. to noonEveryone who volunteers will receive a gift for helping. There will also be a drawing for a gift certificate at the end of all beach cleanups which will be drawn from the names of all who helped.

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.)

- **Karen Andronaco, Partners Bank Manager**, introduced herself to the Select Board and spoke about the commitment of the Rye branch of Partners Bank to the community. She noted that Partners Bank has been in town for three years and is very interested in working with the Town. Because of that, Partners is offering a special rate for municipalities on excess funds or undesignated fund balances.
- **Lisa Sweet, 7 Winslow Way, Rye Energy Committee**, announced that the notifications regarding Rye Community Power have been sent out to residents. The website is now live for people to visit and make options. There is also a live customer service center with a toll-free number. The mailing will explain Rye Community Power. Everyone in Rye who is currently on Eversource will automatically be switched to Rye Community Power Supply. The rate is 15.8¢ versus Eversource's

20.2¢. If residents do nothing, they will be switched to the lower rate for the same product. Residents can also choose a greener product than the default product, which are all less than the Eversource current rate. Residents who do not want to participate in Rye Community Power may opt out of the program. The Rye Energy Committee will be holding an information session on Tuesday, April 4th, 6:30 p.m., at the Rye Junior High.

- **Rosalie Lopresto, 64 Liberty Common**, announced that she was recently sworn in as a new Rye Water District Commissioner. She spoke to the Select Board about the possibility of having a water kiosk in the Rye Town Center. She also spoke about the presentation given by Craig Musselman, CMA Engineering, at a recent select board meeting in regards to the Grove Road Landfill. She noted that one of the takes from that meeting was that the contamination into the aquifer is coming from the fire pond. She suggested that the Town get a second opinion in regards to remediation. Mr. Musselman had said that he didn't feel there was any remediation possible. However, she doesn't feel there is any harm in getting a second opinion on any possible remediation of that fire pond to help prevent contamination into the aquifer.
- **Joe Cummins, 990 Washington Road**, commented that he is looking forward to Rye Community Power. However, he is concerned that Direct Energy will stop offering programs to individuals if they can just deal with one big group. He hopes that residents don't lose the option of being on their own versus part of the group. In regards to the remediation of the fire pond, he thought that Craig Musselman said that it was possible but not prudent, as there would be more negatives that would come from remediation. Mr. Cummins also spoke to the Select Board about the possibility of forming a municipal records committee.
- **Jennifer Madden, 620 Central Road**, noted that she just finished serving a one-year term on the Zoning Board. During that time, she noticed there were many applicants who seemed to be experiencing general confusion about the permitting process. In speaking with residents who have recently obtained permits, she learned that they also had similar experiences. She noted that some residents have collectively agreed to offer their time in any way to help make positive changes and create some efficiencies in the permitting process, including the introduction of technologies many municipalities are already using with great success. She would like to be placed on the Select Board's agenda for a vote to approve the establishment of a committee to review current processes and recommend changes that will make the permitting process more user friendly.
- **Dominique Winebaum, 52 Cable Road**, referred to her correspondence under the consent agenda. She hopes the Select Board will pull the letter for discussion. She noted that in January she wrote a letter ahead of the Budget Committee public hearing with questions. The letter to the Budget Committee concerns gaps in the planning budget for big items that had not been budgeted; such as, the update of the Rye Zoning Ordinance, the amendments for the Land Development Regulations, Rye Code Book,

and the expense for a legal notice for a Rye Zoning Amendment. Mrs. Winebaum noted that she sent her letter before the meeting and Finance Director Becky Bergeron provided answers to the questions at the meeting. She requested that her letter and Becky Bergeron's answers to the questions be attached to the meeting minutes of the public hearing.

Mrs. Winebaum continued that at the time, Finance Director Bergeron was unable to provide an answer about the cost of updating the Rye Code Book after the Rye Election. She pointed out there were many zoning amendments. She asked for an answer on what the total cost was to update the Rye Code Book after the election with the new zoning amendments and Land Development Regulations. The Rye Code Book is being mostly amended because of zoning and LDR amendments. This should be part of the planning budget, not the general budget.

Ms. Winebaum also noted there is \$16,000 in the budget for meeting minutes for just two boards; the Planning Board and Zoning Board of Adjustment. The reason for the \$16,000 is that the meeting minutes be verbatim. The chair of the ZBA is also a member of the Budget Committee and is aware of that. Her issue is the minutes for the ZBA have not been verbatim. The minutes have to be verbatim from the start and someone is editing them. If there are issues, the ZBA members need to be receptive.

- **Steven Borne, 431 Wallis Road**, commented that the Rye Civic League would like to map out the LDR's and the process, and get it into the citizen's handbook. He commented that the process could be clearer and more concise. He noted that documents are not being attached to the meeting minutes across the board. He would like to see some improvements in that regard. Mr. Borne also noted that on tonight's agenda there's lawn care. He noted there are school fields, recreation fields, and cemetery fields. He suggested pulling all of those together to take care of that work. He also questioned the list of committees that the Selectmen are representatives to and why those are the only committees. Referring to Ms. Lopresto's comment about obtaining a second opinion on the Grove Road Landfill, Mr. Borne commented that it may be worth the Town considering. He pointed out that the Town's aquifer is one big aquifer. It's the whole town's aquifer. He noted that Aquarion has a well in town. He asked if residents on Aquarion Water receive a discount or if the Town has a commercial agreement in place for taking all that water.
- **Charles Potter, 941 Ocean Blvd.**, spoke in support of streamlining the process for building permits. He is new to Rye and the process is confusing. Trying to get something done before the winter was a challenge. He thinks there should also be information on what can actually be done on someone's property. There are a lot of regulations from the wetlands, shoreland, and FEMA. It's difficult to figure out what is lawful to do to a property. He would be happy to help with trying to improve the process.

Selectman King pointed out that one of the recent amendments to the zoning ordinance has a change to the procedure.

- **Joe Cummins, 990 Washington Road**, commented that his experience is the permitting process is pretty rationale.

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

The Select Board pulled all of the consent agenda items for discussion.

A. Letter rec'd from Stephen King re: His resignation from the Recreation Commission

Selectman King noted that Stephen King has sat on the Recreation Commission for almost 20 years. He thanked Mr. King for his service and work on the Commission. He pointed out that Covid was especially hard on Recreation. The Recreation Commission had an enormous job getting the recreation program going again.

The Select Board requested a thank you letter be sent to Mr. King for his service on the Commission.

- B.** Recreation Commission requests permission to accept and expend a donation from Tate & Foss Real Estate/Mulvey Realty in the amount of \$750 for chocolate prizes at the first annual Rye Easter Egg Dig on April 8, 2023

Motion by Bill Epperson to accept, with gratitude, and expend the \$750 donation for the Rye Easter Dig from Tate & Foss. Seconded by Tom King. All in favor.

Selectman Epperson commented this is another spirit of camaraderie in the Town. The Select Board appreciates the fact that they are willing to come forward and donate the money.

Selectman King pointed out that Partners Bank and other businesses in town give a lot back to the community and it's really appreciated.

- C. Chief Walsh – Event Permit Application:** Millennium Running – New Castle 10K, Sunday, 4/30/23, 9:35 – 10:05 a.m. to benefit Exeter & Portsmouth Boosters

Police Chief Walsh spoke to the Select Board about the permit application for Millennium Running. The event is taking place on April 30th. He confirmed that all paperwork and insurance is in place.

The Select Board did not have any issues with the application.

- D. Chief Walsh – Event Permit Application:** All Sports Events/Tri/ME – Wallis Sands Half Marathon, Sunday, 4/30/23, 7:00 – 11:00 a.m. to benefit youth athletic groups

Police Chief Kevin Walsh spoke to the Select Board about the Wallis Sands Half Marathon being held on April 30th. There will be detailed officers at different posts. Chief Walsh

reviewed the route that will be followed throughout Rye. He confirmed that all paperwork and insurance is in place.

The Select Board did not have any issues with the application.

E. Letter rec'd from Dominique Winebaum re: Budget Committee meeting minutes and the ZBA

Selectman King asked Finance Director Bergeron if the costs of updating the Rye Code Book are known at this time.

Finance Director Bergeron noted that the amendments have been submitted to General Code; however, the Town doesn't have a cost yet.

Town Administrator Matt Scruton noted that attorney fees also have to be included.

Selectman King pointed out that Attorney Maher did a complete review of the Town's zoning ordinance and that is why it was so comprehensive. There will be some significant legal fees, along with the cost of the code book update. He agrees there should be a specific budgeting plan for where these costs should be in the budget.

Selectman Epperson agreed that the costs should be a matter of public record and it should be done in a prudent way.

Selectman McGrath agreed.

F. Jason Rucker, Public Works Director – Bid Results

1. Street Sweeping
2. Road Pavement Markings
3. Lawn Care

Public Works Director Jason Rucker presented bid openings to the Select Board for lawn care, street sweeping and road pavement markings. He noted that JLG Landscaping is the low bidder and is willing to go into a three year contract. Director Rucker requested approval to enter into a three-year contract at a 2.5% increase in year two and three. Director Rucker noted that the Town is responsible for the maintenance of the lawns at the Town Hall Annex, Town Hall Building, and other islands and cul-de-sacs. The schools and cemetery have their own budget for lawn care.

The Select Board agreed that the contract is reasonable.

Motion by Tom King to approve the JLG Landscaping three-year contract with a 2.5% increase for the second and third year. Seconded by Bill Epperson. All in favor.

Director Rucker noted that the street sweeping bid is from a company that has been working for the Town for quite a few years. The bid is considerably lower than the only other bid received. He recommends the bid be awarded to Granite State Sweeping at \$145 per hour.

Selectman King asked if there is an estimate on the number of hours.

Director Rucker replied that the budget is for 40 hours at \$145 per hour.

Selectman King asked if there could be a multi-year contract with this company.

Director Rucker agreed to discuss this with Granite State Sweeping.

Motion by Tom King to approve Granite State Sweeping for the street sweeping contract and ask that a multi-year contract be considered. Seconded by Bill Epperson. All in favor.

Director Rucker presented the bids for road pavement markings, which will be specifically for the center lines and the fog lines on the shoulders. It does not cover all pavement markings. He recommended that the Select Board award the bid to Industrial Traffic Lines, who has also been a multi-year vendor for the Town. He agreed to reach out to the company in regards to a multi-year contract.

Motion by Tom King to approve the contract with Industrial Traffic Lines for this year and ask for a multi-year contract at no more than 2.5% per year increase. Seconded by Bill Epperson. All in favor.

VII. DISCUSSION ITEMS

A. Organization of the Select Board

Officers:

Chairman

Motion by Bill Epperson to nominate Tom King as chair of the Select Board for this year. Seconded by Bob McGrath. Vote: 2-0-1 Recused: Tom King

Vice-Chairman

Motion by Tom King to nominate Bill Epperson as vice-chair of the Select Board. Seconded by Bob McGrath. Vote: 2-0-1 Recused: Bill Epperson

Representatives:

Planning Board – Bill Epperson

Budget Committee – Bob McGrath

Capital Improvements Plan (CIP) Committee – Tom King

Historic District Commission – Bob McGrath

Heritage Commission - Bill Epperson

Beach Committee – Tom King

Town Center Committee – Bill Epperson

B. Aquarion Water Update

Carl McMorran, Aquarion Water Operations Manager, met with the Select Board to give an update on Aquarion Water, which serves residents in the Jenness Beach and Rye Beach Precincts. He noted that as of March 1st new rates will become effective. The increase is based on a rate case that started in 2020. The rate case looks at the expenses and capital improvements. During the seven-year period between rate cases, Aquarion has kept its expenses flat. Much of the increase is for capital improvements; such as, replacement of water mains, upgrade of treatment, and water tank maintenance. Mr. McMorran pointed out that the State was in a drought last summer, which has now passed with nineteen inches of precipitation since January 1st. Going into the spring, the aquifer is pretty well recharged. Aquarion encourages people to use water efficiently. Aquarion will be selling rain barrels on its website. The barrels are pretty much being sold at cost for \$75 apiece. The rain barrels can capture roof runoff and that can be used to water plants instead of potable water. He also noted that Aquarion holds an Environmental Champions Event for people who contribute to sustaining the local environment. The next event is June 20th at the Great Bay Discovery Center.

Mr. McMorran noted that Aquarion was going to start work on a new treatment plant this summer. However, new regulations are coming out, so Aquarion has taken a step back to reevaluate. Aquarion put a new well into service (Well 22) about three years ago. A treatment plant is needed to treat the water most effectively for that well and Well 7.

Vice-Chair Epperson asked about the PFAS levels of that well.

Mr. McMorran explained that in Well 22 they're really low. Out of three samples, there was only one that was detectable. He further explained that higher PFAS levels are seen in shallow wells. Well 7 is just above the proposed MCL. At this point, the well is going to need treatment.

Vice-Chair Epperson asked if Aquarion blends water.

Mr. McMorran confirmed. He pointed out that the treatment plant has been delayed because Aquarion has been applying for state grants to help offset the rate increase. They are going to apply again, so the project will be delayed another year.

Vice-Chair Epperson asked if resin or activated carbon is used for treatment.

Mr. McMorran replied that the best treatment for PFAS is activated carbon. Referring to the packet of information submitted to the Select Board, Mr. McMorran reviewed the PFAS regulations that will come into effect in about three years. He also reviewed the current sample results for Aquarion's wells.

Vice-Chair Epperson asked if Aquarion chlorinates its water.

Mr. McMorran confirmed.

Vice-Chair Epperson stated that at a meeting he attended, a DES representative was talking about a regional interconnect between Rye, North Hampton, and Portsmouth. He asked if this is something that Aquarion is looking at doing.

Mr. McMorran commented there have been a number of discussions for some time. They would be focused on emergency connections. The water quality is a higher level of complexity if Aquarion was going to sell water permanently and blend water between the systems.

Vice-Chair asked about the possible interconnect on Route 1 for emergency purposes.

Mr. McMorran explained that the interconnection couldn't be made without the PUC's approval first. Because of the timing of the project in that area involved with the interconnection, there was no way to get through the State process fast enough to enable Rye Water District to get into that space. He pointed out that the two connections are now very close to each other so it would be easy to hook something up.

Vice-Chair Epperson asked if an application has been made to the PUC.

Mr. McMorran replied that it has not yet been pursued. Aquarion would have to petition to the PUC. He confirmed that currently, a mutual aid agreement allows the Rye Fire Department to hook up to Aquarion's hydrants for fire emergencies.

There was some discussion on Aquarion's policy for backflow preventors.

Selectman McGrath asked about the chlorination levels and whether there is an industry level.

Mr. McMorran explained there is a standard for chlorine. It's not supposed to exceed 4 mg/L. Aquarion's expectation is that the lowest at the farthest end of the system should be at least .3 mg/L. This is strong enough to know that it's there and it will prevent any major bacteriological problems.

Joe Cummins, 990 Washington Road, asked if Aquarion has backflow preventors that are contiguous with the meters.

Mr. McMorran replied no. Backflow preventors are owned by the customers.

Mr. Cummins asked if a residence, without the irrigation system, is required to have a backflow preventor.

Mr. McMorran replied no.

Mr. Cummins asked if Aquarion has taken over other municipal water districts.

Mr. McMorran replied not in New Hampshire; however, they have in Connecticut, where the bulk of the company is located.

Steven Borne, 431 Wallis Road, asked if the ownership of Aquarion is Eversource.

Mr. McMorran confirmed that Aquarion is a subsidiary of Eversource.

Mr. Borne asked how frequently PFAS is tested.

Mr. McMorran explained that at compliance points, they collect either once per year or once per quarter, when it's above a certain threshold dictated by the State.

Mr. Borne asked if there's a commercial relationship between Rye and Aquarion about taking water out of the well.

Mr. McMorran explained that all of Rye's water is owned by the State for the benefit of all residents in the State. All water that Aquarion pumps out of Well 5A serves the needs of the immediate neighborhood, plus there's more that comes in from other wells. The water in Rye's aquifer is all water flowing from inland out to the ocean.

Rosalie Lopresto, 64 Liberty Common, asked if Well 5A is the main well supplying Rye.

Mr. McMorran explained that Well 5A is not big enough to supply that whole neighborhood. Aquarion has 15 wells that provide water.

Ms. Lopresto asked if the water is blended.

Mr. McMorran explained that not in terms of treatment. Once it gets into the system; the water can mix with water that is coming from North Hampton.

Ms. Lopresto pointed out that on Aquarion's website it shows that Well 5A has PFAS levels that have been the same for the four years at 4ppt.

Mr. McMorran replied it's right on the level where it might require treatment.

Ms. Lopresto asked if it's being treated.

Mr. McMorran replied not at the present time, just chlorination and adjustment for PH.

C. Proposed Letter to PDA re: The Proposed Fuel Farm at Pease
Tabled for more information.

Chair King noted that this is going to be tabled. He explained there are residents who would like the Town to send a letter to the PDA about Million Air's fuel farm at Pease. He continued there are residents who receive drinking water from Portsmouth, so there may be some standing to weigh-in. This is being tabled for more information.

Selectman McGrath noted that he spoke with Neil Levesque, PDA Vice-Chair, who is now a resident of Rye. Mr. Levesque agreed to meet with the Select Board to answer any questions.

He also suggested Paul Brean, PDA Executive Director, who would have the answer to every question.

D. Recycling Education Committee Charge Renewal

Chair King commented that this is the only committee in town that goes year by year. It has been suggested that the Select Board give this committee a standard three-year term, which would require the charge to be changed to 2026.

The Select Board agreed this would be reasonable.

Motion by Tom King to accept the Recycling Education Committee Charge as written with the year being changed to 2026. Seconded by Bill Epperson. All in favor.

E. Lease agreement payment to the Conservation Commission from Dance How You Feel, LLC for leased land at Goss Farm, to be deposited in the Conservation Commission Escrow Fund for Goss Farm

Chair King explained that the Conservation Commission has entered into a lease agreement with the Carriage House Restaurant to use the hoop house and farm field to grow food for the restaurant this summer. For accounting purposes, there needs to be designation of where the lease funds would go; as in, not in the general fund but in the conservation fund for Goss Farm.

Vice-Chair Epperson asked if any commission can unilaterally execute a contract without it going to the Select Board.

Town Administrator Scruton replied no. He explained that in the Conservation Commission's charge, they may enter into agreements for land they manage.

Vice-Chair Epperson suggested that the agreements go to the Select Board as a courtesy.

Town Administrator Scruton pointed out that agreements should at least get legal review. For an agreement, such as this, they may implement some additional protective measures for the Town that are not present.

Selectman McGrath asked how RCC arrived at \$750 being a fair value.

Susan Shepcaro, RCC Member, explained that the amount is more than three times what the Commission has leased it for in the past. A lot of times this is a startup for farmers. RCC is just giving them the opportunity to get a small business off the ground. The Carriage House is a local business. It's great for the community if they grow local produce on the farm. The restaurant buys a lot of blueberries and beets from the Goss Farm. She pointed out that one of the owners of the Carriage House grew up on a farm. His mother has an active farm in New Hampshire and he still works with her. The owners of the restaurant have farming experience.

Selectman McGrath asked how the rate was determined. How did it go from \$250 to \$750?

Mrs. Shepcaro explained that it was felt that these people are established. They are not a new farming business. They are specifically growing for their restaurant.

Mike Garvan, RCC Member, added that there has been trouble getting tenant farmers there on a consistent basis. He thinks there is more value now than with the previous farmers, as the property now has a well.

Mrs. Shepcaro pointed out this is a conservation farm. RCC is not necessarily trying to make money. RCC is meeting the obligation to have real farmers on the land in addition to community gardeners. The farm was purchased (49%) with an FDA Farm/Ranch Grant, which requires the property to have active farmers.

Sally King, RCC Member, commented it was really a thoughtful decision to increase the amount to defray the cost of putting in the well. Water is not being given to them. They are paying for it and that was the increase in the price.

Motion by Tom King that the 2023 revenue from the Dance How You Feel, LLC lease be deposited into the Conservation Commission's escrow account with the provision that funds restricted to the Goss Farm. Seconded by Bill Epperson. All in favor.

F. Vision Government Solutions Web Hosting of Assessing Database Schedule Agreement

Finance Director Becky Bergeron explained that Vision is only updated on the website once or twice per year. Since Vision has the most robust information, individuals check the Vision card, not the CAI card. They are not getting the most accurate information because Vision is only updated a couple of times a year. This will allow for more real-time updates in Vision.

Motion by Tom King to approve the web hosting database schedule by Vision as proposed. Seconded by Bob McGrath. All in favor.

VIII. APPOINTMENTS: BOARDS, COMMISSIONS, COMMITTEES

***Note:** All appointments are for 3 years, 4/01/23 to 4/01/26, unless otherwise noted.
Motions required.*

Selectman McGrath stated that during his campaign, he spoke with a lot of people in town and asked their opinion on things. There was a lot of confusion and concern about how commissions and committees are being handled in fairness and in offering people a chance to serve. He asked if there is an opportunity for other interested Rye residents to be considered for an expired position of an existing committee member whose term is expiring. Selectman McGrath commented he has not found evidence that this is being offered. He asked if a committee member, whose term is expiring, can continue as a member of the committee until they decide to step down. If it's a permanent position, what is the rationale behind having three-year terms?

Vice-Chair Epperson noted that Rye is a community of volunteers. He would think that on a majority of these boards and commissions, there are open positions as alternates. So, positions are not even being filled at one hundred percent.

Selectman McGrath stated that he doesn't think the Town has educated the citizens of what the responsibilities of the committees are and the benefits of joining. His concern is that with a committee that is always at one hundred percent, and there are others in town who want to volunteer and be able to enhance their community, it's not being afforded to them. He commented there is no reason to reappoint people, unless there's an opportunity for someone else to apply for that position once it expires. When a term expires, it seems that it should be an opportunity for another person to participate in the choice.

Selectman Epperson noted that the policy is for open positions and these are not open.

Selectman McGrath noted that the policy does not say that when a term expires it is automatically refilled with the same person, if they decide to stay on the committee.

Chair King explained that there is an expired term and an open position. The policy has been that when someone's term expires it is not an open position. It's an expired term. If the person chooses to reapply, the committee goes through the same process. The committee will take a vote and recommend to the Select Board that they be reappointed. The difference is that an expired term is not an open position. Open positions are filled by a different process.

Selectman McGrath expressed his concerns about the way the policy is written.

Chair King commented that multiple select boards felt the policy is fair. He pointed out that the Town is lucky to fill most of the positions. He also pointed out that some members have been on commissions for several years and they have institutional knowledge.

There was some further discussion about the policy in regards to open positions versus expired terms.

A. Beach Committee

1. Mary-Ann Sullivan: Reappointment as a member – email rec'd 3/16/2023
2. Recommendation letter rec'd 3/21/23 from Mary Connolly-Mitchell, Vice-Chair

Motion by Tom King to reappoint Mary-Ann Sullivan as a member of the Beach Committee for a three-year term. Seconded by Bill Epperson.

Vote: 2-1 Opposed: Bob McGrath

B. Historic District Commission

1. Kaitlyn Coffey: Reappointment as a member – email rec'd 3/13/23
2. James Tegeder: Reappointment as a member – email rec'd 3/22/23
3. Katharine Brown: Reappointment as an alternate member – email rec'd 3/13/23
4. Recommendation letter rec'd 3/22/23 from Kaitlyn Coffey, Chair

Motion by Tom King to reappoint Kaitlyn Coffey and James Tegeder as regular members, and Katharine Brown as an alternate to the Historic District Commission for three-year terms. Seconded by Bill Epperson. Vote: 2-1 Opposed: Bob McGrath

C. Mosquito Control Commission

1. James Farrelly: Reappointment as a member – letter rec'd 3/8/23
2. Recommendation letter rec'd 3/8/23 from Timothy Sanborn, Chair

Motion by Tom King to reappoint James Farrelly to a three-year term as a member of the Mosquito Control Commission. Seconded by Bill Epperson.

Vote: 2-1 Opposed: Bob McGrath

D. Recreation Commission

1. Stacy Krecklow: Appointment as a member – letter rec'd 3/16/23
2. Joe Persechino: Reappointment as a member – letter rec'd 3/23/23
3. Recommendation letter rec'd 3/22/23 from Cory Belden, Chair

Motion by Tom King to appoint Stacy Krecklow and reappoint Joe Persechino as members for three-year terms to the Recreation Commission. Seconded by Bill Epperson.

Vote: 2-1 Opposed: Bob McGrath

E. Conservation Commission

1. Francis (Mike) Garvan: Reappointment as a member – letter rec'd 3/21/23
2. Jeffrey Gardner: Reappointment as an alternate member – letter rec'd 3/10/23
3. Recommendation letter rec'd 3/14/23 from Suzanne McFarland, Chair

Note: *There are currently two open positions on the RCC, in addition to the reappointments before the Select Board. The positions will be open for thirty days for people to submit applications to serve on the commission. The applications will be submitted to the Select Board for consideration.*

Motion by Tom King to reappoint Mike Garvan as a member and Jeffrey Gardner as an alternate member for three-year terms on the Conservation Commission.

Seconded by Bill Epperson. Vote: 2-1 Opposed: Bob McGrath

F. Recycling Education Committee – 1 year term ending 4/1/2024

1. Alex Herlihy: Reappointment as a member – letter rec'd 3/24/23
2. Pamela Helfrich: Reappointment as a member – letter rec'd 3/24/23
3. Cynthia Bogert: Reappointment as a member – letter rec'd 3/24/23
4. Recommendation letter rec'd 3/24/23 from Alex Herlihy, Chair

Motion by Tom King to reappoint Alex Herlihy, Pamela Helfrich, and Cynthia Bogert as members of the Recycling Education Committee for three-year terms, if accepted.

Seconded by Bill Epperson. Vote: 2-1 Opposed: Bob McGrath

IX. CORRESPONDENCE

None

X. NEW BUSINESS

None

XI. OLD BUSINESS

A. TAP Project Agreement

Chair King explained that the State DOT attended a site walk with the TAP Grant Committee, Town Administrator Scruton, DPW Director Rucker, and Chief Walsh. The group looked at the Historic District and watched the process for the release of students at the end of the day at the Rye Junior High. The project is starting to kick off and the committee is starting to look for engineering firms. The agreement addresses the dollar amount for the grant and who has signature authority.

Motion by Tom King to accept the TAP Grant Project Agreement for the Town of Rye, State Project Number 43735, and authorize the Town Administrator to sign the agreement. The eighty percent (80%) federal share is estimated at \$813,353.18 and the participating twenty percent (20%) local share is estimated at \$220,338.29 for a total budget of \$1,016,691.47. Seconded by Bill Epperson. All in favor.

XII. OTHER BUSINESS

- The Select Board discussed whether the Town should get a second opinion with regard to remediation of the Grove Road Landfill. The Board agreed it may be prudent to investigate the costs and what would be involved in doing that work; however, they don't want to commit to it at this time. They also agreed to ask Craig Musselman to supply his methods his firm uses and explain the specific issues.

Town Administrator Scruton agreed to research what would be involved in getting a second opinion for the Grove Road Landfill.

- **Dania Seiglie, 633 Central Road**, noted there's a large group of Rye residents, as well as Seacoast residents, who have signed a petition opposing the Million Air's fuel farm site selection at the PDA. There are close to two thousand signatures and it's increasing. The opposition team will continue to oppose this project, notwithstanding any conversations the Rye Select Board will have with the PDA. It's a totally independent action that will be taken to continue to oppose this project, as it's deemed to be risky on many levels. It's the hope that Million Air will be convinced to choose a different site. A site that is not risky to the water or environment.

For housekeeping purposes

**Motion by Tom King to accept consent items A, C, D and E. Seconded by Bill Epperson.
All in favor.**

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:45 p.m. Seconded by Tom King. All in favor.

Respectfully Submitted,
Dyana F. Ledger

3-27-23 Consent Item E

Dominique Winebaum
52 Cable Road
Rye, NH 03870
domiwine@comcast.net

Rye, March 23, 2023

Board of Selectmen
Town of Rye
10 Central Road
Rye, NH 03870

Dear Members of Select Board, Town Administrator, Matt Scruton, and Town Administrator Assistant, Becky Bergeron:

RE: Budget Committee Meeting Minutes (01-17-23) and Budget item "Zoning – BOA 4191-10, \$15,985, Kim Reed."

Prior to the Budget Committee meeting on January 12th, 2023, I sent a letter to the Budget Committee via Janice Ireland and asking that it be sent to the full board as well as to Matt Scruton and Becky Bergeron.

I was unable to attend the January 12th meeting, however, I remotely attended the January 17th Budget Committee meeting and spoke during the public hearing in regard to the letter I had sent. In response to my letter, Becky Bergeron provided a statement with answers to some of my questions. I am requesting that my letter addressed to the Budget Committee, and dated January 10th, 2023, (see below), be attached to the meeting minutes. Likewise, I am requesting that Becky Bergeron's statement, that she read orally, be attached to the meeting minutes.

In addition, I would like to voice my concerns about budget item "Zoning – BOZ 4191-10, \$ 15,985, Kim Reed," as described in the Budget Committee meeting minutes dated November 16th, 2022. The Chair of the ZBA, Shawn Crapo, is also a member of the Budget Committee (as a representative for the RBVD although he is not a commissioner) and defended this budget item in the amount of \$15,985 for verbatim transcriptions as the ZBA and PB meeting minutes are being transcribed verbatim although verbatim meeting minutes are not required by State Legislature.

I do not object to the spending – and the amount – however, please take note that there have been issues with ZBA meeting minutes (February 1st meeting) with Chair Crapo being inconsistent with the "verbatim" policy of the Town, as was the case when the February 1st minutes were discussed at the March 1st ZBA meeting, as member John Tuttle took the time to listen to the meeting recording to provide corrections to the minutes, which corrections were denied.

I have complained on many occasions about meeting minutes (Planning Board and ZBA) being edited inconsistently by someone. There is a need for more oversight and consistency if there is actually to be, as there is now, a verbatim minute policy, from our Town Administrator for those two boards as meeting minutes are being edited inconsistently with not everyone (abutters and applicants) being treated fairly.

Regards,



Dominique Winebaum

CC Budget Committee
CC Zoning Board of Adjustment

Dominique Winebaum
52 Cable Road
Rye, NH 03870
domiwine@comcast.net

Rye, January 10th, 2023

Dear members of the Budget Committee,

The Budget Committee will be holding a public hearing on January 12th regarding the Town budget. I am providing the following comments and background information ahead of the public hearing to allow members to fully review all items presented below prior to the meeting. I am hoping that members will take the time to discuss and review all items during the public hearing along with providing answer to the several questions highlighted in this letter.

1. The Rye Code Book. In 2020, the March Ballot included amendment 10 to the RZO amendments (see text copied below). The Budget Committee did not review (to my knowledge) this amendment as it came from the Planning Board and had no amount budgeted. In short, the Town adopted to codify its "existing ordinances into a single, user friendly, searchable Town code."

- a). The Rye Code Book is not "user friendly" nor "searchable" as described in Amendment 10.
- b). The Rye Code Book has not been updated since 2020 despite new amendments to the RZO, LDR, and Rye Code, that were adopted by Rye voters in 2021 and 2022.
- c). There has been no budget item to codify all the "existing ordinances" in a single "user friendly" and "searchable Town code" book that I am aware of.

My questions are as follow:

What was the budget for the initial contract in 2020 and what is to be the yearly budget/cost to update the Rye Code Book?

Which department is responsible for budgeting the update of the Rye Code Book?

Is this a sustainable approach in terms of cost? It appears that there was some misunderstanding in regard to the scope of the contract, namely that it was not anticipated that yearly updates of the Rye Code Book would incur additional cost.

What is going to be the cost of updating the Rye Code Book after the vote in March 2023 given the extensive changes made to the RZO and prior to that to the LDR in 2022, along with all the changes made since 2020?

March Ballot 2020

Are you in favor of the adoption of Amendment 10, as follows: Amendment 10. Re: Adoption of Chapter 190 of Town Code Adopt Chapter 190 Zoning of the Code of the Town of Rye which will replace the present Zoning Ordinance? Explanation The new Town Code (if adopted pursuant to Article 28), organizes all of the Town's existing ordinances into a single, user friendly, searchable Town Code. This amendment places the present zoning ordinance in the new Town Code as Chapter 190. Copies of Amendment 10 and Chapter 190 are available for inspection and copying at the planning department office. The entire new Town Code is on the town website.

Here is a link to the Rye Town Book:

https://www.town.rye.nh.us/sites/g/files/vyhlif3751/f/pages/town_of_rye_code_book.pdf

2. The update of the Rye Zoning Ordinance (RZO)

What was the total cost of the RZO update that will be on the March ballot 2023?

Attorney Eric Maher was contracted for this extensive update. Not budgeted in 2021 but for some money set aside.

The legal notice alone for the December 6th Public Hearing cost more than \$2,8000. (Obviously, there was a gross error, yet it happened.)

3. Amendments to the Land Development Regulations (LDR)

Despite a "complete rewrite" of the LDR in 2020, and which had been budgeted, the LDR was once again updated with a total of 23 amendments in 2022.

Attorney Michael Donovan was contracted to amend the newly amended LDR. This was a considerable update, yet it was not budgeted in 2021-2022.

What was the total cost of the LDR update (23 amendments) that were approved in 2022 by the Planning Board and which will have to be codified after the March 2023 Election?

4. The update of the Master Plan

The Budget Committee has approved the budget presented for a Master Plan update.

I would ask the members of the Budget Committee to take the time to review the Power Point Presentation to the Planning Board on 2-9-2022
https://www.town.rye.nh.us/sites/g/files/vyhlif3751/f/pages/vision_framework_pb_presentation_feb_8_2022_0.pdf

The list of "accomplishments" as listed on slide 3 is misleading.

- a). The Municipal and the Community surveys were "developed and implemented," however, no results and analysis have been provided, and this despite multiple requests.
- b). The "SWOT" format for the "2021 Public Visioning Workshop" was done randomly and the "themes" were drafted prior to the Visioning.
- c). Results from the Municipal and Community surveys could not be merged with the results from the Public Visioning Workshop, as stated by the Consultant.
- d). The "solicited additional community input through the Visioning Workshop input form online and through email distribution" may have resulted in 19 responses, however, only one response has been posted.
https://www.town.rye.nh.us/sites/g/files/vyhlif3751/f/pages/julie_tucker_swot_1-12-2022.pdf

On what basis the members of the Budget Committee made their decision to approve the several budget items for the update of the Master Plan?

RYE PUBLIC WORKS
10 Central Road
Rye, New Hampshire 03870
Telephone (603) 964-5300
Fax (603) 964-1516
jrucker@town.rye.nh.us

3-27-23 Consent Item F-1

Date: March 24, 2023
To: Matt Scruton, Town Administrator
From: Jason M. Rucker, Public Works Director
Subject: Street Sweeping - 2023
Proposal Results

Results of the bid opening for the above referenced project held on March 23, 2023, were as follows

<u>FIRM</u>	<u>PRICE PER HR.</u>	<u>EQUIPMENT</u>	<u>AVAILABILITY</u>
Millennium PO Box 383 Medford, MA 0215	\$250 (Mechanical)	Elgin Pelican NP	June 1st
Granite State Sweeping Ser. 275 West Rd. Portsmouth, NH 03801	\$145 (Mechanical)	2 - Athey Mobile M-9 1 - Mobile Broom Bear 2- Elgin Broom Badgers	Upon Request

I recommend the contract award be made to the lowest bidder, Granite State Sweeping Services, which can meet the town's work schedule. Granite State Sweeping has been the low bidder a number of times in the past and has always provided satisfactory work. For budgetary purposes, it should be noted that the only other bid is considerably higher should the low bidder not submit in the future.

CC: Janice Ireland, Select Board Executive Assistant

RYE PUBLIC WORKS
10 Central Road
Rye, New Hampshire 03870
Telephone (603) 964-5300
Fax (603) 964-1516
jrucker@town.rye.nh.us

3-27-23 Consent Item F-2

Date: March 24, 2023
To: Matt Scruton, Town Administrator
From: Jason Rucker, Public Works Director
Subject: Road Pavement Markings - 2023
Proposal Results

Results of the bid opening for the above referenced project held on March 23, 2023, were as follows:

FIRM	Double Yellow	Single White	Projected Total
Industrial Traffic Lines, Inc. 3 Sanborn Road Londonderry, NH 03053	\$0.112	\$0.065	\$16,800.00 <u>\$18,525.00</u> \$35,325.00
K5 Corporation 9 Rockview Way Rockland, MA 02370	\$0.150	\$0.080	\$22,500.00 <u>\$22,800.00</u> \$45,300.00
Markings Inc. 30 Riverside Drive Pembroke, MA 02359	\$0.180	\$0.090	\$27,000.00 <u>\$25,650.00</u> \$52,650.00
On-The-Line, Inc. 2230 Broadway, Suite C Bangor, ME 04401	NA	NA	\$43,065.00
L & D Safety Marking Corp. 304 East Montpelier Road Barre, VT. 05641	\$0.280	\$0.140	\$42,000.00 <u>\$39,900.00</u> \$81,900.00
Average Bid Price			\$51,650.00

I am recommending the contract award be made to the lowest bidder, Industrial Traffic Lines, Inc., of Londonderry, NH. Industrial Traffic Lines has been the low bidder a number of times in the past and has always provided satisfactory work. For budgetary purposes it should be noted that the next lowest bid and the average bid are considerably higher should the low bidder not submit in the future.

CC: Janice Ireland, Select Board Executive Assistant

3-27-23 Consent Item F-3

RYE PUBLIC WORKS
10 Central Road
Rye, New Hampshire 03870
Telephone (603) 964-5300
Fax (603) 964-1516
jrucker@town.rye.nh.us

Date: March 23, 2023
To: Matt Scruton, Town Administrator
From: Jason M. Rucker, Public Works Director
Subject: Lawn Care - 2023
Proposal Results

Results of the bid opening for the above referenced project held on March 23, 2023, were as follows:

<u>FIRM</u>	<u>LUMP SUM PRICE</u>
JLG Landscaping	\$16,500
P.O. Box 1202	
Portsmouth, NH 03801	
Bucklin Mowing Etc.	\$23,920
3 North Road	
North Hampton NH 03862	
ASAP Landscape & Design	\$28,000
8 Ogden Drive	
Bow NH 03304	
Average Bid Price	\$22,806

I am recommending the contract award be made to the lowest bidder, JLG Landscaping. JLG Landscaping has been providing the same service to the Town for the prior 5 years and has proven to be very responsive and thorough. Upon award, I recommend the selectboard approve a 3-year contract with JLG Landscaping to include a price increase of 2.5% in 2024 and 2.5% in 2025. For budgetary purposes, it should be noted that the next lowest bid and the average bid is considerably higher should the low bidder not submit in the future.

CC: Janice Ireland, Select Board Executive Assistant

~~3-13-23 Disc Item B~~
3-27-23 Disc Item C

Rye Board of Selectmen
10 Central Rd
Rye, NH03870
February 21, 2023

Pease Development Authority
Board of Directors
55 International Drive
Portsmouth, NH 03801

Dear Pease Development Authority:

We are writing to express great concern over the regional environmental impacts from a proposed fuel farm at the Pease facility. Several residents and town leaders in Rye have been following this issue with great interest; we believe that a negative outcome from this project affects all of us, especially with regard to water quality.

It is our understanding that environmental experts and citizens have raised serious questions about the potential for contamination of local water ways that would connect to the Piscataqua River and points beyond. This contamination threat does not just involve Portsmouth residents, it would harm all of us. These questions have not been answered by the PDA staff despite being repeatedly asked by citizens. We would hope these concerns are addressed before the process moves forward any further.

In addition, we have read from media reports that state lawmakers have urged a slower pace and deeper review of this proposal by Million Air, which does not appear to have been completed. Proper process matters to our citizens and it appears there has been a lack of independent review of these plans. Of greater concern is that there has not been any effort to collect soil samples from the proposed construction site, which currently has reportedly high levels of PFAS contamination. Given the close proximity to operational drinking water wells, this is of great concern to all of us.

We would ask that the PDA reject any approvals of this project as currently offered and conduct a thorough and completely independent environmental impact study before considering the pros and cons of the Million Air fueling station.

Sincerely,

Rye Board of Selectmen

3-27-23 Disc Item D

Rye Recycling Education Committee Charge

The committee shall consist of not more than five members, all residents of Rye. Members shall be appointed by the Select Board for a term ending on March 31, 2024. Staff members may be appointed as non-voting members of the committee. It is the Selectmen's intent to sunset this committee after completion of its charge, unless the selectmen vote to continue the committee.

Charge to the Committee

The Select Board wishes to continue with the current source separated recycling program that has been so successful for the town. The Board realizes that in order to continue to be successful, the town needs to remind and educate its residents about recycling best practices and the benefits of using the recycling center. Therefore, the Select Board hereby establishes the Recycling Education Committee as a sub-committee of the Rye Energy Committee. The purpose of the Recycling Education Committee is to educate the residents of Rye on increasing the use of and maximizing the effectiveness of the town's source separated recycling program by researching ways to maximize and increase the use of the program, by providing written and electronic education materials, and other resources such as the use of the internet, seminars or public talks. The Select Board is not desirous of expanding the program into such areas as Pay as You Throw or Single Stream at this time.

This charge shall expire on March 31, 2024, unless the Selectmen vote to continue the committee.

The Rye Recycling Committee shall follow the Rules of Procedure for Committees Established or Appointed by the Select Board.

Town of Rye Select Board