

**REPORT OF THE ANNUAL TOWN MEETING
FOR THE TOWN OF RYE, NEW HAMPSHIRE**

**June 5, 2021
DELIBERATIVE SESSION**

At 9:10 a.m., on the 5th day of June 2021, at the Wentworth by the Sea Country Club Pavilion, Moderator Robert Eaton called the meeting to order and led those in attendance in reciting the Pledge of Allegiance. He introduced himself and thanked everyone for coming to the meeting. Moderator Eaton asked for a moment of silence for friends and neighbors who passed away during 2020, as well as for all who were lost due to Covid 19 in America, as well as around the world.

Moderator Eaton introduced the Town officials on the stage: Town Clerk/Tax Collector Donna DeCotis, Town Counsel Michael Donovan, Chair of the Selectboard Phil Winslow, Selectboard Member Bill Epperson and Selectboard Member Mae Bradshaw. He also introduced Town Administrator Becky Bergeron and Selectboard Secretary Janice Ireland, who is present to address financial issues from 2020. He welcomed Rye's new Financial Director Ned Paul. Moderator Eaton recognized Phil Winslow, Chair of the Selectboard.

Selectperson Winslow thanked everyone for their patience and for accommodating the change in the date and venue for the Deliberative Session. The date for the Deliberative Session was set back in February. At that time, it was not known what the status of the pandemic would be, so they erred on the side of safety for all. He thanked Town Clerk Donna DeCotis for arranging the venue. He also thanked Moderator Robert Eaton for all his hard work over the past year in ensuring that the Town has well-run, honest and fair elections, as well as a well-organized Deliberative Session. He gave thanks to Police Chief Kevin Walsh and his officers for their assistance and ensuring everyone's safety at the Deliberative Session. He also gave thanks to Public Works Director Dennis McCarthy, Fire Chief Mark Cotreau and their teams for their help in making sure the Town has a safe presentation at the meeting. He thanked Janice Ireland for coordinating the Zoom portion of the meeting and Amy Thibodeau for handling the registrations. He thanked Firefighter/AEMT Peter Anania and Sgt. Bill Blais for taking care of the electronics. He gave thanks to the Supervisors of the Checklist, Sally King, Madeline Chichester and Jane Holway, and the Assistant Moderators, Karen Oliver and Michael Moody. He thanked Town Administrator Becky Bergeron for her coordination, along with Nicolle Casey from Wentworth by the Sea Country Club. He gave a special thank you to the owners of the Country Club for allowing the Town to use the venue. He commented that it takes an unbelievable amount of planning and coordination. The Selectboard appreciates everyone's help in making this happen. He thanked everyone in attendance for taking the time, on a beautiful day, to participate in the process for town government.

Acknowledging Public Works Director Dennis McCarthy, Selectboard Chair Winslow noted that Mr. McCarthy has worked for the Town of Rye for the past eleven years and his work has been

exemplary. Mr. McCarthy will be retiring at the end of this year and he will be missed very much. He thanked Mr. McCarthy for his service to Rye.

Selectboard Chair Winslow recognized the recent passing of Ned Tate, who was a long-time, iconic resident of Rye. Mr. Tate contributed greatly to his community and he will be missed.

The meeting was turned back over to Moderator Eaton.

Moderator Eaton noted that masks are required inside the pavilion. If anyone would like to remove their mask to speak, they may do so; however, he encourages attendees to wear masks at all times.

Moderator Eaton introduced the candidates who are running for Town offices and invited those in attendance to please stand. He announced that Rye Civic League will be hosting a Candidates Night on July 6th at 7:00 p.m. Candidates will be livestreamed at the Rye Public Library and the audience may attend virtually. He also announced that the Town and School Election for local offices and warrant articles will be held on Tuesday, July 13th at the Rye Elementary School. The polls will be open from 8:00 a.m. to 7:00 p.m.

Moderator Eaton read his rules for the meeting:

1. Meeting Purpose: The purpose of this meeting is to discuss and debate the articles on the Town warrant. However, because Rye has adopted the SB2 Deliberative Session form of government, this meeting may not exclude articles from the ballot. Up or down voting on an article only occurs at the July election. Nonetheless, most articles may be amended in order to change how they appear on the ballot.

2. Moderator's Rules: By New Hampshire Law, the Moderator sets the rules and procedures for the meeting. I won't follow Robert's Rules of Order or any other complicated rules of parliamentary procedure. As you all know by now, we will follow my rules. I may not run a perfect meeting, but I will do my best to run a fair meeting. Ultimately though, this is your meeting. By majority vote, you can change my rules or overrule any decision I make.

3. Procedure: I will summarize each article in the order that it appears on the warrant, unless somebody moves to take an article out of order. The whole article will be projected on the screen and there are hard copies of the warrant available. After reading the summary, I will ask for a motion and a second to move it to the floor for debate. I will then recognize the article's sponsor. After that, everyone here is invited to speak. If you want to speak to an article, line up behind the microphone and please stand approximately six feet apart. When it's your turn, introduce yourself by name and street address. I will also recognize anyone that may be outside at one of those microphones. For anyone outside who would like to speak, go to one of the microphones and wait for an assistant moderator to say you may speak. I will recognize new speakers before someone speaks a second time. Remember, everyone is present in the spirit of fair debate. Some of you may be passionate about certain issues; however, don't let your passion

get the better of you. Please be civil and courteous. Do not raise your voices. Avoid bitterness and refrain from personal attacks. Please, address all comments to me. When there is no more discussion on an article, I will order it to be placed on the ballot, either as written or as amended. There is one significant change this year. This is a change that people have been encouraging me to make in past years and is being instituted this year because of the pandemic. I am setting a time limit for speaking of three (3) minutes. That applies to everybody, whether they are in the audience or at the officials' table. When there are thirty (30) seconds left, Steve Borne will hold up a yellow card. When your time is up, he will hold up a red card. At which time, I will ask you to conclude your remarks.

4. Amendments: Any registered voter can move to amend an article. All amendments must be in writing, unless they are very simple. Try to write out your amendment out in advance and please make it so I can read it. A motion to amend can be submitted even if the article to which it relates is not on the floor yet. I will read the motion and then open the floor for discussion. When you are ready to vote, I will restate the amendment. There are five limits to amendments. First, articles whose words are prescribed by law may not be amended. Second, I will not allow amendments to amendments before the original amendment is voted on. Third, an amendment may not add a new subject. Fourth, you cannot increase the budget, including warrant articles, by more than ten percent, unless the article uses specific language seeking to override the ten percent limitation. Finally, amendments cannot eliminate an article's subject matter.

5. Voting: If you haven't already done so, check in at the clerk's table, get a green voting card and sign it. You must check in to vote, even if you are outside. To vote, I will ask you to raise your card. If you are outside, an assistant moderator will count your vote. I will vote only to break or create a tie. We will vote by secret ballot if, before voting on an article, five voters who are here sign a written request for a secret ballot.

6. Recounts/Questioning a Vote: I will call for a recount if seven voters, either orally or in writing, make such a request. Such recounts will be conducted by secret ballot. The recount of a secret ballot will be held on the request of five voters.

7. Reconsideration: Any voter can move to reconsider a vote. You do not need to have been in the majority to make such a motion. However, I will not permit multiple motions to reconsider on the same matter.

8. Restricting Reconsideration: You may also move to restrict reconsideration of an article, but only after I order the article to be placed on the ballot. The motion is not debatable. If the motion carries, this meeting may not reconsider that article later. In moving to restrict reconsideration, please think about whether the subject article is so noncontroversial that such a motion would take up unnecessary time.

9. Calling the Question: This is the same as moving to end debate. The motion requires a second but is not debatable. It requires a two-thirds majority to pass. If the question is called, I will let the person speaking finish before I call for a vote. If you are in line, have your hand up or think I

nodded at you, you may not speak unless the call of the question is defeated. However, I will use my discretion to let somebody speak if I think that fairness requires it.

10. Non-Voters Who Wish to Speak: Sometimes a person who is not a registered Rye voter may ask to speak. I will ask if there is any objection. If nobody objects, I will permit the person to speak. If there is an objection and a second, I will call for a vote. The will of the majority will prevail. However, I will allow town department heads, who do not live in Rye, to speak on issues relating to their departments.

11. I remind you that this is your meeting. You may appeal any ruling I make, and I will entertain any motion that is made.

Moderator Eaton moved to the warrant. Articles 1 and 2 invite voters to vote in the election on July 13th. There is nothing to discuss or debate. Articles 3 and 4 propose to amend the Rye Zoning Ordinance and Rye Building Code. Such articles have not been discussed in the past because by law they cannot be amended. If somebody wants to make a motion to discuss any part of Articles 3 or 4, they are welcome to do so now.

Hearing no such motion, **Moderator Eaton ordered Articles 3 and 4 to appear on the ballot as written.**

ARTICLE 05. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling ten million seven hundred fifty-four thousand six hundred sixty-five dollars (\$10,754,665)? Should this article be defeated, the default budget shall be ten million one hundred eighty-nine thousand three hundred three dollars (\$10,189,303) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.)

NOTE: This operating budget warrant article does not include appropriations in any other warrant articles.

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectperson Winslow moved Article 5 to the floor. Seconded by Selectperson Epperson.
Moderator Eaton asked Selectman Winslow to speak to Article 5.

Selectperson Winslow noted there is a 4.21% increase in the proposed budget for 2021 over the 2020 Budget. The increase is mostly due to a health insurance increase of 9.25%, wages and salaries by contract increase of 4.21% and New Hampshire Retirement, which went up 13.96%. He asked Town Administrator Bergeron to speak in regard to the article.

Town Administrator Becky Bergeron stated that the health insurance costs increased by \$91,000 or 9.25%. This was predicated in portion on a 5.33% increase from HealthTrust. There were

also some other plan changes which coincided. There is a wage increase of 4.21%, as predicated in part on a 2.75% cost of living adjustment (COLA) for both nonunion and union staff, as well as step increases for certain individuals. The retirement has the highest increase of 13.96% or \$207,114, which was predicated on increases by the State. Of the \$434,179 additional expenses in the operating budget, \$381,798 is attributed to wages, salaries and benefits.

Moderator Eaton called for further discussion on Article 5.

Joseph Cummins, 990 Washington Road, asked if the legal budget includes expected settlements for the Town. He also asked what legal settlements came up last year.

Town Administrator Bergeron explained that the legal expense line item in the budget does not include any legal settlements. Those are for legal fees the Town pays.

Town Attorney Donovan noted that all settlements are required to be recorded with the Town Clerk and are subject to the Right-to-Know Law. The settlement of the litigation regarding the Parsonage required the Town to reimburse Mr. Philbrick \$31,000 for the demolition of the Parsonage building. He believes that was the only money paid out for settlements this past year.

Hearing no further discussion on Article 5, **Moderator Eaton ordered Article 5 to appear on the ballot as written.**

ARTICLE 06. To see if the town will vote to raise and appropriate the sum of eight hundred thousand dollars (\$800,000) for construction of transportation safety improvements, including a sidewalk and a bike lane, in the Town Center from the intersection of Washington Road and Wallis Road to the intersection of Central Road and Washington Road with five hundred thousand dollars (\$500,000) to come from NH Department of Transportation alternatives program grant (TAP) and the balance of three hundred thousand dollars (\$300,000) to come from general taxation for the local match required for the grant. This article is non-lapsing until December 31, 2025 or until the project is complete, whichever comes first. This project is contingent upon the receipt of the TAP grant. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (8-0)

Selectperson Bradshaw moved Article 6 to the floor. Seconded by Selectperson Winslow. Moderator Eaton asked Selectperson Bradshaw to speak to Article 6.

Selectperson Bradshaw explained that this article relates to the Transportation Alternative Program (TAP) Grant application. Last year, there was a warrant article that looked like this and it passed 992 to 666. Basically, it authorizes the Town to come up with \$300,000 as a match for a grant which is administrated by the NH Department of Transportation. Last year, the Town was not given the opportunity to apply for the grant, even though the warrant article passed, because the grant wasn't available. She continued that this is primarily for the Town Center. It came out of the planning work of the Selectboard's new Town Center Committee, which worked in conjunction with the Fire Chief, Police Chief and an engineering firm, as well as Rockingham

Planning Commission, to try to make the center of town a safer environment for pedestrians and bicyclists, and especially for children who often walk from the Junior High School to the Library. She continued that they have learned that with this year's application, the Town would be required to have a fulltime employee supervising the grant, which would be an incredible burden on the Town to participate in the grant. However, they also learned that the NH Department of Transportation would provide that for a percentage. So, the budget has been increased in a proposed amendment that she would like to present.

Selectperson Bradshaw moved to amend Article 6 to change the appropriation from eight hundred thousand dollars (\$800,000) to one million forty thousand dollars (\$1,040,000) and to raise the amount of the TAP Grant from five hundred thousand dollars (\$500,000) to seven hundred forty thousand dollars (\$740,000). Seconded by Selectperson Winslow.

Selectwoman Bradshaw explained that the amendment increases the NH Department of Transportation's contribution to the grant. The community will still be asked to pay the \$300,000 match that was passed last year. The Town will actually be getting the value of \$1,040,000. Because of the particular match relationship, the Town will be getting a much better contribution from the State if the grant is awarded. She pointed out that the timetable is a little uncertain. However, the Town has made it through the first couple of stages and has been recommended by Rockingham County. The decision on the grant is to be made in the month of June and the Town should be hearing soon. From there, it will go to the Governor's office in July to be approved by the Governor and Executive Council. Ultimately, the money will not be available until January 1, 2022. It is expected that the project itself will take a couple of years to develop the engineering and for the actual construction. The Town may not be looking at the improvements until as late as 2025. That is why that date has been added as a final date for this approval. If this amendment is approved, it will extend until December 31, 2025 to allow for the whole process to unfold and be paid for.

No further discussion was heard.

Moderator Eaton called for a vote on the amendment to change the appropriation from eight hundred thousand dollars (\$800,000) to one million forty thousand dollars (\$1,040,000) and to raise the amount of the TAP Grant from five hundred thousand dollars (\$500,000) to seven hundred forty thousand dollars (\$740,000). Motion to amend carried. Article 6 hereby amended.

Moderator Eaton called for discussion on Article 6 as amended.

Shawn Crapo, 676 Central Road, commented that he knows the grant focuses on pedestrians and bicycles. However, in the designing of this, the Town needs to make sure it also addresses vehicles. With the current configuration of Lang Road, a truck and trailer cannot properly pull out without going into the incoming lane of traffic, when heading towards the fire station. If the road is narrowed even more, there are going to be more vehicles head-to-head in that area.

Mr. Cummins stated that he hopes that some of this money can be spent to improve safety in the breakdown lanes along Washington Road, which can be a problematic road at various times. He

has walked often in the Town Center and does not see the safety concerns. He sees many more safety concerns on other parts of Washington Road.

Hearing no further discussion, **Moderator Eaton ordered Article 6 to appear on the ballot as amended.**

Motion by Selectperson Winslow to restrict reconsideration of Articles 5 and 6. Seconded by Selectperson Epperson. Motion carried. Reconsideration of Articles 5 and 6 hereby restricted.

ARTICLE 07. To see if the Town will vote to raise and appropriate the sum of three hundred fifty thousand dollars (\$350,000) to mitigate future salt intrusion into the ground by erecting a salt storage handling and storage facility at the existing Public Works/Transfer Station property (309 Grove Road), and to authorize the withdrawal of ninety-two thousand dollars (\$92,000) from the Salt Shed Storage Capital Reserve Fund created in 2005 for this purpose. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-1)

Selectperson Epperson moved Article 7 to the floor. Seconded by Selectperson Bradshaw. Moderator Eaton asked Selectperson Epperson to speak to Article 7.

Selectperson Epperson explained that this article is an attempt to mitigate future salt intrusion into the ground and therefore, into the drinking water. This particular article speaks to something that should have been done a long time ago. The \$350,000 will be reduced by \$92,000, which is in the Salt Shed Storage Capital Reserve Fund that was created in 2005.

Moderator Eaton called for further discussion on Article 7.

Jeffrey Quinn, 71 Cable Road, asked if someone can explain the reason for the dissenting vote by one of the members of the Budget Committee. He asked if it was a concern for tax dollars or if there is another safety consideration the voters should be made aware of. Moderator Eaton asked if anyone from the Budget Committee could address the reason for the dissenting vote. Scott Marion, 71 Washington Road, stated that he thinks it was more of a procedural versus a content dissent.

Shawn Crapo stated that he believes it was because of the overall cost and a question of general cost features. There was some discussion that the original bill talked to construction costs. When it was presented this year, there were even more costs for ongoing maintenance features. The minutes of the budget meeting reflect that it may not be “enough” or may not be the “actual reflection” of the final cost.

Public Works Director Dennis McCarthy commented that he believes there was some discussion about whether it was enough. Maybe the member who made the dissenting vote felt the number should be bigger. He explained that the \$350,000 is intended to just pay for the construction of the building itself, which will be a concrete foundation block with a fabric building on top. It is

a fairly inexpensive building that will hold about half a year's worth of salt. Currently, the existing facility holds about three storms worth, which could potentially be two weeks at the most and is falling apart. This has been a long time coming. He has been working on this proposal since he started in Rye. It will be nice to see this passed this year, so it can be finished.

Moderator Eaton called for further discussion on Article 7. Hearing none, **Moderator Eaton ordered Article 7 to appear on the ballot as written.**

ARTICLE 08. To see if the Town will vote to raise and appropriate the sum of three hundred thousand dollars (\$300,000) for the purchase of a mini pumper to replace engine 1 and to authorize the withdrawal of two hundred thousand dollars (\$200,000) from the Ambulance and Fire Special Revenue Fund and one hundred thousand dollars (\$100,000) from the Fire and Ambulance Vehicle Capital Reserve Fund the purpose of which was amended by Article 15 of the 2018 Town Meeting. This article has no current tax impact. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (9-0)

Selectperson Winslow moved Article 8 to the floor. Seconded by Selectperson Bradshaw. Moderator Eaton asked Selectman Winslow to address Article 8.

Selectperson Winslow noted that the Town has two funds. One is the Ambulance and Fire Capital Reserve Fund, which currently has \$282,201. For the purchase, \$100,000 will be used from that fund, leaving a balance of \$182,201. The second fund is the Ambulance and Fire Special Reserve Fund. The current amount in that account is \$235,906, of which \$200,000 will be used for the purchase, leaving a balance of \$35,906. However, there is an upcoming article on the warrant which will add \$100,000 back into that fund. Between the two accounts, there would be a little over \$300,000 going into next year. He asked Chief Cotreau to talk about the replacement of the current pumper.

Fire Chief Mark Cotreau explained that this purchase is part of the Fire Department's twenty-year capital plan, which has been worked hard on over the last few years. The move to the mini pumper is an attempt to maintain operational readiness, while creating efficiencies for the Town and the Fire Department's operations. The mini pumper will be replacing a 1993 KME Fire Engine. It is a twenty-eight year old fire engine. In 2018, an independent assessment was done on this engine. It was found that the frame was starting to rot and it needed about \$75,000 in repairs. Also, the life expectancy was only another five to seven years. He continued that the replacement of the vehicle has been planned for some time. The current model of the Department is three big fire trucks. Those are needed for service capacity and operational readiness. However, the Department does not need all three trucks to be big fire trucks. The proposed model would be to maintain the pumper ladder truck, Engine 3 and a smaller mini pumper, which basically maintains pumping capability. This truck can be used for calls in which a smaller vehicle can be used. With the mini pumper, the Department will maintain the surge capacity needed to respond to multiple calls and large-scale incidents. It will also lessen the wear and tear on the larger, more expensive trucks. The maintenance on the mini pumper will cost a fraction of what it does for the bigger trucks. The Town will be saving \$300,000 to

\$400,000 versus buying a full-size custom pumper. There are other towns, such as Manchester by the Sea, MA, that run this model successfully. For a department in a community like Rye, it is a smart choice, which has carefully been thought out, and he respectfully requests the residents' support.

Moderator Eaton called for further discussion on Article 8.

Steven Borne, 431 Wallis Road, stated that in looking just at Rye, the Chief has done a fabulous job of looking at the capital plan and what the Town needs. Chief Cotreau has done the same with resources. The issue is about the Town, which is over saturated with vehicles, along with the surrounding communities that have the same problem. The Town has a ton of vehicles and not enough people. It is only fourteen percent of the time when the Department's vehicles are out that there is a second call. That call is usually served by one of the neighboring towns. It is not the Chief's job. It's the Town's job, led by the Selectboard, to say "we need to do a better job of more efficiently managing the capital, so there is less capital and additional staff can actually be funded".

Mr. Cummins stated that he is inclined to support this spending. He thanked Selectperson Winslow because it is refreshing to hear about the balance of a fund and how much it is going to decrease by pulling money out of that fund. He asked how trucks rot. He also asked how many miles are on the existing truck.

Chief Cotreau explained that especially with the older apparatus, the trucks have split frames and salt gets into different parts of the frame. Even though many times it looks okay on the outside, the frame is questionable underneath. He pointed out this is not limited to particular types of apparatus. It was very common in the 70's, 80's and 90's. It was very common for fire apparatus to take that route; especially, when the Town is near salt water, which can be worse than the salt on the roads. The mileage on the fire truck is only 39,000. Pump operators use pump hours, which is another key factor, and this is just shy of 3,000. The problem really isn't the mileage. If this was an over the road truck it could run hundreds of thousands of miles. The problem is that these trucks are big diesels designed to do that; however, they get started and shut off, over and over again, which creates the wear and tear on the vehicle.

Moderator Eaton called for further discussion on Article 8.

Mr. Crapo stated that part of the reason for this meeting is so people can decide what goes on the ballot to be decided by the voters. The Selectboard meets with department heads and come up with recommendations. The Budget Committee meets and makes recommendations. For safety purposes, the Town should be fairly autonomous and not rely on other towns' pieces of equipment. To be short on fire engines, when there is a fire, does not make sense. If the townspeople want to vote to have fifty extra fire engines and have their taxes be so affected, that is their prerogative. However, to try and cut, when it has been the recommendation of the boards, is irresponsible and that is why the Budget Committee unanimously recommended this article.

Hearing no further discussion, **Moderator Eaton ordered Article 8 to appear on the ballot as written.**

ARTICLE 09. To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000) for the purchase of a backhoe or front-end loader and to authorize the withdrawal of two hundred thousand dollars (\$200,000) from the Highway Heavy Equipment Capital Reserve Fund created in 1994 for this purpose. This article has no current tax impact. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (8-0)

Selectperson Epperson moved Article 9 to the floor. Seconded by Selectperson Bradshaw. Moderator Eaton asked Selectperson Epperson to speak to Article 9.

Selectperson Epperson noted that he will be proposing an amendment to the article, as the backhoe is budgeted for this year and the front-end loader is next year.

Motion by Selectperson Epperson to amend the article to read: To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000) for the purchase of a backhoe and to strike the words “or front-end loader”. Seconded by Selectperson Bradshaw.

Moderator Eaton called for discussion on the motion to amend Article 9.

Selectperson Epperson noted that the fund has \$268,932. There is no tax impact by this particular article.

There being no further discussion, **Moderator Eaton called for a vote on the motion to amend Article 9 to strike the words “or front-end loader”. Motion to amend carried. Article 9 hereby amended.**

Moderator Eaton called for discussion on Article 9 as amended. Hearing none, **Moderator Eaton ordered Article 9 to appear on the ballot as amended.**

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Highway Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

This article is recommended by the Budget Committee. (8-0)

Selectperson Winslow moved Article 10 to the floor. Selectperson Bradshaw seconded. Moderator Eaton asked Selectperson Winslow to speak to Article 10.

Selectperson Winslow noted the current balance in the Highway Heavy Equipment Capital Reserve Fund is \$268,932. The last expenditure from that account was in 2020 for the replacement of a one-ton dump truck in the amount of \$70,000.

Motion by Selectperson Winslow to correct the name of the fund for which the appropriation is to be added to the “Highway Heavy Equipment Capital Reserve Fund”. Seconded by Selectperson Bradshaw. Moderator Eaton called for discussion on the motion to amend Article 10. Hearing none, **Moderator called for a vote on the motion to amend Article 10 to add the word “Heavy”. Motion to amend carried. Article 10 hereby amended.**

Moderator Eaton called for further discussion on Article 10 as amended. No further discussion was heard. **Moderator Eaton ordered Article 10 to appear on the ballot as amended.**

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Fire and Ambulance Vehicle Capital Reserve Fund the purpose of which was amended by Article 15 of the 2018 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required).

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectperson Bradshaw moved Article 11 to the floor. Seconded by Selectperson Epperson. Moderator Eaton asked Selectwoman Bradshaw to speak to Article 11.

Selectwoman Bradshaw noted that this article will be replacing the \$100,000 that is proposed to come out of the fund, which was discussed with a prior article. Over the next five years, fire and ambulance is going to have about 1.3 million in equipment that has to be provided, which is in the current Capital Improvements Plan (CIP). Currently, there is \$282,201 in that account and depleting it by \$100,000 will affect that. She pointed out it is really a savings account for the future. The Town has strategically tried to plan by having the Fire Department put a certain amount of money on the warrant each year, so there will always be some reserve. Also, it helps to keep the tax rate level by having a savings plan each year.

Moderator Eaton called for discussion on Article 11.

Hearing no discussion, **Moderator Eaton ordered Article 11 to appear on the ballot as written.**

ARTICLE 12. To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the expendable general trust fund known as the Town Employees’ Accumulated Leave Fund, established pursuant to RSA 31:19-a by Article 14 of the 1990 Rye Town Meeting for the purpose of funding Town Employees’ accumulated leave accounts. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectperson Epperson moved Article 12 to the floor. Seconded by Selectperson Bradshaw.
Moderator Eaton asked Selectman Epperson to speak to Article 12.

Selectperson Epperson explained that the Town Employees' Accumulated Leave Fund is used to pay for accrued sick leave and vacations. It is a State mandated fund by RSA 31:19 and by Article 14 of the 1990 Rye Town Meeting for the purpose of funding town employees' accumulated leave. The State would like towns to have approximately fifty percent of this fund on hand. Right now, the total liability would be \$610,489. Currently, the fund balance is \$197,381. The addition of \$50,000 would bring the balance close to fifty percent.

Moderator Eaton called for discussion on Article 12.

Mr. Cummins asked the approximate annual buildup of that liability. Town Administrator Bergeron replied that last year, the liability was approximately \$550,000. The liability depends on the number of retirements and/or resignations during the year. It also depends upon the amount of time that employees are accumulating throughout the course of the year.

Moderator Eaton called for further discussion on Article 12. Hearing none, **Moderator Eaton ordered Article 12 to appear on the ballot as written.**

ARTICLE 13. To see if the Town will vote to establish a Conservation Maintenance Expendable Trust Fund under the provisions of RSA 31:19-a for the purpose of creating a fund to repair and maintain land and buildings owned by the Town of Rye and managed by the Rye Conservation Commission and to raise and appropriate the sum of forty-five thousand dollars (\$45,000) to be placed in this fund, and to designate the Rye Conservation Commission as agents to expend. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

Selectperson Epperson moved Article 13 to the floor. Seconded by Selectperson Bradshaw.
Moderator Eaton asked Selectperson Epperson to speak to Article 13.

Selectman Epperson stated that the Conservation Maintenance Expendable Trust Fund, under RSA 31:19, is for the purpose of repairing and maintaining land and buildings owned by the Town of Rye. The amount of \$45,000 would be used to create this fund to make sure maintenance and repairs are budgeted.

Moderator Eaton called for discussion on Article 13.

Suzanne McFarland, Chair of the Rye Conservation Commission, explained that this warrant article came about because of discussions with the Budget Committee. It is basically for the Goss Farm Barn, which the Conservation Commission would like to properly maintain for future years, as the Goss Farm is being used quite actively.

Hearing no further discussion, **Moderator Eaton ordered Article 13 to appear on the ballot as written.**

ARTICLE 14. To see if the Town will raise and appropriate the sum of thirty-five thousand dollars (\$35,000) to be added to The Municipal Buildings Maintenance Expendable Trust Fund established by Article 11 at the 2007 Town Meeting under the provisions of RSA 31:19-a, for the purpose of major repairs to municipal buildings. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectperson Bradshaw moved Article 14 to the floor. Seconded by Selectperson Epperson. Moderator Eaton asked Selectperson Bradshaw to speak to Article 14.

Selectperson Bradshaw stated that these funds are set aside for maintenance, so the Town can be good stewards of its properties in town. It's an operations account that is kept for building maintenance and it will need a majority vote of the governing body to actually expend it. She reiterated this is a plan to keep annually investing in a savings account that can be used when things break down.

Moderator Eaton called for discussion on Article 14.

Hearing no further discussion, **Moderator Eaton ordered Article 14 to appear on the ballot as written.**

ARTICLE 15. To see if the Town will vote to raise and appropriate the sum of thirty thousand dollars (\$30,000) to be added to the Revaluation Capital Reserve Fund established by Article 24 at the 2020 Town meeting pursuant to RSA 35:1 for the future revaluation of the Town so that the assessments are at full and true value at least as often as every fifth year. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectperson Winslow moved Article 15 to the floor. Seconded by Selectperson Epperson. Moderator Eaton asked Selectman Winslow to speak to Article 15.

Selectperson Winslow explained that by state law, the Town is required to reevaluate its properties to determine assessment value every five years. This spreads the cost of doing so over a five-year period, to help avoid spikes in the tax rate. The reevaluation is expected to be around \$60,000. The assessment will be started at the end of this year and completed in 2022. This will provide sufficient funds to pay for the revaluation. In future years, the request to add to the fund will be \$12,000, in order to keep it over the five years.

Moderator Eaton called for discussion on Article 15.

Mr. Cummins asked if the Town would not engage in appraisals every five years, if this article were to be voted down.

Selectperson Winslow explained that the Town would have to pay for revaluation in one year. This will go into the budget as \$30,000 for this year and \$12,000 in the future.

Hearing no further discussion, **Moderator Eaton ordered Article 15 to be placed on the ballot as written.**

Mr. Crapo moved to restrict reconsideration of Articles 7 through 15. Seconded by Mr. Marion. Motion passed. Reconsideration of Articles 7 through 15 hereby restricted.

ARTICLE 16. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the Library Employees' Accumulated Leave Fund established by Article 22 at the 2018 Town Meeting under the provisions of RSA 31:91-a, for the purpose of funding Library Employees' accumulated leave. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectperson Epperson moved Article 16 to the floor. Seconded by Selectperson Bradshaw. Moderator Eaton asked Selectperson Epperson to speak to Article 16.

Selectperson Epperson noted that Article 16 is really a mirror image of Article 12. The fund is to cover accumulated sick leave and vacation time. Currently, there is \$19,765 in this particular account.

Moderator Eaton called for discussion on Article 16. Hearing none, **Moderator Eaton ordered Article 16 to be placed on the ballot as written.**

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Rye Public Library Building Maintenance Expendable Trust Fund established by Article 14 at the 2005 Town Meeting under the provisions of RSA 31:19-a, as a maintenance fund for the Rye Public Library building. This appropriation is in addition to the Library's operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (9-0)

Selectwoman Bradshaw moved Article 17 to the floor. Seconded by Selectperson Winslow. Moderator Eaton asked Selectperson Bradshaw to speak to the article.

Selectperson Bradshaw noted that this article is the same as Article 14, only it is for the benefit of the Library. Over the next few years in the CIP, the Library expects expenses of \$236,000 in

terms of improvements and maintenance of the building. Right now, the account has a balance of \$60,680. This is an article that is proposed annually to just build the fund.

Moderator Eaton called for further discussion on Article 17. Hearing none, **Moderator Eaton ordered Article 17 to appear on the ballot as written.**

ARTICLE 18. To see if the Town will vote to raise and appropriate the sum of three thousand dollars (\$3,000) to be added to the Grove Road Landfill Capital Reserve Fund established by Article 11 at the 1994 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectperson Epperson moved Article 18 to the floor. Seconded by Selectperson Bradshaw. Moderator Eaton asked Selectperson Epperson to speak to Article 18.

Selectperson Epperson explained that the Grove Road Landfill was closed some time ago. The \$3,000 will cover the post closure expenses and testing of that landsite to make sure nothing is there that could come to the surface and pollute the water.

Moderator Eaton called for further discussion on Article 18. Hearing none, **Moderator Eaton ordered Article 18 to appear on the ballot as written.**

ARTICLE 19. To see if the Town will vote to authorize the Selectboard to sell the 0.4 +/- acre parcel which was the site of the former Second Parsonage to the highest bidder over five hundred thousand dollars (\$500,000) if the parcel has not been exchanged for the former TD Bank property by July 31, 2021. The conveyance would include an easement allowing the parcel to utilize the septic system under the adjacent town parking lot provided the purchaser agrees to assume responsibility for the maintenance, repair and replacement, if necessary, of the system and any consequential repair of the parking lot to the satisfaction of the Public Works Department. The conveyance would retain a 3-foot-wide easement along the south and west boundaries of the parcel, allowing the Library Trustees to maintain the sidewalk and maintain and control the library sidewalk lighting adjacent to the present parking lot. The purchaser will have to comply with all zoning, historic district and planning board regulations.

This article is recommended by the Selectmen (3-0)

Selectperson Winslow moved Article 19 to the floor. Seconded by Selectperson Epperson. Moderator Eaton asked Selectperson Winslow to speak to Article 19.

Selectperson Winslow stated that this article is moot because the ownership of the TD Bank property has been acquired by the Town. There wasn't a need to sell the Parsonage property to acquire TD Bank. Through the generosity of the Library Trustees, the Town has maintained ownership of the Parsonage, as well.

Moderator Eaton called for further discussion on Article 19.

Mr. Crapo stated that he wonders how there was an article, which the Town voted down, to use taxpayer money to buy the TD Bank building. Conservation funds is still taxpayer money. This whole transaction, whether it be through a settlement or not, is still using taxpayer money to purchase that land and facilitate the whole transaction. He asked how this can go forward, contrary to the Town vote of not purchasing the TD Bank building.

Selectperson Winslow explained that the \$400,000 was not taxpayer money. It was the result of funds bequeathed to the Library.

Mr. Crapo stated that the Library uses their bequest money to fund some of their expenses. They then sit with the Budget Committee and have an operating expense that goes over some of their other expenses. If they use all their bequest money for this, in future years, there is nothing preventing their budget from increasing and therefore, having a tax impact.

Selectperson Winslow noted that is entirely up to the Library Trustees.

Attorney Donovan explained that the original deal, which was approved by Town Meeting last year, had no cash outlay and eventually, \$700,000 was spent. There may not have been an original town expenditure in the article that was approved last year; however, there was what was called consideration. Consideration is an exchange of value. That value was that Dan Philbrick would have gotten the Parsonage property in exchange for the bank. That did not happen because the Library Trustees succeeded in driving Mr. Philbrick away through the lawsuit that was filed against the Town. That lawsuit was settled. As far as the \$700,000 goes, he thinks the wrong board is being asked by focusing on the Board of Selectmen. The Conservation Commission has contributed \$300,000 for the purchase of the bank property and the Library Trustees have used \$400,000 from a bequest. Each of those boards has the authority to spend that money without town meeting approval. The Conservation Commission can spend from the previously appropriated and approved bond without further town meeting action. The Library Trustees have authority to spend money from their bequest.

Attorney Donovan continued that, in actuality, the proposal started with the Library Trustees. The lawsuit included several claims by the Trustees and two other citizens of Rye, who happen to be members of the Historic District Commission. One of the claims made was that the authority to proceed with the redevelopment of the site, after the teardown of the Parsonage, took another town meeting vote. Another claim was that the 1997 town votes to acquire the Parsonage property indicated that the property should be retained for town use. Because of the lawsuit, the courts had jurisdiction over those two issues. The Selectboard and all parties settled the case by agreement and filed a settlement stipulation in the court. The settlement stipulation required the purchase of the TD Bank property for \$700,000 from Mr. Philbrick, with \$400,000 coming from the Trustees and \$300,000 from the Conservation Commission. Also, it required retention of the entire library property for library use. The settlement was approved and ordered by the court. That court order resolved all the legal questions as to whether another town vote was required, as well as whether the property could be retained by the Town for the Library without a further vote. Every party to that transaction, the Selectboard, Conservation

Commission, the two citizens who are members of the Historic District Commission, and the Library Trustees, signed off on that settlement and process. Each one of those parties were represented by their own attorneys. The simple explanation is that the court order governs and every action that was taken by that court order is legal. He commented that if there are further questions, he would invite representatives of the Library Trustees, Conservation Commission, or the two citizens involved in the litigation, to explain.

Moderator Eaton called for further discussion.

Veronica Morrow, 149 Fern Avenue, asked if someone can explain ownership of the properties and who paid for what. She also asked if the answer will be included in the minutes, as she would like to review the answer. Moderator Eaton stated that the minutes will record what happened at this meeting. They won't be verbatim; however, he expects they will accurately get the substance of the response.

Attorney Donovan explained that right now, the Conservation Commission owns the bank parcel, which includes the building and almost 4 acres of land. However, in the court order, as well as a separate agreement that all three boards signed, it is required that there be a lot line adjustment between the 4-acre bank parcel and the adjacent Town Forest. It also requires that the lot line adjustment result in 2.3 acres of land becoming part of the Town Forest. The other 1.5 acres will be deeded to the Town for use as a town office. That has yet to take place because it requires a survey and planning board approval. The survey has been completed and the hope is it will go before the Planning Board at its July meeting. At that time, the back 2.4 acres of the bank property will become part of the Town Forest, which is managed by the Conservation Commission. The front part will be for office use managed by the Selectboard. In terms of the Parsonage property, which is about .4 acres in size, it is owned by the Town right now. The agreement with the Library Trustees and the court order indicates there is a deed restriction on that property which requires that the property be used for library purposes. It is owned by the Town, as is the Library, but the deed restriction requires the .4 acres that used to be the Parsonage site to be used for library purposes in the future.

Attorney Donovan further explained that the Conservation Commission paid \$300,000 of the \$700,000 out of a conservation bond. The Library Trustees paid \$400,000 out of a recent bequest.

Mr. Cummins asked if the town citizens, who engaged in the lawsuit, were acting on behalf of the Historic District Commission. Attorney Donovan replied they were not.

Referring to Selectperson Winslow's comment that the article is a moot point, Mr. Marion asked if people are still going to vote on the article or if it will be stricken from the ballot.

Selectperson Winslow explained the intention is to move an amendment to the article and then it will be up to the voters to make a decision, but it is a moot point.

Attorney Donovan noted that this warrant was put together back in January. Under state law, the warrant cannot be changed from what was posted back in January. There is an amendment that will hopefully make it clear on the ballot that this article is moot.

Motion by Selectman Winslow to strike all but the first sentence of Article 19 and add a sentence at the end, so the article will read as follows: “To see if the Town will vote to authorize the Select Board to sell the 0.4 +/- acre parcel which was the site of the former Second Parsonage to the highest bidder over five hundred thousand dollars (\$500,000) if the parcel has not been exchanged for the former TD Bank property by July 31, 2021. **This article is moot (i.e. unnecessary) and not possible to carry out because the Town already acquired the bank property.**” **Seconded by Selectperson Bradshaw.** Moderator Eaton called for discussion on the motion to amend Article 19.

Mr. Borne stated that he would like to make a clarification on the point about the Town voting down the \$500,000 for TD Bank in previous years. This vote doesn't carry forward. He continued that Attorney Donovan neglected to inform everyone that the Town lent the money to Conservation to close the deal. The Town also spent \$31,000 to close this. In over a decade, the Town has spent over \$700,000 to try to figure what to do. What happened by November is not what the Town voted. The bottom line is that the court settled what happened, after so much time and effort was spent with Town Hall. He thinks that's a shame and very sad. It would have been nice if the court said take it to the ballot and let the voters decide. However, after all that time and effort, the voters aren't saying what happened, the court is.

Mr. Crapo stated that he would like to point out a flaw in the amendment. Attorney Donovan has just said that the Town has not been deeded the TD Bank yet. The amendment says “the Town has already acquired the bank property”. It either needs to be changed to say “acquired the rights to the bank property” or it needs to substitute “Conservation Commission” for “Town”.

Attorney Donovan noted the Conservation Commission is the Town. The amendment is accurate as drafted. The Conservation Commission is the Town and holds and manages it on behalf of the Town.

Hearing no further discussion, **Moderator Eaton called for a vote on the motion to amend Article 19, which would strike all of the existing article except for the first sentence and add the sentence at the end: “This article is moot (i.e. unnecessary) and not possible to carry out because the Town already acquired the bank property”.** Motion carried. **Article 19 hereby amended.**

Moderator Eaton called for discussion on Article 19 as amended.

Mr. Marion asked if it is irrelevant if this article is voted up or down. Attorney Donovan noted that either way, it is moot and nothing is going to happen.

Moderator Eaton stated that the amendment makes clear that nothing will happen because events have already overtaken what the article was originally intended to do.

Hearing no further discussion, **Moderator Eaton ordered Article 19 to appear on the ballot as amended.**

ARTICLE 20. To see if the Town will vote to delegate to the Selectboard the authority to accept dedicated streets in accordance with RSA 674:40-a. This delegation would be limited to those roads that the Planning Board has approved following subdivision plan, site plan or street plat approval, and have received approval for dedication by the Planning Board and have been constructed and completed in accordance with planning board road construction regulations and have been recommended for acceptance by the Planning Board and Public Works Director. The Selectboard may accept these roads after holding a public hearing. (Majority vote required.)

This article is recommended by the Selectmen (3-0)

Selectperson Bradshaw moved Article 20 to the floor. Seconded by Selectperson Epperson. Moderator Eaton asked Selectperson Bradshaw to speak to Article 20.

Selectperson Bradshaw explained that this article allows for new roads to be dedicated. The roads still have to go through full compliance with the Planning Board and Public Works, but it eliminates the need for the Selectboard to call for special elections or to wait for the next warrant article period. It's a way of making the roads approved and dedicated without having to wait for a warrant or special election.

Moderator Eaton called for discussion on Article 20.

Mr. Borne asked how this would benefit the Town, if they have to bear the cost of maintaining the road earlier. If the road is completely finished in April, right now, the developer has to maintain that road until the next election, so they're incurring the cost. This article is putting the burden on the Town to maintain the road, possibly eleven months earlier.

Public Works Director McCarthy explained that the developers actually put an article on the warrant early. They are coming in and asking the Town to accept a road long before it is ready to be accepted, so the Town is carrying these articles. It confuses the issue because in theory, the road isn't ready to be accepted when it's presented to the Town. The article is held in abeyance until half a year or sometimes a whole year, before it is actually ready. This way, the Selectboard will deal with the road at the time it is due. No road in this town is accepted until it is ready and complete. It does not cost the Town anything for a number of years after because they are well constructed. It makes the operation of the Town easier and cleaner. He noted that the road has to be dedicated by the Planning Board and approved by the town engineer for construction. It also has to be approved by the Public Works Director and by the Selectboard.

Moderator Eaton called for further discussion on Article 20.

Mr. Cummins asked if there have been any roads that have been rejected by the voters in the last ten years.

Selectperson Epperson noted that he is the Selectboard's representative to the Planning Board. This particular article was carefully crafted to make sure that the builders are not trying to get a substandard road accepted. The roads have to absolutely be built to town standards. They have to be approved by the Planning Board and inspected by the Highway Department. This is done so there is no attempt to get a substandard or incomplete road passed that the Town would have to take care of at some future time. This article is being proposed in order to help streamline the process.

Referring to the people living on these roads, Mr. Marion pointed out they are paying taxes when they occupy their house. That money is going into the town coffers. Does this mean that they are second class citizens until the Town decides to accept their road? He pointed out that they had to get approval from the Planning Board to build a house and build a road, so they are following the rules.

Attorney Donovan stated that he has been advising the Planning Board since 1984 and has been town counsel since 1993. In his tenure, there has never been a road article voted down by the Town.

Mr. Borne stated it's the concept of a private road. If someone lives on a private road, they pay to maintain that road. The question is when will the Town take responsibility for taking care of the road when it moves from private to public? The Town is bearing the burden of taking a private road public.

Hearing no further discussion, **Moderator Eaton ordered Article 20 to appear on the ballot as written.**

ARTICLE 21. (By Petition) To see if the Town will vote to authorize the Selectmen to convey a portion of the 0.407 acre Parsonage lot (said lot being Lot No. 1 on the survey plan filed in the Rockingham County Registry of Deeds as Plan D-42497) and to acquire in an exchange at par the former TD Bank building and its 3.7 acre parcel, pursuant to the AMENDMENT TO CONTRACT FOR PROPERTY EXCHANGE/SWAP, dated November 6, 2020 and effective November 10, 2020, between the Rye Selectboard and 500 Washington Road, LLC, but with the following exceptions to the said AMENDMENT:

1. Rather than the 75 foot privately owned landscaped Open Space contemplated by Clause 11.3 of the AMENDMENT, said 75 foot area shall be retained by the Town of Rye for the exclusive use of, and control by, the Rye Public Library and for potential future Library expansion, with subdivision survey costs to be paid by the Library; and
2. The right of 500 Washington Road, LLC to own and control the lighting, pursuant to Clause 6.1 of the AMENDMENT, shall not apply to the areas adjacent to the 75 foot area referenced in 1. above; and
3. The date for Closing, pursuant to Clause 5 of the AMENDMENT, shall be extended to April 1, 2021.

The selectmen are specifically not authorized and are directed not to carry out the swap agreement unless amended by the provisions of the Warrant Article.

This article is not recommended by the Selectmen (3-0)

Article 21 was moved to the floor by Mr. Hugh Lee. Seconded by Mr. Marion. Moderator Eaton asked Mr. Lee to speak to Article 21.

Hugh Lee, 220 Pioneer Road, stated that as the sponsor of this article, he finds that it is now moot. The Selectboard has a proposed amendment that is similar to Article 19 and he supports the amendment.

Selectperson Winslow moved to strike all wording after the first sentence in Article 21, including the subparagraphs, and add a new sentence at the end, so the article would read: “(By Petition) To see if the Town will vote to authorize the Selectmen to convey a portion of the 0.407 acre Parsonage lot (said lot being Lot No. 1 on the survey plan filed in the Rockingham County Registry of Deeds as Plan D-42497) and to acquire in an exchange at par the former TD Bank building and its 3.7 acre parcel. This article is moot (i.e. unnecessary) and not possible to carry out because the Town has already acquired the bank property.” Seconded by Selectperson Epperson.

Moderator Eaton asked Selectperson Winslow to speak to his motion.

Selectperson Winslow stated that the amendment is proposed for the same reasons that were discussed with Article 19. The item is moot. The ownership of the TD Bank parcel is with the Town. The ownership of the Parsonage property is with the Town. The control of the Parsonage property is with the Library.

Moderator Eaton called for further discussion on the motion to Amend Article 21. Hearing none, he called for a vote on the motion, which would amend Article 21 to state as follows: “(By Petition) To see if the Town will vote to authorize the Selectmen to convey a portion of the 0.407 acre Parsonage lot (said lot being Lot No. 1 on the survey plan filed in the Rockingham County Registry of Deeds as Plan D-42497) and to acquire in an exchange at par the former TD Bank building and its 3.7 acre parcel. This article is moot (i.e. unnecessary) and not possible to carry out because the Town has already acquired the bank property.” Motion to amend carried. Article 21 hereby amended.

Moderator Eaton called for discussion on Article 21 as amended.

Mark Epply, 267 Brackett Road, asked if this amendment, which was made by the Selectmen, now changes the vote of the Selectmen to recommend from not recommended.

Selectperson Winslow asked Attorney Donovan if he would advise the Selectboard to vote for or against this.

Attorney Donovan stated that Mr. Marion proposed a question on Article 19 about what would happen if there is a “yes” vote or a “no” vote. Either way, the matter is moot. Probably the better outcome would be just to have a “no” recommendation on each of these articles and for the Selectboard to leave their recommendation as it is. Attorney Donovan commented that the Selectboard might want to change their recommendation on Article 19.

Moderator Eaton called for further discussion on Article 21. Hearing none, **Moderator Eaton ordered Article 21 to appear on the ballot as amended.**

ARTICLE 22. (By Petition) To see if the town will vote to urge that the New Hampshire General Court, which is obligated to redraw the maps of political districts within the state following the federal census, will ensure fair and effective representation of New Hampshire voters without gerrymandering.

Additionally, these voters ask the town of Rye to urge the NH General Court to carry out the redistricting in a fair and transparent way through public meetings, not to favor a particular political party, to include communities of interest, and to minimize multi-seat districts.

Furthermore, as the New Hampshire State Constitution, Part 2, Article 11 allows towns of sufficient population to have their own state representatives, not shared with other towns, for the town of Rye to petition the NH General Court for its own exclusive seat(s) in the NH House of Representatives if it does not already have it, ensuring that State Representatives properly represent the town’s interests.

The record of the vote approving this article shall be transmitted by written notice from the selectmen to Rye’s state legislators, informing them of the demands from their constituents within 30 days of the vote.

This article is not recommended by the Selectmen (2-1)

Article 22 was moved to the floor by Mr. Borne. Seconded by Mr. Marion. Moderator Eaton asked Mr. Borne to speak to the article

Mr. Borne stated that “Granny D” (Doris Haddock) was the 80 year old grandmother from New Hampshire who walked across the country to advocate for campaign finance reform. Her supporters became the NH Rebellion. The NH Rebellion became Open Democracy. Open Democracy is a NH-based nonpartisan group that is working on behalf of everyone to make democracy better. This is a voice of the people article that doesn’t carry any weight. It just says that the voters of Rye are in support of this. Right now, sixty-six communities across the State have already approved this exact wording, without any changes. It is expected that after the elections on June 8th and July 13th, it will be up to eighty communities.

Mr. Borne noted that Executive Council District 2 goes from Peterborough to Portsmouth. This is because the people in Peterborough, and across the State to Portsmouth, tend to lean towards one party. By packing all those people together, it makes it easier for the other party to win in the other council districts. Another good example of that happening is in Hudson. The Town of

Hudson has twenty-four thousand voters who tend to lean one way. The town right next door, Pelham, has fifteen thousand voters. Pelham tends to be purple. The last two redistrictings have been driving the gerrymandering more and more, so they combined Hudson and Peterborough. The one party in the purple makes all of the representatives for those thirty-nine thousand people one party. Right now, there are two hundred and four districts in NH. Two hundred and eighty-five of those representatives are in these multi-representative districts. The gerrymandering is twisting the maps, so it gives an advantage to one party over the other. The Legislature passed laws to make a fair, open and balanced process. For the last redistricting, the maps weren't disclosed to the representatives until 24 hours before. The Legislature passed laws that would force this to be fair, balanced and open. The Governor has vetoed it twice saying that the "slanted system" is working. So, the slanted system is giving the results. Mr. Borne pointed out that citizens pay for the political party primaries. He continued that the other part of this article is the 2006 Constitutional Amendment that said if the population of a town is large enough to be its own legislative district, it should be one. This is not being followed and it applies to Rye. He pointed out that Rye had six thousand voters at the last election. Rye is probably eligible to have its own district and possibly have its own representative.

Moderator Eaton called for discussion on Article 22.

Mr. Cummins moved to amend Article 22 by striking the last three paragraphs. Motion failed for lack of a second.

Moderator Eaton called for further discussion on Article 22.

Kendra Gemmett, 100 South Road, stated it amazes her that something that is designed to ensure fair and effective representation would not be recommended by the leaders of Rye. What the leaders of the Town have to say has an impact on the election.

Gail Brown, 33 Oceanview Avenue, pointed out that the article is not recommended by the Selectmen 2 to 1. She asked if it is fair to hear from the Selectboard as to why they do not support the article.

Selectperson Epperson said he voted against the article. He doesn't think the Town needs to get involved in this particular issue. The "fair and transparent" way has never been fair and transparent. Whoever is in power, whether it's Republicans or Democrats, does the gerrymandering at their convenience. If this article was to be equally applied in every single election, regardless of who's in power, he would be in favor. However, unfortunately, it is never fair and equitable depending on who's in power. However, he does believe in fair and equitable elections.

Mr. Marion stated that he thinks what Mr. Borne is proposing is to ensure a fairer process. Referring to the third paragraph, he thinks it confuses the main point. He thinks the main point is to get fair and free elections, and independent redistricting commissions.

Mr. Marion moved to strike the third paragraph of Article 22. Seconded by Mr. Crapo.

Moderator Eaton called for discussion on the motion to amend Article 22.

Mr. Borne stated the Open Democracy has five regional areas. There were probably one hundred people who worked for about eight months on this wording. He was saying the exact same thing as Mr. Marion, but then he heard how bad it is in some places across NH.

Mr. Crapo pointed out that it was said that all the communities' articles are identical; however, the word "Rye" is in it. He doubts the other towns had the word "Rye" in their article. He agrees with Mr. Marion. He thinks formation-wise this is an "A" article and a "B" article. In one respect, it asks for a fair, open and unbiased redistricting and then it specifically asks for a certain way Rye would be redistricted. He supports striking that part out at a minimum. However, he thinks the article should be separated out into different points.

Moderator Eaton called for further discussion on the motion to amend Article 22.

Mr. Borne commented that it is correct, the wording is not identical, as there was a blank line in order to write in the name of the town. He continued that the second part of this is the New Hampshire Constitution. He stressed that he supports New Hampshire's Constitution. He does not support striking any article that tells representatives that they should do things counter to the Constitution.

No further discussion being heard, **Moderator Eaton called for a vote on the motion to amend Article 22, which would strike the third paragraph of the article** regarding whether Rye should have its own exclusive seat(s) in the Legislature. **After a show of voting cards, Moderator Eaton ordered proctors to tally the vote. The vote was tied 20 to 20. To break the tie, Moderator Eaton cast a vote in favor of the amendment.**

Due to confusion expressed by the proctors as to whether they had tallied the vote accurately, Moderator Eaton called for the tally to be repeated. Because confusion remained after the re-tally, Moderator Eaton ordered a secret ballot. On the count of the secret ballot, the motion to amend failed by a vote of 21 to 25.

Moderator Eaton called for further discussion on Article 22.

Hearing no further discussion, **Moderator Eaton ordered Article 22 to appear on the ballot as written.**

ARTICLE 23. To see if the Town will vote to authorize the Selectmen to sell to the highest bidder at public auction, or sealed bid, such surplus Town equipment as is not traded in on new equipment in 2021.

This article is recommended by the Selectmen (3-0)

Selectperson Bradshaw moved Article 23 to the floor. Seconded by Selectperson Winslow. Moderator Eaton asked Selectperson Bradshaw to speak to Article 23.

Selectperson Bradshaw explained that this follows procedure that is applied every year. The article is presented each year for confirmation. The procedure is either a private auction or sealed bid and it is for surplus, primarily out of Public Works.

Moderator Eaton called for discussion on Article 23. Hearing none, **Moderator Eaton ordered Article 23 to be placed on the ballot as written.**

ARTICLE 24. To transact any other business which may legally come before this meeting.

This article is recommended by the Selectmen (3-0)

Moderator Eaton called for further business.

Selectperson Winslow stated that he inadvertently missed announcing that Lee Arthur, who has been the Recreation Director for the past 21 years, will be stepping down from that role and taking a different position with the Town. Ms. Arthur has done an amazing job and he thanked her for her service to the Recreation Department.

Ned Paul, 48 Pine Street, asked if the Selectboard's recommendations on Articles 19 and 21 would stay the same, after they were amended. Moderator Eaton said it was up to the Selectboard to decide if it wants to make a change. He expects they will be meeting shortly after adjournment to decide if they want to change any recommendations on any article that has been amended.

No further business was brought before the meeting.

Moderator Eaton adjourned the Rye Deliberative Session at 11:16 a.m.

Respectfully submitted,

Donna M. DeCotis,
Rye Town Clerk