TOWN OF RYE - SELECT BOARD MEETING

Monday, May 22, 2023 – 5:30 p.m. Rye Town Hall

Selectmen Present: Chair Tom King, Vice-Chair Bill Epperson, and Bob McGrath

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

5:30 p.m.

I. CALL TO ORDER

Chair King called the meeting to order at 5:32 p.m.

II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (b) Hiring (2) per RSA 91-A:3, II (e) Legal

At 5:32 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 5:59 p.m., Bill Epperson made a motion to come out of Non-Public Session. Seconded by Tom King. Roll Call: Epperson – Yes, McGrath – Yes, King – Yes.

Motion by Bill Epperson to seal the minutes of the non-public meeting that just occurred, because it was determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board. Seconded by Tom King. All in favor.

At 6:00 p.m., Tom King made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Bob McGrath. Roll Call: Epperson – Yes, McGrath – Yes, King – Yes.

At 6:21 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.

Motion by Bill Epperson to seal the minutes of the non-public meeting that just occurred, because it was determined that divulgence of this information likely would render the proposed action ineffective. Seconded by Bob McGrath. All in favor.

Motion by Bill Epperson to extend an offer to Kaitlyn Pidgeon for Full-time Firefighter/Paramedic effective June 1st. Seconded by Bob McGrath. All in favor.

6:30 p.m. - RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair King reconvened the public meeting at 6:33 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- A. Town Offices will be closed Memorial Day, Monday, May 29, 2023
- **B.** Memorial Day Ceremony, Central Cemetery, Monday, May 29, 2023, 9:00 a.m.
- **C.** Deputy Building Inspector Vince Bauer is gaining his American citizenship on Thursday, May 25th. There will be a gathering at the Town Hall at 3:00 p.m. for anyone who would like to attend.
- **D.** A retirement party is being held for Lt. Jeff DiBartolomeo on Thursday, May 25th from 10:00 a.m. to 1:00 p.m. Members of the public are welcome to stop by to congratulate Lt. DiBartolomeo on his retirement.
- **E.** A public select board meeting has been scheduled for Thursday, May 25th at 8:30 a.m.
- **F.** Chair King introduced Firefighter/Paramedic Kaitlyn Pidgeon who started with the Town of Rye Fire Department a year and half ago as on-call personnel. Paramedic Pidgeon will be moving into a fulltime position on June 1st.

Fire Chief Mark Cotreau stated that Kaitlyn started as a paramedic student riding along with the Rye paramedics. It was apparent from the beginning that she had good leadership skills and a terrific way of handling people. She is very serious and committed to being a competent paramedic. The Fire Department is pleased that Kaitlyn has committed to the Town of Rye.

Ms. Pidgeon commented that she is looking forward to serving Rye in a larger capacity and building a long career in the community.

The Select Board congratulated Ms. Pidgeon on her new position with Rye.

V. PUBLIC COMMENT – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to 5 minutes each person.)

Brendan Goodspeed, 475 Sagamore Road, spoke about the property he recently purchased, along with two business partners, located at 22 Pioneer Road. He expressed his concerns regarding a recent denial that was received from the building department and the way the denial was handled by town staff.

Steven Borne, 431 Wallis Road, requested the slides from the Rails to Trails Presentation given by Scott Bogle, Rockingham Planning Commission. He would like to link the slides on Civic League News. He also asked about the release of the report on the E.coli contamination.

Joe Cummins, 990 Washington Road, asked for an update on the Municipal Records Committee.

Town Administrator Matt Scruton noted that he is trying to schedule a meeting before July for the committee, which will be a posted public meeting. He also noted that in most towns the committee will meet once a year. It's important to note that the Town has worked to establish policies and procedures regarding municipal records retention to ensure compliance with the RSAs.

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 agreed to pull all consent agenda items for discussion.

A. Letter rec'd from Lt. DiBartolomeo re: his resignation from the Rye Fire Department

Motion by Bill Epperson to accept the letter of retirement from Lieutenant Jeffrey DiBartolomeo effective June 1st and to send a proper thank you letter. Seconded by Bob McGrath. All in favor.

B. Email rec'd from Bill Roach re: his resignation from the CIP Committee

The Select Board asked that a letter of thanks be sent to Mr. Roach for his service on the CIP Committee. They also asked that the open seat be posted on the town's website.

Motion by Bob McGrath to accept the resignation of Bill Roach from the CIP Committee. Seconded by Tom King. All in favor.

C. Application for Parsons Field Use: Rye Junior High requests to hold 8th grade graduation ceremony, Wednesday, 6/14/23, 6:00-7:00 p.m. Request waiver of the field use fee.

Police Chief Kevin Walsh spoke in regards to the request from the Rye Junior High to hold its graduation ceremony for the 8th grade class at Parsons Field on June 14th from 6:00 to 7:00 p.m.

Motion by Bill Epperson to approve the application for Parsons Field use by the Rye Junior High for the 8th grade graduation being held on June 14th from 6:00 to 7:00 p.m. and to waive the field use fee. Seconded by Bob McGrath. All in favor.

D. Part Time Administrative Assistant to the Public Works Director Job Description

Chair King noted that the administrative assistant position to the public works director was one of the new positions that was authorized through the budget process last fall. The Select Board has reviewed the job description.

Public Works Director Jason Rucker confirmed that the job description has been reviewed by the Town Administrator, along with the Assistant Town Administrator. This is a part-time position at 25 hours per week. Once the job description is approved by the Select Board it will go through the posting process.

Motion by Bob McGrath to approve the job description for the part time administrative assistant to the Public Works Director as described for up to 25 hours per week. Seconded by Bill Epperson. All in favor.

E. Deputy Fire Chief Job Description

Fire Chief Cotreau noted that the job description reflects the duties of the Rye Deputy Fire Chief, which is very similar to the fire chief's job. This is a job description that he has used for years and the core of it was applied to Rye. The position will be an internal recruitment, as the department has qualified candidates. The process will start in July with an October 1st starting date.

Motion by Bill Epperson to accept the job description for the deputy fire chief as written and presented. Seconded by Bob McGrath. All in favor.

- **F.** Appointment: Rockingham Planning Commission Representative 3 year term to 4/01/2026
 - 1. Jaci Grote: Requests re-appointment as a member, email rec'd 5/17/23
 - 2. Phil Winslow: Requests re-appointment as a member, email rec'd 5/17/23
 - 3. Recommendation letter rec'd 5/17/23 from Rye Planning Board

Patricia Losik, Planning Board Chair, commented that the Planning Board voted unanimously to have Jaci Grote and Phil Winslow continue as representatives to the Rockingham Planning Commission. The Planning Board considers itself fortunate and is grateful for their continued service. They have always kept the Planning Board apprised of things that are important to the Board. She is very pleased to make the recommendation to the Select Board.

Chair King asked if the positions were advertised for thirty days.

Assistant Town Administrator Bergeron replied they were not; however, this is not a standing town committee or board, so it does not fall under the policy governing boards and commissions.

Chair King commented it's a volunteer position to the town and it should be advertised the same as the other boards and committees. It's the Town's representative to a committee and should fall under the same guidelines as other volunteer requirements.

Vice-Chair Epperson noted that these positions are hard to fill. There were representatives in the past who did not attend meetings at all and they were asked to resign. Jaci and Phil have stepped up and done an exceptional job. It takes a unique skillset to do this and do it well. These people have the qualifications and the experience. His recommendation is to approve the appointments.

Chair King commented that he has no objections to Jaci and Phil. He just thinks it needs to be consistent. He asked if there is a harm in waiting thirty days to reappoint them.

Planning Administrator Kim Reed pointed out that Jaci's term has already expired and Rockingham Planning Commission brought this to her attention.

Selectman McGrath noted that they are asking for appointments now. He doesn't think it would be proper for the Select Board to stall.

Planning Board Chair Losik pointed out that the Planning Board is on the threshold of entering the master plan update and build out analysis. This will incorporate RPC strength on both of those initiatives. It would behoove the Town, when going through this process, to have the representatives be fully cognizant and immersed in the land of RPC. Also, RPC is doing the Phase 1 HOP Grant for the Town and RPC recently volunteered to write the application for the Town's HOP Phase 2 Grant, which could be up to \$50,000, at no charge to the Town. The relationship between the Town and RPC will strongly facilitate the projects that the Town is about to embark on over the next eighteen months.

Chair King stated this is about process and it's not consistent. This is not internal. It's external; however, it's the Town's internal volunteer as a representative. He thinks there should be an opportunity for everyone in town to know about it and volunteer.

Vice-Chair Epperson stated that these positions are positions that require a lot of insight and experience to carry through the process that was already started. For someone who is very qualified, it could still take awhile for them to get on their feet and to understand what's being done.

Selectman McGrath suggested appointing for a shorter term and exploring the thirty-day posting for others to apply. He pointed out that he thought the thirty-day posting was for open seats, not for reappointments. The Town hasn't had any posted reappointment positions on the website. This would not be advertised for any board or committee.

The Select Board agreed that the language in the policy governing committees and boards should be addressed at a future meeting.

Motion by Bill Epperson to reappoint Jaci Grote and Phil Winslow to the Rockingham Planning Commission for three-year terms from 4/01/2023 to 4/01/2026. Seconded by Bob McGrath. All in favor.

G. Chief Walsh – Event Permit Application: Alzheimer's Association, Ride to End Alzheimer's, Saturday, 6/3/23, 7:00 a.m. – 5:00 p.m.

Police Chief Kevin Walsh spoke in regards to the event permit application for the Alzhiemer's Association bicycling event for June 3, 2023. Detail officers will be scheduled for this event.

He confirmed there are no Rye400 events scheduled for that day. He also confirmed that all insurance paperwork is complete.

Motion by Bill Epperson to approve the event permit application for Alzhiemer's Association, Ride to End Alzhiemer's, for Saturday, June 3, 2023, from 7:00 a.m. to 5:00 p.m. Seconded by Bob McGrath. All in favor.

H. Chief Walsh – Event Permit Application: Association of Amputee Surfers dba AmpSurf-AmpSurf Learn to Surf Clinic, Saturday, 6/10/23, 7:00 a.m. – 1:00 p.m.

Chief Walsh spoke to the Select Board about the event permit application for AmpSurf. The learn to surf clinic will be taking place south of Jenness State Beach. AmpSurf is providing their own lifeguards to work during the clinic. Parking will be available at Jenness State Beach, along Ocean Blvd., or at the Dunes. Chief Walsh confirmed there are no Rye400 events that day.

Motion by Bob McGrath to approve the application event permit for the Association of Amputee Surfers for Saturday, June 10, 2023, from 7:00 a.m. to 1:00 p.m. Seconded by Bill Epperson. All in favor.

VII. DISCUSSION ITEMS

A. Historic District Commission – CLG Grant Application Proposed Project

Kaitlyn Coffey, Historic District Commission Chair, stated that this year the Historic District Commission is applying for a CLG Grant, which is a fully funded grant. The proposal is to replace the original survey laying out the Historic District, as the survey cannot be found in town records. The Commission will be working with a preservation specialist that will inventory all the properties in the current district and make recommendations on where the district could expand. The Historic District Commission has some areas in mind for expansion, but will look to the consultant for guidance.

David Choate, Historic District Commission Member, noted that the grant application is due June 15th and requires a letter of support from the Town.

The Select Board reviewed the application and materials submitted by the Historic District Commission.

Mr. Choate explained the process. The goal is to have the proposed expansion of the district before the voters on the 2024 ballot. The grant application is for \$19,500.

Motion by Tom King to approve the CLG Grant application for the proposed project for the Historic District Commission and approve the signed CLG Grant application and letter of support and authorize the Town Administrator to sign. Seconded by Bob McGrath. All in favor.

B. Chief Cotreau – Fireworks Permits

- 1. Fireworks at Parsons Field, Friday, June 30th by American Thunder Fireworks
- 2. Rye Beach Club July 3rd Fireworks, 2450 Ocean Blvd., Rain Date July 9th

Fire Chief Mark Cotreau spoke to the Select Board about the fireworks permit applications submitted by Rye Recreation and Rye Beach Club for firework events on June 30th and July 3rd. He confirmed that all paperwork is in order and insurance is in place for both events. The applications have been submitted to the Fire Marshall's office. If the Select Board approves the events, he suggests approving the applications subject to approval from the Fire Marshall. Referring to the Rye Beach Club event, Chief Cotreau noted that Ocean Blvd will be shut down from the time the fireworks arrive, which is approximately 6:30 p.m., until the fireworks leave the site. Arrangements for the shutdown have been handled by the Police Chief.

Motion by Bill Epperson to approve the fireworks application at Parsons Field for Friday, June 30, 2023 by American Thunder Fireworks subject to the Fire Marshall's approval. Seconded by Bob McGrath. All in favor.

Motion by Bob McGrath to approve the fireworks application for the Rye Beach Club subject to the Fire Marshall's approval. Seconded by Bill Epperson. All in favor.

C. Planning Board – Consultant for Master Plan Update and Build Out Analysis

Planning/Zoning Administrator Kim Reed, Planning Board Chair Patricia Losik, and Master Plan Steering Committee Chair Rob Wright met with the Select Board to discuss the Master Plan update and build out analysis project. The 2023 Rye Town Budget includes \$90,000 for the Master Plan update and \$22,000 for the build out analysis. RFPs were posted for a consultant to do the work and four bids have been received; two for the build out and two for the Master Plan. The Steering Committee reviewed the bids and recommended that FB Environmental be chosen for the build out analysis. There will be three firms working on the Master Plan; Resilience Planning and Design working with FB Environmental and Rockingham Planning Commission (RPC). The recommendations of the Master Plan Steering Committee went before the Planning Board, which were upheld by the Board. The Select Board is being asked to approve the recommendation of the two firms for the Master Plan and build out analysis.

Motion by Tom King to recommend the proposal for the build out analysis with a team led by FB Environmental for \$23,000 and the Master Plan led by Resilience Planning and Design, LLC for \$89,996 subject to the execution and contracts per the RFPs. Seconded by Bill Epperson. All in favor.

D. 1st Qtr. Expenditures

The Select Board agreed to review the first quarter expenditures for the 2023 department budgets on their own and submit any questions to the Town Administrator.

VIII. CORRESPONDENCE

A. Letter rec'd from Alan Smith re: the 2023 paving plan

Chair King noted that the letter received from Alan Smith addresses his concern about the potholes on South Road. Speaking to Director Rucker, Chair King stated that when the Select Board had the site walk on Perkins Road, the Board asked that this section be made a high priority.

DPW Director Rucker noted that his intention is to get at least a section of South Road on the pavement list for next year. The paving has already started for this year, so the request in this correspondence is not timely.

Selectman McGrath pointed out there are some deep potholes that are a real safety issue and liability for the Town.

Chair King commented that the section on Perkins Road near the intersection and the area mentioned in the letter are bad.

DPW Director Rucker confirmed that he directed the crew to address both of those sections two weeks ago. Fill material has been placed into both of those sections. He noted that North Hampton is working on a drainage project just over the town line. He is coordinating the paving with North Hampton's DPW Director, so there will be less inconvenience if the projects are paved at the same time and it will preserve the road. He agreed to fill some of the bigger holes temporarily.

Director Rucker explained the process for determining the areas to be paved in town. He noted that a company hired by the Town produces a pavement condition index ranking, which scores the roads. This is constantly being updated to give a PCI to help prioritize the roads and get them on the paving list. Paving is centralized in one location, as it's quite high to pave several roads in different locations. The lengths and sections paved are based on what the budget will allow.

Director Rucker agreed to prioritize filling the potholes that are of concern in the areas being discussed.

IX. NEW BUSINESS

None

X. OLD BUSINESS

A. FY2024 Congressionally Directed Spending Request – Sewer on Route 1

Chair King explained that Senator Shaheen has submitted a ten million dollar directed spending request for the Town of Rye for sewer on Route 1 for next year. It would be an 80/20 match. If the Town was approved for ten million, Rye would have to kick in twenty percent, which would

be two million to bring the total to twelve million. Most likely, the Town would want to be prepared to put it on the warrant for next year. He pointed out this is all contingent upon getting the funding. The Select Board just wants the residents to understand that the Board feels this is important and worth the money. However, the residents will have to be convinced to vote in favor, as well as convincing Portsmouth to take the sewer. Portsmouth has also asked for four million on their own to build a new pump station, which would be needed in order for them to be able to take sewer from the area. Chair King noted that there is nothing that has to be done right now. The Select Board just wanted to make people aware that this could happen and is something the Town needs to protect its water supply.

Town Administrator Scruton noted that the Sewer Commission will need to play a role in reviewing the options and possibilities, if it becomes a real possibility. He continued that in addition to the build out study, more details will be needed that will come from engineering, which will be above and beyond the scope of the build out study. There may be some preliminary costs as well.

Asst. Town Administrator Bergeron commented that even if the Town is not successful in getting the request, the engineering studies should be in the CIP for 2024, so the Town is being set up for the eventuality of putting in the sewer.

The Select Board agreed that something should be in the CIP going forward.

XI. OTHER BUSINESS

A. Heritage Commission – Sign Request

Chair King explained that one of the Rye400/Heritage Committee's signs is going to be mounted on Jenn Madden's Real Estate building, which was the former Trefethen's General Store. That area is a historic corner. A special license agreement is needed stating that the Town owns the sign and Jenn Madden owns the building. The license will be signed by the Select Board.

Motion by Bill Epperson to approve the license agreement requested by the Heritage Commission, which would allow the Heritage Commission sign to be placed on private property identified as Tax Map 19, Lot 63, with property owner's consent. The sign will remain the property of the Heritage Commission. Seconded by Tom King. All in favor.

B. Mail at the Town Hall Annex

Chair King noted that Town Clerk Donna DeCotis spoke to him about mail delivery at the annex. Right now, the mail for both the Town Hall and the annex go to the Town Hall.

Town Administrator Scruton explained that the annex does not receive mail because the Town has a post office box at the post office. The mail is picked up and mail for the Town Hall Annex is directed to that building. He pointed out that Asst. Town Administrator Bergeron picks up the mail most times.

Chair King commented that the Town Clerk had a concern about tax payments and sewer payments being received, and would prefer to have the mail delivered to the annex. He thinks this is reasonable request. He suggested a mailbox with a lock in the old ATM location at the annex.

Town Administrator Scruton stated that he communicated with the Post Master and they are not willing to allow an employee to enter a building with mail. In looking at options for a box, there were concerns with plowing or the safety of an employee crossing a parking lot. There is also the issue of security of the mail if it were delivered on a day that town staff was not working.

Asst. Town Administrator Bergeron stated that when the meeting with the Post Master didn't go well, regarding to how to get mail at the annex, the subject of a post office box was proposed and was wildly accepted by the Town Clerk/Tax Collector. She was very onboard with the post office box. She thought it was a great security measure for the mail and was a viable option to having the mail delivered to Town Hall and being brought over to the annex.

Chair King commented the subject was brought to him. He doesn't understand why there cannot be mail delivery to the annex. He thinks it's safer to have a mailbox mounted on the island under the overhead then to send people down to the post office every day with the potential of hundreds of tax bill payments in the mail.

There was some discussion about the Town Clerk's office hours. Last year, the Town Clerk decided to modify the hours of their service. It's a unique situation where the Town Clerk's office can control their own hours and they chose to close at noon on Fridays. The Select Board agreed that there should be more discussion about the hours, as people are going to the Town Clerk's office for services on Friday afternoon.

C. Land and Water Conservation Fund

Chair King reported that the Conservation Commission is going to be applying for a grant through the Land and Water Conservation Fund to help fund construction of a parking lot at 0 Pioneer Road for water access. RCC is still waiting for approval from DOT for a curb cut, which was applied for in January.

D. Gulf of Maine Intergovernmental Renewable Energy Task Force

Chair King noted that RPC Representative Phil Winslow said there is an opening for Rye on the task force. Both Tom Sherman and one of the members of the Energy Committee have expressed interest in serving on the task force. There is one vacant seat for Rye.

The Select Board agreed the seat should be posted for a representative.

E. FB Environmental Parsons Creek Study

It was noted that the draft study is still in the hands of NH DES. It cannot be released to the public until DES finishes its review.

F. Select Board Representative Update

Planning Board:

Vice-Chair Epperson reported that Forest Green was approved at the last Planning Board meeting. The Board is still looking at 25 Sagamore, as it's not complete yet. The project for 305 Washington Road is still lingering.

Heritage Commission:

Vice-Chair Epperson noted that the Commission is still waiting for someone to graciously agree to repair the gazebo. The intent is to preserve the top of the gazebo and have a new base built.

Historic District Commission:

Selectman McGrath reported that the Commission is working on the CLG Grant and he has provided photographs of the current homes in the District. He is also in the process of trying to recruit people for the open seats on the Commission.

Beach Committee:

Chair King reported that the Beach Committee just finished the four beach cleanups in honor of the Rye400. Recently, the Beach Committee, along with Chief Cotreau and Chief Walsh, met at Sawyers Beach to talk about beach access and issues for the upcoming season.

TAP Grant Committee:

Chair King noted that the Committee is getting closer to sending out the RFQs for engineering firms for the official design of the TAP project for the Town Center. The intent is to go out with the RFOs within the next month.

Regional Association Review Committee:

Chair King commented that the Committee is waiting for the Select Board to make some policy decisions. The Select Board will be meeting on May 25th at 8:30 a.m. to work out details of the Memorial Day Ceremony. The Board is also going to take that opportunity to try to make some decisions concerning the regional association requests. The Committee has made recommendations to the Select Board and those need to be acted on in order to move forward.

G. Meeting Minutes

1. Meeting, Monday, April 24, 2023, 5:30 p.m., Rye Town Hall

The following corrections were noted:

- Page 8, 2nd paragraph from bottom, 3rd sentence from bottom should read: **Not** everyone needs to be <u>a wildlife expert</u>.
- Page 9, 1st paragraph, 2nd to last sentence should read: **He's not saying they <u>can</u> never be appointed.**
- Page 11, 3rd paragraph from bottom, 1st sentence should read: **Chair King noted** there are two economics majors with high-level professional experience.

Motion by Bill Epperson to approve the minutes of April 24, 2023 as amended. Seconded by Tom King. All in favor.

2. Non-Public Session, Monday, April 24, 2023 (1) per RSA 91-A:3, II (a) Personnel

Motion by Tom King to approve the non-public minutes of April 24, 2023 as written. Seconded by Bill Epperson. All in favor.

Motion by Bill Epperson to seal the non-public minutes of April 24, 2023. Seconded by Tom King. All in favor.

- 3. Meeting, Monday, May 8, 2023, 6:00 p.m., Rye Town Hall *Tabled for statement from Mr. Borne to be incorporated into the minutes.*
- 4. Non-Public Session, Monday, May 8, 2023 (1) per RSA 91-A:3, II (a) Personnel (2) per RSA 91-A:3, II (b) Hiring

Motion by Tom King to accept the non-public minutes of May 8, 2023 per RSA 91-A:3, II (a) Personnel as written and to seal. Seconded by Bill Epperson. All in favor.

Motion by Tom King to accept the non-public minutes of May 8, 2023 per RSA 91-A:3, II (b) Hiring and to seal. Seconded by Bill Epperson. All in favor.

ADJOURNMENT

Motion by Bill Epperson to adjourn at 9:10 p.m. Seconded by Bob McGrath. All in favor.

Respectfully Submitted, Dyana F. Ledger