

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

February 3, 2024

DELIBERATIVE SESSION

At 9:05 a.m., on the 3rd day of February 2024, at the Rye Junior High School gymnasium, 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 continued the tradition of reading the names of friends and neighbors who passed away during 2023. A moment of silence was observed in their memory.

Moderator Eaton introduced Town Officials: Select Board Vice-Chair Bill Epperson, Select Board Chair Tom King, Select Board Member Bob McGrath, Town Counsel Eric Maher, Town Administrator Matt Scruton, and Assistant Town Administrator/Finance Director Becky Bergeron.

Moderator Eaton introduced the candidates who are running for Town and School District offices and invited those present to stand and be recognized.

Select Board Vice-Chair Bill Epperson noted that Moderator Eaton is getting ready to retire from the moderator position, after 16 years of service. He read a proclamation:

Bob Eaton, our dedicated Town Moderator since 2008, consistently garnered nearly double the votes of his opponents, securing victory in every election since. Bob's tenure has seen him navigate numerous challenges, including changes in select boards, town attorneys, town administrators, and critical committees. His leadership extended to presiding over more than twenty deliberative sessions and elections. He has also helped the town with addressing various town-related issues, including the handling of the COVID-19 mask matter during the pandemic.

Remarkably, Bob has undertaken all these responsibilities for only a small annual stipend, demonstrating his commitment even in the face of challenges. His efforts have contributed to the efficiency of both national and local elections, earning praise from state officials and residents. Over the past seventeen years, Bob has set a commendable example for our town, showcasing resilience and dedication.

As Bob announces his planned retirement from the active role of moderator, we recognize that a simple goodbye or commendation falls short of expressing the depth of our gratitude. The debt owed to him is profound. Many of you are aware of the invaluable role he played, and as he steps down, his absence will be keenly felt on multiple levels.

Bob's signature statement at the beginning of every deliberative session, "I may not run a perfect meeting, but I will do my best to run a fair meeting," encapsulates his commitment to fairness and humility. In recognition of his service, we present this clock to our esteemed Town Moderator, whose dedication and timeless commitment have guided us through countless deliberations. It is a small token of our gratitude for the invaluable moments you've devoted to our community. With heartfelt thanks please join me in recognizing our friend and town moderator, Bob Eaton.

Moderator Eaton thanked everyone and said that he was humbled by this recognition. He continued that his goal when he started the job was to run free, fair, accurate, and accessible elections, and to be honest and fair in keeping order at the Town Deliberative Session. He really didn't know what he was getting into and would have been lost for it not for the unflagging support of the many town officials, employees, and citizen volunteers who give their service to Rye. He cannot name all those people, but he owes a special debt of gratitude to everyone who has worked in the Clerk's office during his tenure; in particular, Town Clerk Donna Decotis, Amy Thibodeau, and Lindsay Murphy.

Moderator Eaton noted that town moderators play a key role in the functioning of local government. The Town Elections and Deliberative Sessions are special. They're the essence of democracy in New Hampshire, because government of the people, by the people, and for the people is truly what makes America great. He thanked the citizens for putting their trust in him and allowing him to serve Rye, as it's been an honor.

The School District Deliberative Session will be Tuesday, February 6th at 6:30 p.m., in the RJH cafeteria. The Town and School elections will be held on Tuesday, March 12th at the Rye Elementary School. The polls will be open from 8:00 a.m. until 7:00 p.m. Absentee ballots can be applied for at the Town Hall until the day before the election. Residents who have not yet registered to vote may do so on election day. A Candidate's Night is being held at the Library on March 7th at 7:00 p.m. The Rye Civic League will be holding a Civic Fest in the cafeteria during the Deliberative Session's lunch break.

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, this meeting cannot remove articles from the ballot. Up or down voting on an article only occurs at the March election. Most articles may be amended 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. 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 read each article in the order that it appears on the warrant, unless somebody moves to take an article out of order. The article will also be projected on the screen and hard copies are available. After reading an article, I will ask for a motion and a second to

move each article 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. When it's your turn, introduce yourself by name and street address. I will recognize new speakers before I permit someone to speak a second time. Remember, we are here in the spirit of fair debate. Some of you may be passionate about an issue, but don't let your passion get the better of you. Please be civil and courteous. Don't raise your voice, avoid bitterness, and don't make 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. I am not imposing a time limit on speakers this year; however, I encourage people to stick to three minutes or less. I will let you know if I think you need to wrap things up.

4. Amendments: Any registered voter can move to amend an article. Amendments must be in writing, unless they are very simple. Try to write out your amendment in advance and please make them legible. They can be given to Town Clerk Ms. DeCotis. I will read the motion, call for a second, and then open the floor for discussion. When you are ready to vote, I will restate the motion to amend. There are five limits to amendments. First, articles whose words are required by law may not be amended. Secondly, I will not allow motions to amend amendments before the original amendment is voted on. Thirdly, an amendment may not add a new subject. Fourth, you cannot increase the budget, including warrant articles, by more than ten percent, unless you use 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 white voting card and sign it. To vote, I will ask you to raise your card. I will vote only to break or create a tie. We will vote by secret ballot if, before voting on an article, five voters present 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, request one. Such recounts will be conducted by secret ballot. The recount of a secret ballot will be held at 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. Such a motion may be made after I order an article to be placed on the ballot. It is not debatable. If the motion carries, this meeting may not reconsider that article later.

9. Calling the Question: This is the same as moving to end debate. The motion requires a second and is not debatable. It requires a two-thirds majority to pass. If the question is called, I will let the person speaking finish. I will also use my discretion to let others speak if I think fairness requires it. Otherwise, nobody else may speak to the article unless the motion is defeated.

10. Non-Voters Who Wish to Speak: Sometimes a person who is not a registered Rye voter may wish 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 speak to 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 March 12th. There is nothing to discuss or debate. Article 3 proposes six amendments to the Rye Zoning Ordinance. Article 4 proposes one amendment to the Rye Flood Plain Development Ordinance. Traditionally, such amendments have not been discussed because by law they cannot be amended. Anyone wishing to make a motion to discuss any part of these articles may do so. Hearing no such motion, **Moderator Eaton ordered Articles 3 and 4 to appear on the ballot as written.**

Moderator Eaton read Article 5.

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 twelve million, nine hundred twenty-nine thousand, four hundred fifty-five and 00/100 dollars (\$12,929,455.00)? Should this article be defeated, the default budget shall be twelve million, three hundred fifteen thousand, four hundred sixty-two and 00/100 dollars (\$12,315,462.00) 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. (7-0)

Selectman King moved Article 5 to the floor. Seconded by Selectman Epperson.

Selectman McGrath moved to amend Article 5 to read: 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 thirteen million, four hundred fifty-seven thousand, nine hundred thirty-nine and 00/100 dollars (\$13,457,939.00)? Should this article be defeated, the default budget shall be twelve million, three hundred fifteen thousand, four hundred sixty-two and 00/100 dollars (\$12,315,462.00) 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.

Seconded by Selectman Epperson.

Selectman McGrath explained that this is being adjusted because the Sewer Fund needs to be included in the general budget, which is required by NH Department of Revenue (DRA).

Moderator Eaton called for discussion on the motion to amend Article 5.

Hugh Lee, 220 Pioneer Road, called for a point of order. He thought the Moderator indicated that a vote would have to be taken on the original warrant article as presented before an amendment could be made. Moderator Eaton replied that he did not indicate that.

Moderator Eaton called for further discussion on Article 5.

Selectman King clarified that the DRA is calling this a structural defect. The DRA has changed the rules between last year and this year. The voters have the authority to amend this article and that's what's being done. It's a change in accounting practices and there is no choice. The sewer funds, both the revenues and expenses for the Sewer Department which were in separate operating funds, have to be put into the general budget.

Scott Marion, 71 Washington Road, Budget Committee Chair, noted that the NH Department of Revenue Administration sets forth all the ordinances and guidelines about how the budget needs to be structured. He pointed out that the Budget Committee fully supported the existing operating budget, although the Committee will have to revote today, but he's sure they will support this change. He continued that there were some discussions at some of the Budget Committee's public hearings about certain contingency funds in the operating budget. During the first two weekends in January, those contingency funds were washed away. The Police Chief, Fire Chief, and Public Works Director were in the field, protecting the residents, and keeping the Town safe during the recent storms. He urged everyone to fully support the existing budget, and now the amendment.

Joe Cummins, 990 Washington Road, asked about the ramification of the amendment failing. He asked if this was a result of a legislative change.

Attorney Eric Maher explained that historically, the Town has always included in its operating budget monies associated with the operation of the municipal sewer system. The sewer system is not being paid with taxpayers' dollars. It is maintained from revenue received through sewer usage. He continued that under statute, it's supposed to be put into a separate warrant article or directly into the operating budget, which was the Town's practice until last year. Last year, DRA provided guidance that those monies should not be included in the operating budget, under the basis that it's not money raised through taxation. They were not aware that there's a very particular statute relating to this. This year, when DRA reviewed the operating budget, they identified that they were wrong and gave bad advice last year. Unfortunately, by the time this was realized, all of the budget hearings had been held and the operating budget could not be fixed. The only thing that could be fixed was the default budget. The default budget in Article 5 was amended by the Select Board to account for sewer fund monies. The amendment is an apples-to-apples comparison between the operating budget and the default budget. Attorney Maher further explained that if the amendment fails, there will be a zero on the line item related to the operation of the sewer fund. The sewer has to be operated; otherwise, the Town will be in big trouble with NH Department of Environmental Services (DES). It would really create a potential auditing issue. The money is going to be expended, one way or another, the revenue is

still going to come in from sewer usage fees; however, it would have to be explained to the auditors why there were expenditures out of a line item where there was no appropriation.

Moderator Eaton called for further discussion on the amendment to Article 5.

Scott Marion called the question.

Moderator Eaton called for a vote to end discussion on the amendment to Article 5. Motion carried. Moderator Eaton called for a vote on the **amendment to Article 5, which would raise the operating budget by five hundred twenty-eight thousand four hundred eighty-four dollars (\$528,484) for a total of thirteen million four hundred fifty-seven thousand nine hundred thirty-nine dollars (\$13,457,939). Motion carried. Article 5 hereby amended.**

Moderator Eaton called for further discussion on Article 5 as amended.

Mr. Cummins noted that the Budget Committee recommended this article seven to zero. He pointed out that there are eleven members on the Budget Committee. He asked where the other four members were on this vote.

Mr. Marion, Budget Committee Chair, responded that there are eleven members on the Budget Committee. There are many budget meetings from November through January and not every member is able to attend every meeting. The Budget Committee has to vote on the articles in front of them at the meeting; otherwise, the whole process would be slowed down. There were seven members present to vote when this article was presented. It was a legal vote, as there was a quorum of the Committee.

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

Scott Marion moved to restrict reconsideration of Article 5. Seconded by Phil Winslow. Motion passed. Reconsideration of Article 5 hereby restricted.

Moderator Eaton read Article 6.

ARTICLE 06. To see if the Town will vote to raise and appropriate the sum of nine hundred seventy-five thousand and 00/100 dollars (\$975,000.00) for the purpose of repairing the Harbor Road bridge with this sum to come from the unassigned fund balance. 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. (8-1)

Selectman King moved Article 6 to the floor. Seconded by Selectman McGrath.

Selectman King noted that the Town of Rye owns one bridge; Harbor Road bridge. The bridge is more than fifty years old. The Town doesn't seem to have any engineering plans for the bridge. Within the last two years, there was an incident at the bridge and pieces of cement were falling off the bridge. It's come to the time that the bridge has to be dealt with. The Town has been engaged with an engineering firm for a couple of years to find out the status of the bridge. Right now, its useable as a single lane bridge; however, the repairs can't be ignored. A firetruck

full of water can't cross the bridge and there are limitations on oil delivery trucks. The Town has been working to get cost estimates for the engineering and construction on the bridge, which is pretty much ready to go.

DPW Director Jason Rucker noted that Article 6 addresses the repairs of the Harbor Road bridge, which is very necessary. The intent of the article is to appropriate sufficient funds to make the repairs and to replace the bridge superstructure, which is the bridge deck itself and the driving surface. Hoyle Tanner and Associates Engineering was contracted to perform the design and repair strategy. The engineers recommend that the Town implement immediate replacement of the bridge superstructure to ensure the bridge will remain in satisfactory condition. In July 2022, the Town of Rye discovered deterioration of beam number 4, the southern exterior girder, which consisted of spalled concrete on the lower portion of the stem, with exposed and severely corroded, separated lower, prestressed strand within the spalled area. Beam number 4 is potentially failing. Upon review, Hoyle Tanner revisited the load bearing calculations previously prepared as part of the 2016 project for Harbor Road bridge and recommended that the Town take immediate action to restrict vehicular traffic from utilizing the southern portion of the bridge that was carried by beam number 4; essentially, close the bridge to two-way traffic and make it a one-way bridge. That recommendation was immediately implemented by the Town and remains in place. The engineers anticipate the repair costs to be approximately \$975,000. The design, construction, engineering, and construction costs for the replacement of the superstructure is estimated to be \$500,000. In addition, the installation of micropyles within the existing abutments and the replacement of existing concrete beam seats is estimated at \$315,000. Modifications to the approach roadway, riprap stone armoring of the slopes, guardrail installation, and abutment void injections are recommended at a cost of \$160,000. The Select Board and the Budget Committee have both recommended this article. The article has no current tax implications. The article requires a simple majority vote to pass.

Selectman King noted that when the tax rate was set last fall, the Town had an unassigned fund balance which could have been used to buy down the tax rate further. The Select Board held money back for this article and Article 7. The Select Board considers this to be such critical infrastructure that the money was held back in the unassigned fund balance. Having "no current tax impact" means that the money is essentially in the Town's bank account waiting to be spent for this work to be done. These are tradeoffs that were made between the unassigned fund balance, tax rate, and the warrant articles.

Phil Winslow, 100 Harbor Road, pointed out that the bridge serves twenty-four homes and is used for access for fire, ambulance, and police. The twenty-four homes combined have an assessed value of fifty-seven million dollars. The amount of property tax paid to the Town by these residents is four hundred ninety-two thousand for one year, which is almost five million over a ten year period. For two years' worth of taxes, the residents in that area have paid for a new bridge. The expected life of the repaired bridge is fifty plus years, so this is something that is not going to have to be faced by the public for the next fifty years. He appreciates the vote on behalf of the Harbor Road residents.

Mr. Cummins asked what would happen if there was a catastrophic failure to the bridge. He also asked if the State has weighed-in on the safety of the bridge.

Joe Cummins moved to lower the appropriated amount to eight hundred seventy-five thousand (\$875,000). Seconded by Hugh Lee.

Moderator Eaton asked the Fire Chief and Public Works Director to answer the questions of whether the State has weighed-in and what would happen if there was a catastrophic failure of the bridge.

Fire Chief Mark Cotreau stated that he can speak to the operational and public safety impact. There are probably forty or fifty residents on the other side of the bridge, with some who have significant medical issues. For the Fire Department, access to that area would be cut off at the bridge and it's a significant safety issue that would have to be worked around, which would probably be expensive. It would mean putting a reserve firetruck and equipment on the other side of the bridge with firefighters on that side, which would probably mean hiring fire personnel to cover the detail through another union, as Rye doesn't have the resources. He pointed out that Rye has to provide emergency care and services to that community. Not having access to that area is serious. As fire chief, he would have to find a way, which would probably be expensive, to make sure those residents get the services they deserve.

Mr. Cummins requested to withdraw his motion. Mr. Lee concurred. **Motion to lower the appropriation to eight hundred seventy-five thousand withdrawn.**

Moderator Eaton called for further discussion on Article 6.

Jeff Quinn, 71 Cable Road, thanked the Select Board for the explanation of the article, as he was confused about the language in both Articles 6 and 7. The words "this has no current tax impact" may be the case, but it may have a tax impact in future years. He pointed out that there is well over a million dollars to fix the bridge and culvert. He also pointed out that there are warrant articles for reserve funds that the Town contributes to during the course of the year by warrant article vote. He asked if these projects could be funded in the same way, rather than a large capital outlay. He asked if there could be an infrastructure capital reserve fund that the Town contributes to over the course of time to help lessen the burden.

Selectman King explained that the bridge is too expensive and it happened too quickly to build up a capital reserve fund for the bridge. The DRA does not allow "slush funds," even for infrastructure. The reserve funds have to be very specific for one thing generally. The Town attempts to do that and that's why voters have been asked for years to put money into the reserve accounts. He pointed out these are interest bearing accounts and the Town is making money. There is no way to fund the bridge in this way because it came upon the Town too fast.

Mr. Quinn stated that it seems the infrastructure in town, especially the most costly items, are going to wear out in a matter of time. Perhaps, a capital fund for that purpose would make sense, when the taxpayers could enjoy a tax reduction at this point in time.

Alan Gould called the question. Seconded by Kim Reed. Motion carried to end debate on Article 6. Moderator Eaton ordered Article 6 to appear on the ballot as written.

Selectman King moved to restrict reconsideration of Article 6. Seconded by Selectman Epperson. Motion carried. Reconsideration of Article 6 hereby restricted.

Moderator Eaton read Article 7.

ARTICLE 07. To see if the Town will vote to raise and appropriate the sum of three hundred seven thousand and 00/100 dollars (\$307,000.00) for the purpose of replacing the culvert

on Perkins Road with this sum to come from the unassigned fund balance. 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. (8-1)

Selectman Epperson moved Article 7 to the floor. Seconded by Selectman King.

Selectman Epperson explained that DRA recommends that the Town keep at least 5% of the unassigned fund balance. The Town is carrying 8.77% which is \$2,796,725. These articles do have potential tax impact in the future, but the money is sitting in the bank right now to create funding for these critical infrastructures. The culvert on Perkins Road is an item that has been on the radar for a bit. The area is part of Bailey's Brook Watershed, which flows into Eel's Pond. The site was surveyed in 2021 and was deemed unable to carry a flow of a twenty-year storm. There's an extreme danger of flooding because of limited capability and the physical condition is poor. The culvert needs to be replaced prior to the repaving of Perkins Road in 2024. It doesn't make sense to repave Perkins Road, just to tear it up to put in a new culvert. This is also in line with Rye's coastal resiliency efforts.

Steven Borne, 431 Wallis Road, pointed out that taking into account the capital reserve funds and the unassigned fund balance, it's over five million dollars. He supports the replacement of the bridge and the replacement of the culvert; however, this is using short-term money for long-term investments. For long-term items, the Town should borrow and spread out the payments for multiple years. This could have been bonded because it's a long-term project and the money could have been used towards taxes. Mr. Borne continued that the DPW Director has a culvert fund with a plan to update and maintain the culverts. He believes that fund is specific enough for the Town to start contributing to that fund. This is probably something that should be considered by the Select Board and maybe change the way these are financed.

Selectman King replied this is completely valid, especially on the culverts. He thinks the Select Board can take this under advisement. He pointed out that the money that was kept in the unassigned fund balance for this article and the previous one, was to hopefully encourage the voters to support these projects. It doesn't mean that if the voters don't vote for these that the money is available to spend. He thinks that everyone understands that financing projects swings expenditures. Unfortunately, for the Town to do that, it takes a sixty percent vote of a warrant article. Selectman King noted this is critical infrastructure. It can't be assured that the bridge and culvert are going to be fixed, if a sixty percent vote is needed. The Town has to deal with probabilities and it's the hope that this will pass. The Select Board did not want to gamble that there would be a sixty percent vote on what's considered to be critical infrastructure.

Mr. Cummins questioned the word "raise" in the article. Attorney Maher explained this is recommended wording from DRA for the warrant article.

Hearing no further discussion, **Moderator Eaton ordered Article 7 to appear on the ballot as written.**

Moderator Eaton read Article 8.

ARTICLE 08. To see if the Town will vote to raise and appropriate the sum of two hundred thousand and 00/100 dollars (\$200,000.00) to be added to the Highway Heavy 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. (9-0)

Selectman McGrath moved Article 8 to the floor. Seconded by Selectman King.

Selectman McGrath noted that Rye is a community that encounters harsh weather and this takes a toll on the Town's vehicles. It's important for the Town to keep these reserve funds funded, so that vehicles can be replaced as needed. This fund has a balance, as of the end of 2023, of \$230,424.09 with interest earned of \$3,589.84. In 2023, one purchase was made for \$105,000 for a one-ton truck with plow.

DPW Director Rucker explained that the intent of this article is to add funds to the existing reserve to replace, on schedule, the highway equipment for the Public Works Department. This fund was established in 1994 and is dedicated to the purchase and replacement of highway equipment. Highway rolling stock is revaluated each year, and the analysis and asset of those conditions and its need, is reviewed by the Department. A master list is compiled and maintained with corresponding service life of each vehicle and scheduled replacement year, including replacement costs built in for inflation. The Highway Department currently operates approximately \$2,750,000 worth of capital rolling stock. The average service life of all the equipment is approximately 12 years. Each year, a cash flow analysis is made of the current fund balance. The anticipated cash needs for future purchases is calculated and adjusted for inflation. Therefore, to properly replace and continue to replace the current equipment inventory, approximately \$200,000 should be placed into this capital reserve fund each year. The yearly appropriation is adequate to sustain the replacement program. This \$200,000 is to be raised by taxes. The warrant article is supported by the Select Board, as well as the Budget Committee. The article requires a simple majority vote to pass.

DPW Director Rucker continued that this year, the Public Works Department is looking to replace one of the frontline vehicles; a six-wheel dump truck. The truck is primarily used in the winter for snow removal and winter maintenance. It's a 2009 International 7400, which was purchased in 2008. It's currently fifteen years old and has 3700 hours of use. The replacement cost for this vehicle is approximately \$250,000 in 2023 dollars. The replacement cost includes a chassis, dump body, plow frame, radio, plow, and a ground spreader to spread product on roads to treat ice. The truck replacement was outlined in the Public Works Capital Improvement Plan (CIP) and was recommended by the CIP Committee. Currently, the truck is in severely poor condition. It's beginning to experience increased maintenance costs and repairs. The Highway Department encourages the voters to support this article.

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

Scott Marion moved to restrict reconsideration of Articles 7 and 8. Seconded by Susan Shepcaro. Motion carried. Reconsideration of Articles 7 and 8 hereby restricted.

Moderator Eaton read Article 9.

ARTICLE 09. To see if the Town will raise and appropriate a sum not to exceed one hundred sixty thousand and 00/100 dollars (\$160,000.00) towards improvements to the Library Common, which is the public space in the Town Center located adjacent to the Rye Public Library, such monies to be raised by taxation. Further, to authorize the Rye Library Board of Trustees to accept such private donations and to expend such prior donations and non-appropriated funds received by the Town for that purpose. This article is non-lapsing until December 31, 2026 or until the project is complete, whichever comes first. (Majority vote required).

This article is recommended by the Selectmen (2-1)
This article is recommended by the Budget Committee. (8-1)

Selectman Epperson moved Article 9 to the floor. Seconded by Selectman King.

Selectman King asked Jeff Ross from the Library Trustees to speak to the article.

Jeff Ross, 333 West Road, Library Trustee, stated that the Library Trustees are asking to appropriate \$160,000 for the creation of the Library Common, immediately adjacent to the Library property. The purpose of the Common is not something that the Library Trustees came up with. The desire for a more vibrant town center has been discussed and advocated for by the residents for a number of years. The Library Trustees have been aware and engaged in those discussions, and are supportive of the idea. This project ties into the goal of creating a more vibrant town center. When the Library acquired custody of the property, the public was asked to advise on what they would like to see on the property. It was very clear that what the public meant by “vibrant town center” was a gathering place for multigenerational, small, and large groups. The residents were also very clear that the appearance of the Common ought to be iconic and look like it’s been there forever; while at the same time being functional and simple.

Mr. Ross continued that the Library Trustees have a strategic plan for the Library and have had this plan for over ten years. One of the key things in the plan is for the Library to find ways to do more programming and have more programmable space. The Library Commons is seen as a way to create more programming space outside of and immediately adjacent to the Library. Mr. Ross noted that there are some pretty clear stakeholders who have similar missions in the community, who have already indicated that they have an interest in partnering with the Library to make use of the Common;, including the Rye Historical Society, Rye Recreation, Rye Junior High, and the Friends of Rye Public Library.

Mr. Ross pointed out the Library has been doing a lot of planning and has arrived at what is felt to be a workable, effective concept. The four elements of the concept are to expand the entry area to the Library to be available for library programming, seating, or reading. This area will tie into a great open space with a performance structure. Native trees will be added to the edge of the property along Washington Road. The last feature of the Common will be a stonewall that defines the property along Washington Road and in front of the Library.

Mr. Ross presented slides showing a conceptual plan for the Library Common. He noted that the warrant article is asking for \$160,000 from the Town. Estimates that have been given from local landscaping firms would be about \$500,000. From existing library funds, there is money in hand from funds previously donated to the Library of over \$200,000. It would be a one-third investment from the Town and two-thirds from the Library.

Attorney Maher clarified that the Library will be raising \$500,000 but only \$160,000 through taxation. Mr. Ross confirmed.

Attorney Maher asked if he could make a suggested amendment to be sure there is no potential procedural defect for the warrant article. He suggested the following language: "To see if the Town will raise and appropriate a sum not to exceed five hundred thousand and 00/100 dollars (\$500,000.00) towards improvements to the Library Common, which is the public space in the Town Center located adjacent to the Rye Public Library, one hundred sixty thousand and 00/100 dollars (\$160,000.00) of such monies to be raised by taxation and the remainder to be from private donations, bequests, and other non-appropriated funds. Further, to authorize the Rye Library Board of Trustees to accept such private donations and to expend such prior donations and non-appropriated funds received by the Town for that purpose. This article is non-lapsing until December 31, 2026 or until the project is complete, whichever comes first. (Majority vote required)."

Selectman King moved the amendment to Article 9, as suggested by Attorney Maher. Seconded by Selectman Epperson.

Mr. Ross stated that the funds being expended, other than town funds, are library funds which are controlled by the Library Trustees. These are donations made to the Library and being held in library accounts.

Attorney Maher explained that even with reserve funds, if there are expected donations, bequests, or other sources of nontaxpayer revenue coming during the year, in order to accept, it still has to be raised and appropriated, although the funds are not being raised through taxation. This would put the Library in a better position to accept those monies and spend without the requirement of a separate public hearing to use those funds.

Moderator Eaton called for further discussion on the amendment to Article 9.

Mr. Ross asked if the wording "not to exceed \$500,000" prevents them from spending over that amount, even if they have donations. Would the Library need to ask permission?

Attorney Maher explained yes, as this is what state law requires. Town meeting has to vote on major capital projects, such as this. If there is going to be exceedance, there would be a transfer of an appropriation from one line item to another to allow for the exceedance. He pointed out there are mechanisms in place to allow for that to happen.

Mr. Cummins asked about the possibility of dividing the warrant article. Attorney Maher replied that he does not recommend dividing the article.

Selectman McGrath noted that there is one Select Board vote that is not supportive of this warrant article and that is his. He explained that when everyone opened their tax bills in the second half of this past year, there was quite a surprise, 30% actually, but overall, a 15% increase. When this article came before the Select Board, his first thought was this would be great but it's not critical right now. This is an opportunity to save some tax dollars when the Town desperately needs to. Selectman McGrath continued that the other issue is that there is an ongoing TAP Grant that needs to have some sort of union with the entire downtown. Also, the Historic District Commission, which he is a member, hasn't seen any plans and should be included. He commented that a bridge in need of repair is critical. Right now, the Town has a

beautiful field. Many events have been conducted on that field successfully, including many Rye 400 events. He thinks the property looks wonderful the way it is. It opened up the presentation to the Library visually. It gives the Town so much flexibility with that space. Making a commitment is a big thing. Once something is done, the Town will pay for it forever, as it will require a new line item for maintenance. It isn't just the cost of building it, it's how to maintain it moving forward.

Moderator Eaton called for further discussion on the amendment to Article 9.

Karen Oliver, 1159 Washington Road, noted that this article talks about funds received by the Town. However, there are already funds received by the Library, which is a separate legal entity from the Town in many respects. She continued that the Library already has a number of the funds that are going to be used. She commented that Rye is a beautiful town and is worth investing in. In terms of what could be done there and what this costs, she believes it's a worthwhile venture. When the property was acquired, putting in grass was a stopgap for whatever the ultimate plan would be for that parcel. The Town of Rye is worthy of a plan for its beautiful center next to its library, who has a board of trustees who are interested, talented, and capable of planning and figuring out this town center. She thinks it would be a shame for this opportunity not to be taken advantage of. She asked if clarification of the funds received by the Library or the Town is needed in the article.

Moderator Eaton called for further discussion on the amendment to Article 9.

Mr. Borne stated that he is confused about what the Library has to spend without it being a warrant article and being appropriated. He commented that he would very much like to see all the Town's master plans and strategies put together. If the Town has one best in class group in Rye, it's the Library. For years, they have been getting focus groups, talking to residents, and understanding what they expect. The Library has been doing this for probably a decade and continuously working to try to figure out what the Town needs and then adapting. He supports the Library. They shouldn't be slowed down. They should be able to execute their plan.

Julie Tucker, 960 Washington Road, stated that the Library is saying there are funds already set aside for this; however, the voters are not being told the amount of funds and how much has to be raised privately to reach half a million dollars. She thinks it would be very helpful to know how much the Library has existing and how much needs to be raised. She is also wondering if they shouldn't wait. She asked why give \$160,000 to something where it's not known if there will be enough money to complete it? If the amount of money that the Library has could be included in this amendment, it would be very helpful for the voter to know. She agrees that the maintenance that goes along with this plan is not going to be little. It will need to be kept looking nice if it's in the center of town. All of those expenses need to be told to the voter. This article just gives the voter the bare minimum of what needs to be known before voting.

JoAnn Hodgdon, 63 Cable Road, Rye Library Trustee, noted that the Library's financials are available to the public and have been for decades. This outdoor performance center is going to be an opportunity to build on arts, humanities, performing arts, and Rye's wonderful schools. She commented that the Town needs to support other things in town besides necessities. This is a long-term investment. She hopes it's something that everyone can embrace, as the Library has worked very hard for this and is trying to do something beautiful for everyone who lives in the community.

Mr. Quinn stated that he was under the impression that the long-range plan for the Library was for the building to expand at some point. He wants to be assured that the expansion marries well with the plans for the Common and whatever money is expended is not just dug up at some later date to accomplish future goals for the Library.

Mr. Ross explained that the construction of the Common would go onto land next to the Library and would not prevent the expansion of the library building in other directions. As far as library funds, the Library has approximately \$239,000 in an interest bearing account. These were funds given to the Library so long ago that even Director Richmond can't remember where all the funds came from. The Library also has in its non-appropriated fund approximately \$43,000 that was given by the Dan Brown Fund. There is also a trust that allows by its terms to be dissolved. This trust is in the hands of the Trustees of the Trust Fund. He believes the balance in this trust fund is another \$60,000. He pointed out that the Library has several other trusts, where the principal can't be touched, but they generate interest income that the Library can use for various projects. In regard to recurring landscape maintenance and costs, Mr. Ross noted that the Library already pays for its own landscaping and maintenance. He doesn't think there would be a huge leap in the budget for what needs to be done on the Common that the Library is not already doing. He doesn't see this as being a project that's going to create huge recurring costs.

Mr. Ross continued that this year's library budget is going to increase by 3.2%, \$24,000, of which \$20,000 is to pay for employees' health insurance. There's basically a \$4,000 increase in the Library Budget. For an average household in Rye, less than \$200 of taxes goes to the Library. In the last ten years, the Library Budget has increased an average of 2.4% each year. Over that ten-year period, the Town has appropriated \$166,000 in additional money raised in taxes for the Library. The Library's average over that ten-year period has been about \$16,000 to \$17,000 a year for an increase. The level of investment in the Library by the Town is excellent. This is asking for something a bit out of the ordinary, but he doesn't think it's unreasonable.

Mr. Lee stated that he has been a member of the Library and the Library Common Study Committee for a number of years. He thinks it's premature to be voting on taxpayers' money to go to a project that is not sufficiently, precisely defined, so the costs are known. The proposed article and amendment cost about \$500,000, but it's not known exactly what's going to be received for the money.

Karen Stewart, 546 Washington Road, asked if town counsel could speak more specifically to the legality of the article amendment. Ms. Stewart noted that she's a member of the Historic District Commission and was also a part of the Town Center Committee. There has been a lot of discussion by the Town, and people in the Town, about the Library for many years. This is not new. The Historic District Commission has seen plans and were approached by the Library a couple of years ago. The Library has been a good partner of the Historic District Commission. They have kept the Commission in the loop on these plans.

Referring to the amendment, Selectman King noted there are two issues. One is to add the expected full cost of \$500,000, which is a legal opinion from town counsel. The second issue is about the monies; library monies, town monies and donations. It's been clarified with town counsel that library funds are still town funds. The money is managed and controlled by the Library, but they are technically, legally, town funds. That is why town counsel pointed out the legal issues involved and that's why the amendment is proposed to put the total cost and the town funds is still appropriate. He suggested that they deal with the amendment first. He is sure there will be discussion on the pros and cons of the article, once it is amended.

Mike Thiel, 34 Brackett Road, commented that he is in favor of the idea. It sounds like a wonderful project and it seems the Library Trustees have thought it through pretty well. However, he tends to be on Selectman McGrath's side that this is not the time to be doing this with public funds, with tax money. He thinks it should be structured in a fashion that the Town approves of the Library Trustees moving forward, but not using tax monies at this point in time. For many people in town, they would probably rather contribute to this cause than be taxed on it, because at least by contributing they would get a tax deduction, as he believes the Library is a 501(c)(3).

Ms. Hodgdon stated that she's confused with changing the wording in this article. The average voter will grab a ballot and see a dollar figure and vote against something whether it's been recommended by the Select Board or not, because of the sum in the parenthesis. She does not agree with changing the wording.

Mr. Cummins stated that everything has been talked about, except the amendment. He supports the amendment, as it's pretty straight forward.

Selectman King called the question to end debate. Seconded by Scott Marion. Motion carried.

Moderator Eaton read the proposed amendment to Article 9:

To see if the Town will raise and appropriate a sum not to exceed five hundred thousand and 00/100 dollars (\$500,000.00) towards improvements to the Library Common, which is the public space in the Town Center located adjacent to the Rye Public Library, one hundred sixty thousand and 00/100 dollars (\$160,000.00) of such monies to be raised by taxation and the remainder to be from private donations, bequests, and other non-appropriated funds. Further, to authorize the Rye Library Board of Trustees to accept such private donations and to expend such prior donations and non-appropriated funds received by the Town for that purpose. This article is non-lapsing until December 31, 2026 or until the project is complete, whichever comes first. (Majority vote required).

Moderator Eaton called for a vote on the motion to amend Article 9. Motion carried.

Moderator Eaton called for further discussion on Article 9 as amended.

Selectman King stated that he would like to offer the Select Board's opinion on this article. While the timing of this, in some ways, may not be optimal, in other ways it is synergistic with the TAP Grant project. The Town is in scope and fee negotiations with the engineering firm. The hope is to have engineering design started, and maybe even completed, this year for the TAP Grant. The design for the center of town project, should be known fairly soon. In that sense, there's the synergistic effect. He continued that the Library Common itself is for library programming. There is an enthusiasm in this town for more civic and cultural engagement. The Library Trustees convinced the Select Board that there is a desire for grading, landscaping, and minimal structures that will help them in their mission. He noted that the Select Board gets to come one time a year to the voters with recommendations for things. This is the voters' chance to weigh in on whether it should move forward or not. He commented that the Select Board thinks this is a worthy project and a prudent investment.

Selectman Epperson noted that his relationship with the Library Trustees, at times, has been acrimonious and stressful, based on the Parsonage issue that was resolved two or three years ago. With that said, the Master Plan clearly states the Town is trying to have a vibrant, lively, downtown area, which looks colonial in a way that everyone can be proud of. With all the acrimony in the past, and the beautiful tract of land, he supported the plan and recommends it move forward.

Mr. Cummins spoke in opposition to the article.

Keriann Roman called the question to end debate on Article 9 as amended. Seconded by Joann Hodgdon. Motion carried. Moderator Eaton ordered Article 9 to appear on the ballot as amended.

Selectman King moved to restrict reconsideration of Article 9. Seconded by Selectman Epperson. Motion carried. Reconsideration of Article 9 hereby restricted.

Moderator Eaton read Article 10.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of one hundred thousand and 00/100 dollars (\$100,000.00) 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. (9-0)**

Selectman King moved Article 10 to the floor. Seconded by Selectman Epperson.

Selectman Epperson stated that this particular fund is self-explanatory. It was created in 2018 and \$100,000 is the appropriate amount. At this time, the account has \$126,369.97 as a balance. The last appropriation was last year for \$370,000 for the purchase of a new ambulance.

Hearing no further discussion on Article 10, **Moderator Eaton ordered Article 10 to appear on the ballot as written.**

Moderator Eaton read Article 11.

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of seventy-five thousand and 00/100 dollars (\$75,000.00) for the purpose of designing and constructing a softball field on a portion of the soccer fields at the Town Recreation Area located at 55 Recreation Road. 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. (9-0)**

Selectman McGrath moved Article 11 to the floor. Seconded by Selectman Epperson.

Selectman McGrath stated that softball has grown so much in town that this year there are ninety-three athletes playing the sport. The Town does not have enough space for them to

practice and play games, as there's only one field at the Elementary School. He continued that it's a growing sport and there's a lot of support behind it. The Select Board supports the article.

Cory Belden, 146 Clark Road, Rye Recreation Commission Chair, noted that softball is a growing sport in Rye. The Town currently has one field that serves softball, which is behind the Elementary School. The Rye Recreation Department does not have a softball field. One of the Recreation Commission's goals is to be fair and equitable in the community. The Recreation Department feels it's a necessity to provide an opportunity for softball by providing a field for them to play on at the recreation area. He continued that last year, there were ninety-three girls signed up for softball, which made up eight teams utilizing one field. Teams were not able to practice and were only able to play games because there wasn't enough field time. The proposed field is included in the Recreation Department's Master Plan. The Recreation Commission feels the softball field is a necessity and hopes that the community is in support.

Selectman King commented that much like the Library Common, some people will not consider this essential and say the timing's not right. He pointed out that there's no do over for things like athletics and opportunities for children. The Select Board fully supports the article and feels it's important.

Ben Tweedie, 45 Random Road, asked the Recreation Department to explain where the \$75,000 comes from and how that number was developed. He noted that when it comes to taxpayer money, the Town should be aware of the design. In looking at this, it shouldn't be sprung on the Town and there should be a plan.

Mr. Belden explained that the Recreation Commission has studied the recreation area. There is a preliminary layout for the site. He noted there are three civil engineers on the Commission who are well versed in doing construction cost estimates. The Commission has also reached out to a local contractor to give an estimate, which came in at \$68,500 in 2023 dollars. The \$75,000 will provide a slight contingency on that estimate. Pending this approval at the March election, the Commission will seek formal proposals from contractors and it's felt that it can be done with the \$75,000 budget.

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

Moderator Eaton read Article 12.

ARTICLE 12. To see if the Town will vote to approve Phase 1 of the design and engineering of the Rye Recreation Master Plan and will authorize the Select Board to expend seventy-five thousand and 00/100 dollars (\$75,000.00) from the Recreation Commission *Youth Recreational Athletics Account* for said purpose. The *Youth Recreational Athletics Account* is funded with monies received from fundraising and private donations. This article has no current tax impact. (Majority vote required.)

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

Selectman Epperson moved Article 12 to the floor. Seconded by Mr. King.

Selectman King asked the Recreation Commission to opine on Article 12.

Mr. Belden explained that Article 12 is for the first phase of the Recreation Master Plan, which the Commission has been working on developing for over a year. Over twenty years ago, temporary trailers were put at the recreation area for the Recreation Department staff. Those trailers don't have restrooms and the staff has to walk outside to a different building to use the bathroom. This article is for the Recreation Department to spend its own money and there is no tax implication. The intent is to move forward with a preliminary architectural and engineering design for new offices at the recreation area. The idea is to have the building as an addition to the new multi-use storage facility that was constructed in 2019. The temporary trailers would then be removed and the area would be opened up to further develop the Master Plan for the recreation area.

Mr. Borne asked where the \$75,000 came from. He pointed out that there isn't a master plan for all the community's recreation needs. The Recreation Master Plan is really just focused on the recreation site.

Mr. Belden explained that the fund that would be utilized for the \$75,000, which the Recreation Commission oversees, is the Youth Recreation Athletics Account. This is a fund that receives private donations made to the Recreation Department. The Commission will utilize those funds to pay for the design.

Mr. Cummins asked if the \$75,000 includes provisions for a tennis court.

Mr. Belden explained that there are future plans for a tennis court. However, the first phase is to relocate the temporary offices that were installed at the recreation area. Once the new offices are completed for the Recreation Department, it will open up other areas. Different opportunities are being considered for funding the overall improvements to the site. Hopefully, the Recreation Commission will be coming back next year with a potential bond for future improvements at the recreation area.

Selectman King noted that several years ago, the conceptual design was funded and it resulted in this proposal. The goal is to move those facilities out of the main area, which will open it up for future development for actual recreation activities. He continued that the Select Board had the same concern about putting \$75,000 into the design for a project, if it's not known it can be built. The Town has to do this in chunks. The Select Board convinced the Recreation Commission that they could use some of their own funds and they chose to do that. Next year, or the year after, the Commission will come back and ask for what could be a relatively large number for the actual construction. It would have been nice to have the plan a couple of years ago with what would be allocated to it; however, that is not the way municipal government works. The Town can do a conceptual and engineering design, but the project itself may never be funded.

Hearing no further discussion, **Moderator Eaton ordered Article 12 to appear on the ballot as written.**

Moderator Eaton read Article 13.

ARTICLE 13. To see if the Town will vote to raise and appropriate the sum of thirty-five thousand and 00/100 dollars (\$35,000.00) 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)

Selectman King moved Article 13 to the floor. Seconded by Selectman McGrath.

Selectman Epperson commented that Article 13 is pretty self-explanatory. The fund is specifically for the maintenance and upkeep of the municipal buildings. The Town puts these funds aside to be sure there is enough money to correct deficiencies or cover maintenance required on municipal buildings. The fund at this time has a balance of \$209,150 and the last expenditure was \$32,332 for a boiler replacement at the Public Safety Building. He pointed out that the reserve funds are interest bearing and this fund has generated \$10,006.50 so far.

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

Moderator Eaton read Article 14.

ARTICLE 14. To see if the Town will vote to establish a Spill Prevention, Control, and Countermeasure Plan/Stormwater Pollution Prevention Plan (SPCCP/SWPPP) Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of preparing for mandates related to the Municipal Separate Storm Sewer System Program, also referred to as "MS4 Program" and such other regulatory mandates that may relate to stormwater management and control. Further to see if the Town will vote to raise and appropriate the sum of twenty-five thousand and 00/100 dollars (\$25,000.00) to be placed in this fund. Further, to name the Select Board as agents to expend from said fund. 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. (9-0)

Selectman King moved Article 14 to the floor. Seconded by Mr. Epperson.

Selectman McGrath explained that this is the creation of a new capital reserve fund. In order to comply with the MS4 program, the Town needs to establish this fund. He asked Director Rucker to speak to the article.

DPW Director Rucker noted that MS4 is basically the Town's stormwater drains. It's a system of pipes, drainage ditches, manholes, catch basins, and other structures that are owned by the municipality. The system is designed to hold, collect, and convey rainwater or stormwater. It is not part of the sewer treatment plants or sewer system in town. SWPPP is Stormwater Pollution Protection Plan and SPCCP is a Spill Prevention Control Counter Measure Plan. The intent is to keep a nice, flat, even line, as far as appropriations for the MS4 permitting, which is required by EPA for the Town of Rye. With the permitting comes some unfunded mandates from the Federal Government in order to be in compliance. The intent is to establish this fund to give the Town construction funds for raingardens, infiltration trenches, as well as creating and sampling the stormwater systems.

Mr. Borne noted that the State has a list of properties in Rye that are the top properties with stormwater management concerns. He asked if it's the DPW's responsibility or the building

inspector to do something for these properties. He asked if the money from this fund could be used to start doing that work.

DPW Director Rucker replied that the Public Works Department, the Planning and Zoning Department, as well as the Building Department, work collectively to manage property developments and the stormwater on those properties. Each year, he reaches out to certain commercial properties and encourages them to use proper snow management practices. He reiterated that the departments work in conjunction to regulate and monitor stormwater on properties in Rye.

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

Selectman Epperson moved to restrict reconsideration of all articles not previously restricted. Seconded by Selectman King. Motion carried. All articles not previously restricted hereby restricted.

Moderator Eaton read Article 15.

ARTICLE 15. To see if the Town will vote to raise and appropriate the sum of twenty thousand and 00/100 dollars (\$20,000.00) to be added to the Rye Public Library HVAC Capital Reserve Fund established by Article 12 at the 2016 Town meeting under the provisions of RSA 35:1, for the purpose of replacing the Rye Public Library's aging and inefficient current heating, ventilation and air conditioning system. 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)

Selectman King moved Article 15 to the floor. Seconded by Selectman McGrath.

Selectman King explained this is a continuing capital reserve fund. The current balance is approximately \$91,000. The fund earned just under \$4,000 in interest last year. The last expenditure from this fund was for repairing the compressor in the air conditioning system for \$2,624.

Mr. Ross noted this is a fund that has existed for a number of years. Money is placed into this fund virtually every year, in anticipation of needing to do significant work to the Library HVAC system, which was installed at the time of the expansion twenty-five years ago. The Library Trustees got some information in October that indicated that doing something significant was more likely to be necessary sooner rather than later. The Library is asking for money to be deposited into this fund, so in the event something has to be done, there will be a sufficient head start on paying for the work.

Ms. Hodgdon noted that the parts for twenty-five year old system are archaic and extremely expensive. This is a true need for heating and air-conditioning. It's a very logical request.

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

Moderator Eaton read Article 16.

ARTICLE 16. To see if the Town will vote to establish a contingency fund pursuant to RSA 31:98-a for the current year for unanticipated expenses that may arise during the year and further to raise and appropriate fifteen thousand and 00/100 dollars (\$15,000.00) to put in said fund. This sum to come from the unassigned fund balance. Any appropriation left in the fund at the end of the year will lapse to the general fund. (Majority vote required)

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

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

Selectman King moved Article 16 to the floor. Seconded by Selectman McGrath.

Selectman Epperson explained that Article 16 asks for \$15,000 for unfunded mandates required by Department of Environmental Services (DES) for landfill monitoring, specifically the Grove Road Landfill. The Town is required by DES to specifically monitor this landfill more diligently and \$15,000 is the cost. This is a mandate from the Government.

Frank Drake, South Road, asked if the article should say the Select Board can expend.

Selectman King noted that last year was the first year that the Select Board asked the voters to approve a contingency fund. It was \$10,000 last year and was taken from the unassigned fund balance, so it didn't raise taxes. Last year, the entire amount was used for the Grove Road Landfill monitoring, because the Town was hit with extra monitoring that was not budgeted. This was an attempt to have a contingency fund that could be expensed, which was done last year for the Grove Road Landfill monitoring. This is not to say that this is what the funds will be used for this year. Also, the Town is asking for \$15,000 this year. He pointed out that if it's not expended, it will drop back into the unassigned fund balance.

In regard to Mr. Drake's question, Attorney Maher explained that this is unlike other reserve funds or expendable trust funds where an agent to expend has to be named. It's assumed in statute that the Select Board, by default, can expend from this fund, so it doesn't need to name anyone as an agent to expend. The Statute already empowers the Select Board to do so.

Mr. Lee asked how much money dropped to the unassigned fund balance, as of January 1st. Finance Director Becky Bergeron replied that she does not have that figure, but will respond to Mr. Lee with that number. Mr. Lee then asked how much was in the unassigned fund balance as of December 31st from the previous year. Finance Director Bergeron replied there was \$2,796,725 as of the tax date.

Mr. Borne pointed out that between November 2022 and November 2023, the amount increased by 1.5 million, or about 13% of the budget.

Hearing no further discussion, **Moderator Eaton ordered Article 16 to appear on the ballot as written.**

Scott Marion moved to restrict reconsideration of Articles 15 and 16. Seconded by Joe Cummins. Motion carried. Reconsideration of Articles 15 and 16 hereby restricted.

Joe Cummins made a motion to move Articles 28 and 29 forward for consideration. Seconded by Scott Marion.

Moderator Eaton called for discussion on moving up Articles 28 and 29 for consideration. Hearing none, he called for a vote and asked for a hand tally. **Motion failed by a vote of 39 to 25.**

Moderator Eaton read Article 17.

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of fifteen thousand and 00/100 dollars (\$15,000.00) 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 revaluation of the Town at least as often as every fifth year as required by RSA 75:8-a. 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. (9-0)

Selectman King moved Article 17 to the floor. Seconded by Mr. Epperson.

Selectman McGrath explained this fund is for the revaluation of the Town at least as often as every five years. The current balance in the fund is \$31,314.82. In May 2023, the Town had earned interest on that account in the amount of \$776.79. Last year, a final payment was made from that account for the 2022 revaluation of \$15,000.

Mr. Drake asked the typical cost for a Town of Rye revaluation. Town Administrator Matt Scruton replied that the cost is roughly \$60,000. Mr. Drake asked how many more years until the next revaluation. Selectman McGrath replied three years.

Selectman King explained that the last revaluation was \$60,000. The Town has been told to expect \$75,000 going forward, which is \$15,000 a year for five years.

Hearing no further discussion, **Moderator Eaton ordered Article 17 to appear on the ballot as written.**

Moderator Eaton read Article 18.

ARTICLE 18. To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) 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)

Selectman McGrath moved Article 18 to the floor. Seconded by Selectman Epperson.

Selectman King noted this article is for a maintenance capital reserve fund for one of the town buildings. The current balance is just under \$36,000 with just over \$2,000 in interest paid last

year. The last expense was for modification to the HVAC system for ultraviolet treatment during the Covid-19 pandemic for \$4,500. This fund is used for unanticipated expenses related to building maintenance.

Hearing no further discussion, **Moderator Eaton ordered Article 18 to appear on the ballot as written.**

Moderator Eaton read Article 19.

ARTICLE 19. To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) to be added to the Emergency Management Capital Reserve Fund established by Article 18 of the 2023 Town Meeting under the provisions of RSA 35:1 for the purpose of emergency preparation and management, infrastructure repair, pollution mitigation, coastal hazard response, and all other costs and expenditures related to any disaster, critical incident, accident, fire, flood, public health concern, storm, or weather-related event. 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. (9-0)

Selectman King moved Article 19 to the floor. Seconded by Selectman McGrath.

Selectman Epperson stated that in light of the last two storms, this article should be fairly obvious. Right now, there is \$25,000 in the fund; however, that money will probably cover the cost of fixing one seawall. The \$10,000 being requested is not enough and should be higher; however, this is how the article reads at the moment.

Mr. Borne stated that as discussed at the January 18th select board meeting, the DPW vehicles, and mostly the Fire Department trucks, took a massive beating during those storms. He is curious why the Select Board isn't asking for more money, because those things have to be fixed.

Selectman Epperson moved to increase the appropriation in Article 19 from ten thousand dollars (\$10,000) to thirty-five thousand dollars (\$35,000). Seconded by Scott Marion.

Moderator Eaton called for further discussion on the proposed amendment to Article 19.

Mr. Lee asked if it is possible to take that increase, or whole amount, out of the unassigned fund balance. Selectman King noted that the 1.3 million that was held back for the bridge and culvert, plus the last warrant article about the contingency fund, puts the Town fairly close to the 5% minimum. Last year, this was funded with \$25,000 from the unassigned fund balance; however, that's not the intent moving forward. It was recommended to do this from taxation and not from the unassigned fund balance for this particular year.

Mr. Lee stated that it was said earlier that the unassigned fund balance was over 2.7 million. That is far more than the minimum 5% required by DRA. It would more than cover the cost of the bridge and culvert.

Selectman McGrath noted that the State's Senators visited Rye's coastline to look at the damage. They are trying to get federal funding for Rye to help with damage costs. Potentially, there may be a resource with the Town's insurance, or FEMA. However, those things are not guaranteed,

so the Town needs to act until those come through. He pointed out that FEMA can take up to four years to deliver.

Anne Hoyt, 891 Ocean Blvd., stated that there was a lot of damage within the last week with the storms. She continued that the State Department will take care of the damage eventually, as they can, to the seawall all the way down Rye. The State Department said that it would probably cost sixty-five million dollars to fix the seawall the length from Odiorne Park down to North Hampton. She agrees that the Town needs as much money as possible for times like this and these times can't be foreseen.

Mr. Lee agreed that something needs to be done and money needs to be spent. The question is where it should come from. He pointed out that only a couple of articles talked about the money coming from the unassigned fund balance. He doesn't see how this all adds up to 2.7 million dollars.

Finance Director Bergeron noted that the 2.7 million unassigned fund balance does not take into account the bridge for \$975,000 or the culvert for \$307,000. If passed, once those are subtracted from the unassigned fund balance, the Town will be close to the DRA recommended minimum of 5%.

Mr. Marion spoke in support of the amendment. He noted that in subsequent years, they can look to fund this at even a larger amount out of the unassigned fund balance.

Mr. Borne pointed out that last year, the Town built up 1.5 million dollars. There's very little risk that money won't be added to the unassigned fund balance this year.

Lydia Tilsley, 17 Central Road, asked if there can be an amendment to increase the dollar amount by that much money. She thought there was a limit to how much the dollar amount can change. Attorney Maher explained that the amount can't be increased by 10% of all appropriations recommended by the Budget Committee, which would be about 1.6 million.

Chris Guerin, 670 Wallace Road, asked why the Select Board thinks the article should be increased by that amount. Selectman King explained that when the Select Board went through the budget process last fall, and up to the first week in January, there was \$25,000 in this account, since it was initiated last year. Unlike the contingency fund, which was funded with the unassigned fund balance and fell through, this was turned into a capital reserve fund and funded by the unassigned fund balance last year. As of December 31st, there was \$25,000 in the fund. In going through the budget process, originally, the Select Board wanted \$25,000 more to try to build this up to \$50,000, as that was the recommendation from the professionals. The Select Board thought in this environment, it was too big of an ask and it was cut to \$10,000. He continued that the reason this was signed last week, is because this is months' worth of work. The Select Board could not have changed that number last week. Once an article goes on the warrant, the Select Board does not have the authority to make any changes. The voters have the authority to change it. Since, there have been two major storms. The Select Board has been told that the Town will easily spend the \$25,000; in spite of NH DOT having to be responsible and paying for most of the road and seawall repairs on the boulevard. The Town owns the shale pile at Sawyer's Beach, and the seawall and road on Harbor Road. Those are the two main expenses the Town will have. Also, there were three firetrucks that were damaged and multiple police cars have damage. The DPW lost thousands of dollars in signs and equipment. The Select Board decided to propose an amendment to see if the Town would agree to \$35,000. It's one

month into the year, and the account will be exhausted. Any FEMA funds are years away and reimbursement will not be this year. One more storm this winter will do significantly more damage because of the weakened seawalls and roads. The Select Board thinks \$35,000 is prudent and \$10,000 is not going to be adequate.

Mr. Lee asked what the unassigned fund balance would be at 5% that the DRA requires the Town to maintain. Town Administrator Scruton noted that DRA recommends between 5% and 17% retainage. During the 2023 tax rate setting, 5% of the total appropriations in aggregate, inclusive of the school, would have equated to \$1,594,318.

Scott Marion called the question to end debate on the proposed amendment to Article 19. Seconded by Selectman Epperson. Motion carried.

Moderator Eaton called for a vote on the **amendment to Article 19 which would raise the appropriation listed in the warrant from ten thousand dollars (\$10,000) to thirty-five thousand dollars (\$35,000). Motion carried.**

Moderator Eaton called for further discussion on Article 19 as amended. Hearing none, **Moderator Eaton ordered Article 19 to appear on the ballot as amended.**

Scott Marion moved to restrict reconsideration of Articles 17, 18, and 19. Seconded by Suzanne McFarland. Motion carried. Reconsideration of Articles 17, 18, and 19 hereby restricted.

<p>At 12:05, Moderator Eaton recessed the meeting for lunch. Meeting was reconvened at 12:40 p.m.</p>
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Moderator Eaton read Article 20.

ARTICLE 20. To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) to be added to the Conservation Maintenance Expendable Trust Fund established by Article 13 at the 2021 Town meeting pursuant to RSA 31:19-a to repair and maintain land and buildings owned by the Town of Rye and managed by the Rye Conservation Commission. This appropriation is in addition to the operating budget. (Majority vote required.)

**This article is/is not recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (9-0)**

Selectman Epperson moved Article 20 to the floor. Seconded by Selectman King.

Selectman McGrath noted this is a yearly maintenance contribution to the Conservation Trust Fund. The current balance in the account is \$49,250.14 with \$2,042 in income from interest last year. The latest expenditure was \$18,000 for repairs to the Goss Farm barn.

Suzanne McFarland, 1324 Ocean Blvd., Conservation Commission Chair, explained this is a fund that was established a couple of years ago when the Commission found dry rot in the barn's sheathing. That project was put on hold during Covid, because building supplies increased significantly. The expenditure that Selectman McGrath referenced was structural. The shed was pulling away from the mainframe of the barn. At this time, the Commission would like to address the sheathing on the east and west side of the barn. There are bids between \$68,000 and

\$74,000 for this project. The project won't be done this year, but the Commission would like to continue to build the fund by adding \$10,000.

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

Moderator Eaton read Article 21.

ARTICLE 21. To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) to be added to the Recreation Buildings and Property Maintenance Fund the purpose of which was amended by Article 18 of the 2022 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. (9-0)**

Selectman McGrath moved Article 21 to the floor. Seconded by Selectman Epperson.

Selectman King noted this is another building and property maintenance fund for recreation buildings. The current balance in the fund is just over \$26,000. The last expenditure was for roof repair in the amount of \$2,500.

Hearing no further discussion, **Moderator Eaton ordered Article 21 to appear on the ballot as written.**

Scott Marion moved to restrict reconsideration of Articles 20 and 21. Seconded by Selectman Epperson. Motion carried. Reconsideration of Articles 20 and 21 hereby restricted.

Moderator Eaton read Article 22.

ARTICLE 22. To see if the Town will vote to change the purpose of the Grove Road Landfill Capital Reserve Fund established by Article 11 at the 1994 Town Meeting to the Landfill Monitoring Capital Reserve Fund for the purpose of monitoring all landfills in the Town and to designate the Select Board as agents to expend. (2/3 vote required).

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

Selectman Epperson moved Article 22 to the floor. Seconded by Selectman King.

Selectman Epperson explained that the purpose of the fund is for the Grove Road Landfill and also all landfills. Right now, the Town is monitoring the Grove Road and Breakfast Hill Landfills. The intent of the change is to make sure that in the future, if the Town is required to do more monitoring of any landfill, which may or may not exist, the article will enable the Town to do that monitoring. Right now, the account has a balance of \$5,289.80. It has accumulated \$300.83 in interest. The landfill monitoring is done by the CMA Engineering.

Delton Record moved to amend Article 22, in the first line to read, Grove Road dump. Seconded by Steven Borne.

Attorney Maher explained that this is the name of the current capital reserve fund as it was established in 1994; Grove Road Landfill Capital Reserve. He commented that in renaming it going forward, it could say Landfill and Dump Monitoring Capital Reserve Fund for the purpose of monitoring all dumps and landfills in the Town. He reiterated that the prior reference to the Grove Road Landfill is just the name as it was established in 1994.

Steven Borne offered a friendly amendment, accepted by Mr. Record, to change the name to Grove Road Dump and Landfill Fund.

Attorney Maher stated that the proposed new title is Landfill Monitoring Capital Reserve Fund. The whole purpose is to not have it be called Grove Road anymore. Attorney Maher proposed the following language: To see if the Town will vote to change the purpose of the Grove Road Landfill Capital Reserve Fund established by Article 11 at the 1994 Town Meeting to the Dump and Landfill Monitoring Capital Reserve Fund for the purpose of monitoring all dumps and landfills in the Town and to designate the Select Board as agents to expend. Mr. Record agreed with the proposed language from Attorney Maher. Mr. Borne also agreed.

Moderator Eaton called for further discussion on the amendment to Article 22 to read as follows: To see if the Town will vote to change the purpose of the Grove Road Landfill Capital Reserve Fund established by Article 11 at the 1994 Town Meeting to the Dump and Landfill Monitoring Capital Reserve Fund for the purpose of monitoring all dumps and landfills in the Town and to designate the Select Board as agents to expend. (2/3 vote required).

Mr. Borne noted that all of Rye brought their trash to this dump and now it's leaching PFOA's. The Select Board, back then, convinced the State that the Town didn't have to spend the money to turn it into a landfill, and monitoring it would be sufficient. That's why it's not a landfill. The Town argued that they didn't have enough money to make it a landfill. That's why it's still a dump, and it should be called such.

Elizabeth Sanborn moved the question to end discussion on Article 22. Seconded by Scott Marion. Motion carried.

Moderator Eaton called for a vote on the motion to amend Article 22. **Motion carried.**

Moderator Eaton called for further discussion of Article 22, as amended. Hearing none, **Moderator Eaton ordered Article 22 to appear on the ballot as amended.**

Moderator Eaton read Article 23.

ARTICLE 23. To see if the Town will vote to raise and appropriate the sum of ten thousand and 00/100 dollars (\$10,000.00) to be added to the newly re-purposed Landfill Monitoring Capital Reserve Fund. This Article is contingent on the passage of Article 22. This appropriation is in addition to the operating budget. If Article 22 fails this article will be null and void. (Majority vote required).

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

Selectman Epperson moved Article 23 to the floor. Seconded by Mr. McGrath.

Attorney Maher suggested another amendment to accurately reflect the proposed title.
Selectman King moved to amend Article 23 to call the fund the Dump and Landfills Monitoring Capital Reserve Fund. Seconded by Selectman Epperson.

Moderator Eaton called for discussion on the motion to amend Article 23. Hearing none, he called for a vote on the proposed amendment to Article 23. **Motion carried.**

Moderator Eaton called for further discussion on Article 23 as amended.

Selectman King explained that historically, the Town monitors the Grove Road dump. The Town also has to do monitoring of the Breakfast Hill Landfill. Historically, it's been about \$5,000 a year and that's what has been budgeted for years. Last year, the Town received notice that DES was going to require additional monitoring. The previously named capital reserve fund has existed for a while and monitoring was funded from that account. Once it was understood that monitoring was going to at least double, money was put into the budget in addition to this fund. The Town is up to roughly \$20,000 a year for monitoring costs. The budget line item for this year is \$20,000. The purpose of this article is to build up the capital reserve fund. That's why there is both money in the budget and this request to add \$10,000 to the capital reserve fund, which has a balance of roughly \$5,300.

Mr. Borne clarified that the Town has a budget line item for monitoring, because the Town does a certain amount every year. Now, it's anticipated that there could be spikes in odd years, so the Town is building a fund to handle the spikes. In years past, the Town used the contingency, but it's not going to be considered contingency because it's expected to happen. It is budgeted, but just in case, there is a reserve fund. Moderator Eaton noted for the record that Selectman King nodded in confirmation.

Hearing no further discussion, **Moderator Eaton ordered Article 23 to appear on the ballot as amended.**

Moderator Eaton read Article 24.

ARTICLE 24. To see if the Town will vote to raise and appropriate the sum of two thousand five hundred and 00/100 dollars (\$2,500.00) to help support the Center for Wildlife, located at 375 Mountain Road, Cape Neddick, ME, a non-profit organization. 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. (7-1-1)

Selectman McGrath moved Article 24 to the floor. Seconded by Selectman Epperson.

Selectman McGrath commented that Rye is a place that loves animals, is compassionate to animals and values animals, as well as wildlife. As a former Rye Animal Control Officer, he can say that when an animal is injured or missing, the public is heightened with anxiety. The animals in Rye not only live in the forest or fields, but they also live in the ocean. The Town gets quite a few injured wild animals in town. Selectman McGrath continued that the Rye Police Department has been using the Center for Wildlife ("the Center"), which is located in Maine. Rye brings injured animals to them for rehabilitation, so they can go back into the wild. The Town uses this facility a lot. He thinks this is a small gesture from the Town to this facility,

which is also an educational facility. Also, this facility gives advice to Rye constantly. This is a resource that he doesn't think the Town wants to do without. He feels strongly that the Town should show them a bit of appreciation. Selectman McGrath asked Chief Walsh to speak to the article, as well.

Police Chief Kevin Walsh commented that this is a resource the Police Department uses constantly. It's a service that the residents ask for. The Police Department does not have the skills or equipment to deal with rehabilitating an animal. The Department has this facility where the animals can be taken. The funding is important for that non-profit to stay open, so they can continue to provide service to Rye and other surrounding communities.

Ms. Tucker stated that she supports the \$2,500 going to the Center for Wildlife. She noted that she was a licensed wildlife rehabilitator, out of her home on Washington Road, and has worked closely with the Center. This is a very important gift the Town can give this organization.

Linda Toumpas, 10 Bass Drive, Regional Association Committee Chair, noted that the Committee was charged by the Select Board to review the funding requests from 501(c)(3) non-profit organizations, previously established by a warrant article. The Committee reviews and evaluates the associations with an emphasis on need, relevancy, and proportionality, which were criteria determined by the Select Board. There is a strong focus on the associations that align with the mission of helping the people of Rye. The taxpayer donations from the Town of Rye are not given to these associations to fund programs or provide grants. More importantly, the donations are not given to reimburse the associations for the individuals they serve in Rye.

Ms. Toumpas stated that while the Center for Wildlife is a strong, solid, non-profit organization, serving the needs of wildlife from Falmouth, Maine to Newburyport, Massachusetts. They only provide care to certain rodents, reptiles, and most birds, not wildlife. At the Select Board meeting on October 10, 2023, the Committee presented its review of all twenty-one funding requests. The Committee did not recommend any funding for this association, as it did not align with the established focus and mission of the Rye Regional Association Committee.

Joe Marttila, 96 Alehson Street, noted the he's worked with the Center for Wildlife. This past summer, the Center saved a red tail hawk that had two broken wings. That hawk was successfully released in Rye. He pointed out that the Town is overrun with lots of rodents; field mice and rats near the ocean. These raptors that are being brought to the Center are doing a great job of reducing the rodent population. Mr. Marttila continued that he has done a number of pollinator educational events at local schools. The Center for Wildlife has participated in some of these events at no cost. The Center is helping to educate children and the people in town. He also pointed out that he has brought numerous birds to the Center that have been saved.

Dania Seiglie, 633 Central Road, stated that the educational aspect that the Center provides is really incredible. On the other side, the Center gives back to Rye. As an example, at the Goss Farm Fair, about two years ago, they volunteered to bring in their ambassadors, which are their hawks and other amphibians. It was the most attended event at the farm that year. The ambassadors came with their keeper. The keeper gave information about this particular animal, what it endured, and how it was saved. She is sure the Center will continue to give back to the Town. From an educational point of view, it's a great place to take the community's students.

Susan Ross, 333 West Road, Regional Association Committee Member, commented that the Center is unquestionably a good organization. However, the Committee had to determine what

is most need for Rye residents and what is the most proportional importance for the Rye budget, as the budget needs to remain tight as everyone agrees. When need is determined, it's important to consider the eighteen different organizations that the Town now gives to and what proportion should be given to each of those organizations. Her feeling personally, as a taxpayer, is that she would like the most important organizations to be serving mental health needs, following the pandemic, and children, and family services. If this organization is given \$2,500, it will be in the top five of the organizations that Rye gives to.

**Susan Ross moved to amend the appropriation of Article 24 from \$2,500 to \$1,000.
Seconded by Delton Record.**

Moderator Eaton called for further discussion on the proposed amendment to Article 24.

Mr. Record stated this is a great cause, but many great causes can be found. This is a time when the Town needs to provide funds to its departments that need equipment and supplies; fire, rescue, police, roads, and water. This is not a time to allocate funds for the things that are wants. He supports the amendment.

Selectman McGrath commented that's exactly what's being done. Without this organization, the Rye Police Department would be spending thousands of dollars for euthanasias through local veterinarians. This is something that is part of the community's everyday life and is a division of the Police Department, which is not being compensated. If the Center were to start charging, he guarantees it would be a lot more than \$2,500.

Selectman King noted that up until a year ago, the budget for regional associations was approximately \$60,000. It was a hodgepodge of organizations and amounts had not been updated in many, many years. The Select Board created the Regional Association Review Committee to look at all the organizations to come up with some proportionality for the Town. The Committee's recommendations were presented to the Select Board in the fall. He pointed out that some of the organizations didn't even exist legally anymore and some have been taken over by other organizations. By the time that was all sorted out by the Committee, and they came up with a proportion based on their perception of needs for the community, it was down to \$40,000.

Selectman King continued that he disagrees with his colleague, as this is not about reimbursement. He can take the same arguments that have been made today for the Seacoast Science Center, which is not an organization that the Town gives to and the same thing could be said about Cross Roads House. He noted that Rye has residents who have spent hundreds of nights at Cross Road House. If that organization didn't provide that housing, those residents would come to the Town and would have to be provided housing under housing assistance. So, when starting to talk about reimbursing an organization, that's completely wrong. This is about generosity of the Town's organizations. He objects to pretending this is an arm of the Rye Police Department.

Selectman McGrath commented that he did not say this is reimbursing anyone. This is showing the Center just a little bit of appreciation. The cost that it takes to house an animal for a couple of months, along with the rehabilitation costs, are tremendous. He thinks leaving this up to the voters in town is the best thing to do.

Mr. Borne stated that he thinks people are in agreement that they want to support this organization. He hasn't heard a word against it. The question is whether the amount is out of proportion with the other organizations. The second issue is the Select Board should admit it is going to change the charter, so next year, there is no problem with donating to this organization again because they'll meet the criteria.

Elizabeth Sanborn called the question to end debate. Seconded by Mr. Marion. Motion carried.

Moderator Eaton called for a vote to end debate on the motion to amend to Article 24, which would change the appropriation from \$2,500 to \$1,000. **Motion fails.**

Moderator Eaton called for further discussion on Article 24.

Mr. Drake commented this is circumventing the system that the Select Board established to vet all the requests for charitable donations.

Selectman Epperson explained that when the Committee was established, they looked at every single charitable entity that Rye had supported. There were 21 organizations at \$60,000. Of the 21 reviewed, the Committee defunded a few and adjusted the amount on a number of them; increased a couple and decreased most. The Committee had very specific reasons for doing that, which the Select Board respected. When the Center came off the list, because Selectman McGrath feels strongly about this issue, the Select Board decided that it would be appropriate to put it on the warrant to see if the voters wanted to fund this organization or not. This does not mean that this particular organization would go back on the list next year, because it's been taken off the list. If the Town wants to fund it again next year, it would either have to come back as a warrant article or be funded in some other way.

Selectman McGrath disagreed. He noted that all the organizations on the list are on the list because they were approved by a warrant article. This would follow the historic examples. He pointed out that the Committee looked back and couldn't find some warrants for some of the organizations that the Town is supporting. Once this is approved, he would expect that the Town could continue to support the organization.

Ms. Toumpas stated that she spoke with Janice Ireland who has been handling these requests for a number of years. Ms. Ireland told her that as far as she knew, all of these organizations that are on the list were supported by a warrant article, because they can't put money into something that the taxpayers will pay for if the taxpayers haven't voted on it. This one came forward without a warrant article and that's why the Select Board put it forward as a warrant article. Ms. Toumpas continued that the Committee had to pick a priority of where the taxpayer funds would go. The Committee decided that the funds should go to the people in need for physical, mental health, and economic reasons.

Selectman Epperson called the question on Article 24. Seconded by Selectman McGrath. Motion carried. Moderator Eaton ordered Article 24 to appear on the ballot as written.

Moderator Eaton read Article 25.

ARTICLE 25. To see if the Town will vote to discontinue the 400th Anniversary Celebration Expendable Trust Fund established by Article 12 of the 2022 Town Meeting. If

approved, the monies in said Fund, with accumulated interest to date of withdrawal, are to be transferred to the Town's general fund. (Majority vote required).

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

Selectman King moved Article 25 to the floor. Seconded by Selectman McGrath.

Selectman Epperson explained that this article has to do with the fund that was created for Rye's 400th Anniversary Celebration. Originally, there was \$20,000 in the to start the celebrations. His observation is that this was the most successful volunteer effort in the Town's history. The Committee executed over sixty events in 2024 in celebration of the first European settlement in New Hampshire. Over two thousand people enjoyed the Rye 400 events. The Committee raised \$170,000 over and above the \$20,000 that the Town seeded it with. It gave back over \$60,000 to various committees within the Town. He noted that the Select Board is so grateful for those who made it happen: Jacqueline Defreze; Jean Badger; Lew Karabatsos; Deb Toohey; Linda Gordius; Jan Olmstead; Cathy Hodson; Ginna Macdonald; and Andy Stecher.

Mr. Lee asked how much is going back to the general fund. Finance Director Bergeron replied there will be \$652.15 plus accumulated interest.

Mr. Thiel asked what entities within the Town received the \$60,000. Andy Stecher, 51 Park Ridge Ave., Rye 400 Committee Chair, noted that the biggest portion of the \$60,000 went to the Elementary School playground. That was a total of about \$34,000 that the Committee raised. The Committee gave \$10,000 to the Senior Serve. Rye Conservation received \$5,000 and \$2,000 went to the Police Department. The Committee gave \$2,000 to the Fire Department for a new respirator. He noted that a list will be posted on the Rye 400 website.

Mr. Cummins spoke in support of Article 25.

Hearing no further discussion, **Moderator Eaton ordered Article 25 to appear on the ballot as written.**

Joe Cummins moved to reconsider Article 24. Seconded by Hugh Lee. Motion failed.

Scott Marion moved to restrict reconsideration of Articles 24 and 25. Seconded by Dania Seiglie. Motion carried. Reconsideration of Articles 24 and 25 hereby restricted.

Michael Bean moved to restrict reconsideration of Articles 22 and 23. Seconded by Scott Marion. Motion carried. Reconsideration of Articles 22 and 23 hereby restricted.

Moderator Eaton read Article 26.

ARTICLE 26. To see if the Town will vote to discontinue the Parsonage Maintenance Fund established by Article 15 of the 2015 Town Meeting. If approved, the monies in said Fund, with accumulated interest to date of withdrawal, are to be transferred to the Town's general fund. (Majority vote required).

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

Selectman King moved Article 26 to the floor. Seconded by Mr. Epperson.

Selectman McGrath explained that this article will discontinue the maintenance fund that was established for the Parsonage. The Housing Partnership paid a monthly fee to the Town and those funds were used to make necessary repairs to the building. Since the building no longer exists, there's no purpose for this fund. At this time, there is \$41,399 in the fund. If this warrant is passed, those funds will be transferred to the unassigned general fund balance.

Steven Borne moved to amend Article 26 to strike "Town's general fund" and replace it with "Rye Public Library Building Maintenance Expendable Trust Fund established by Article 14 of the 2005 Town Meeting under the provisions of RSA 31:19-a." Seconded by Delton Record.

Attorney Maher stated this would be an unlawful amendment and DRA would disallow the article. When a vote is taken to discontinue such a fund, the monies have to go to the general fund. There would have to be a separate warrant article to then designate those monies to be raised and appropriated for placement into that capital reserve fund. A new warrant article can't be established on the floor at the Deliberative Session.

Steven Borne withdrew his motion.

Moderator Eaton called for further discussion on Article 26.

Ms. Ross noted that the Parsonage property was given for the library and other town purposes. She asked the Select Board to consider this in the use of that money.

Hearing no further discussion, **Moderator Eaton ordered Article 26 to appear on the ballot as written.**

Moderator Eaton read Article 27.

ARTICLE 27. To see if the Town will vote to authorize the appointment of a Town Treasurer, in accordance with RSA 41:26-e, rather than the election of a Town Treasurer. If approved, the Town Treasurer at the time of the vote shall continue to hold the office until the 2025 Town Meeting, at which time the elected office of Town Treasurer shall terminate and the Select Board shall appoint a Town Treasurer. (Majority vote required)

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

Selectman Epperson moved Article 27 to the floor. Seconded by Selectman McGrath.

Selectman King stated that Rye may think it's a sleepy seaside town, but it's really the equivalent of \$28 million annual business. The Town needs to ensure that it has people with a proper skill set to perform critical jobs, especially those concerning money. He noted that this does not imply that the current treasurer, Susan Philbrick, is not completely capable. The Select Board has been completely satisfied and will continue to support her in this position. Susan Philbrick has said that she supports this decision. The skill set for this type of position has become pretty technical. It is no longer just an accounting background. There is now investment management, and cybersecurity skills. He continued this is a way to make sure that in the future, the Town is able to hire a person with the right skills to protect the Town's money. This article would turn this position from elective into appointed. The current treasurer is up for reelection

this year. The article, if passed, would not take effect until next year, and then it would become an appointed position.

Mr. Cummins asked about compensation for the treasurer and how it's established. Attorney Maher explained that the Town Meeting established the initial compensation of an elected town treasurer. If the vote passes to make that position appointed, it is established by the appointing body, which in this instance would be the Select Board. In terms of removal, there are protocols for the removal of a town treasurer like there are other elected town officials. Typically, with regard to a town treasurer, there's a requirement of determination of either some financial malfeasance or misfeasance, which is usually the product of an audit by a CPA, an auditor, or the DRA.

Mr. Bean stated that he appreciates the complexity of the skill set that's required for the position. He gets very concerned about appointments, rather than election. He believes the citizens should have the opportunity to evaluate whatever position is available and determine who they believe would be the best candidate for the job. This is to be done for every open position. The voters are supposed to analyze, vet, and see who's qualified. The candidates are required to bring that forward and the citizens make the decision. He would like to see that remain.

Ben Tweedie asked the term of the appointment for town treasurer. Attorney Maher explained that under law, it is until the appointment is rescinded by the Select Board. There would need to be a written employment contract under statute that establishes the compensation, in which the term would be discussed and established at that time.

Mr. Tweedie asked if the intent is to continue this as a stipend paid position or would this be an established employee of the Town, receiving salary and benefits. Selectman King replied that it's currently a stipend position, because there are no benefits and it's not considered a full time position. It's anticipated this will continue going forward, but the Select Board can't commit to that. Attorney Maher explained that if someone is appointed, there are implications associated with the Federal Fair Labor Standards Act, so that would have to be evaluated to make sure that the compensation was complying with federal wage laws.

Mr. Tweedie asked if the Select Board has looked at this in terms of the future ramifications and tax implications of going from a stipend to a salary with benefits.

Mr. Marion stated that he appreciates what the Select Board is trying to do. Everyone knows how hard it is to get people to run for positions in town. Many of the positions are often unopposed, so it's not really an election. He continued that people know who the Select Board members are and it's easy to hold them accountable. They have regular meetings and it's easy to check in on them. He noted that this is a big overall budget. If the treasurer is someone with the right skills and the Select Board is accountable, it seems to be a much more prudent solution, not trying to save a few dollars on benefits, but to actually take care of the Town's money. He supports the warrant article.

Mr. Cummins noted that the Town has had 50 or 100 years of having an elected treasurer. He asked why they can't take one year to study this and then come back with a proposal. He feels this is very rushed.

Ms. Seigle stated that the Select Board has been elected by the voters and with that comes huge responsibility. The voters expect the Select Board to comply with their duties. One of the

duties, is that the Select Board will have the correct knowledge, and do due diligence, to find the appropriate candidate to be treasurer. She does not believe the electoral residents would necessarily be the most efficient, most effective, and most accurate in deciding who the treasure should be. Treasurers are more than just doing the balance sheets, revenues, and expenditures. Top treasurers, regardless of what they're worth, are going to be worth every penny; however, it will keep the Town safe. She commented that she trusts the Select Board, but they will also be accountable. She suggested that at upcoming Select Board meetings it discuss what the job description would be, so the voters can see the increased responsibility on this person's shoulders going forward.

Mr. Lee asked about the current stipend for the treasurer. Finance Director Bergeron noted that the proposed 2024 stipend is \$22,875 annually, which is broken up into monthly payments.

Mr. Lee commented that he thinks there should be some sort of analysis as suggested by Mr. Cummins, to look at what the Town is going to get for \$100,000 that they are not getting for \$22,000, and whether there is some training that the current treasurer or an elected treasurer could partake of that would enable that person to do the job better.

Mr. Borne noted that this came up at the last Select Board meeting, along with the following warrant article, and he just doesn't get it. There could be a long list of why this is a good move and there could be a long list of why it is a bad move.

Steven Borne moved to amend Article 27 to say: To see if the Town will vote to study the appointment of a Town Treasurer, in accordance with RSA 41:26-e, rather than the election of a Town Treasurer. Seconded by Frank Drake.

Anne Hodsdon, 99 South Road, commented that when she read this a couple of days ago, she was thinking that the Town shouldn't really be making this move. She has listened to the commentary and thinks there's a lot of good reasons to do it, but this amendment is the right thing to do. The study should include the projected budget impacts because this will be hiring someone fulltime, which will have an impact. She thinks this will be a significant line item going forward.

Anne Hodsdon offered a friendly amendment to the amendment to see if the Town will study, and include in the study estimated budget projections, with changing of the appointment to a Town Treasurer in accordance with RSA 41:26-a, rather than the election of a Town Treasurer. The motion was rejected because the original movers did not see it as being a friendly amendment.

Selectman McGrath stated that this is a skilled position. The Town does not elect its police chief or fire chief, as those are skilled jobs. He believes that knowing how to write checks, balance a checkbook, and manage cash is a skilled position. The Select Board wants to be sure that someone who is guarding the Town's money has the skill set that they can be comfortable with, which they do have with the current person. However, if it's an elected position, the Select Board can't answer that question.

Delton Record called the question. Seconded by Ben Tweedie. Motion carried.

Moderator Eaton called for a vote on the amendment to Article 27 to read: **To see if the Town will vote to study the appointment of a Town Treasurer, in accordance with RSA 41:26-e, rather than the election of a Town Treasurer. Motion carried.**

Moderator Eaton called for further discussion on Article 27 as amended.

Selectman King pointed out that if it's an elected position, it has to be a town resident, and the pool is not getting much bigger for this type of skilled position.

Ms. Oliver asked if this is a fulltime position and how many hours a year it takes for the person to do the job. Selectman Epperson replied it's a part-time position.

Hearing no further discussion, **Moderator Eaton ordered Article 27 to appear on the ballot as amended.**

Scott Marion moved to restrict reconsideration of Articles 26 and 27. Seconded by Mike Thiel. Motion carried. Reconsideration of Articles 26 and 27 hereby restricted.

Moderator Eaton read Article 28.

ARTICLE 28. To see if the Town will vote to continue the combined office of the Town Clerk/Tax Collector. If a majority of those voting on the question do not vote in favor of continuing such combined office, at the next annual meeting in which an election for Town Clerk/Tax Collector is to be held the voters shall choose one individual as Town Clerk and another individual as Tax Collector. (Majority vote required).

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

Selectman King moved Article 28 to the floor. Seconded by Selectman McGrath.

Selectman Epperson stated this article is much like Article 27. Right now, the Town is very blessed with highly skilled people in the Town Office. Donna Decotis, Amy Thibodeau, and Lindsay Murphy work significantly well together, but those individuals will not be there forever. This office handles about \$27 million in tax revenue on an annual basis and they do a significant amount of work; such as, registrations, dog and marriage licensing and tax collecting. The issue is if Donna Decotis isn't available to the Town, or elects not to run again, there are not many people who could do the job at her level. Selectman Epperson pointed out these are fulltime positions, and the wages with benefits are known. So, the ramifications for budgetary issues are not a problem.

Attorney Maher pointed out that the warrant article is confusing as written. He would like to provide some content as to why the Select Board voted to not support this article. He explained the wording is required by statute. If a town has a combined town clerk/tax collector position, in order to separate the two, the statute actually says what the wording of the warrant article has to be. A vote in the negative is what makes these positions separate. The Select Board is voting against because they believe it would be prudent to separate the positions. He reiterated that wording of this article comes directly from the statute.

Speaking to Attorney Maher, Moderator Eaton asked for clarification that the wording in this article is required by statute; therefore, it cannot be amended. Attorney Maher confirmed.

Deb Crapo, 8 Big Rock Road, commented that she would want to amend this article to say: To see if the Town will vote to continue the combined office of the Town Clerk/Tax Collector, who has done a marvelous job for the Town. She thinks everyone would agree. She is not quite sure why the Selectmen have put this warrant article forward.

Selectman Epperson stated the Select Board has all the confidence in the world in the people who are in that office right now; however, they are not going to be there forever.

Attorney Maher pointed out that the second sentence of the article could be deleted, but it doesn't change what happens if someone votes yes. If the majority of those voting on the question do not vote in favor; in other words, if they vote in favor of separating the positions, at the next meeting, the Town would be electing one individual for town clerk and one individual for tax collector. He further explained that getting rid of anything after the first sentence doesn't change anything. If the Town Meeting votes to separate the positions, the legal effect is that the Town will be voting for one person to be the tax collector and another person to be the town clerk.

Mr. Marion asked what happens if both Articles 28 and 29 pass.

Attorney Maher explained that if Article 28 does not pass, then Article 29 does not exist. If the Town Meeting votes to separate the positions, there will be two elected positions, which is the legal effect of that vote. Article 29 takes that now established elected tax collector position and makes it an appointed position. If the Town Meeting votes no on Article 29, both positions would be elected positions.

Susan Predaris, 325 Wallis Road, commented that having a combined team that is trained in both tax and other clerk responsibilities would be the best interest, because of the cross training. She asked if there will be people working under the town clerk and tax collector, if the positions are separated, in order to cross train for those positions. She thinks it would be best to keep the positions combined.

Deputy Town Clerk/Tax Collector Amy Thibodeau asked what the personnel in the office is going to be, should this pass. There would then be a town clerk and tax collector, who are both required by statute to have deputies. She asked if the Town would be looking at adding positions. She pointed out that this is going to affect the people currently in the office.

Attorney Maher noted that RSA 41:18 states that a town may have a deputy town clerk, not shall. There wouldn't be the need for two. There would need to be a deputy tax collector, but a town is not obligated, under statute, to have a deputy town clerk.

Ms. Thibodeau stated this has not been thoroughly thought through. It hasn't even been brought to the staff to even ask their opinions. She doesn't think the logistics have been looked at. Separating the positions means there must be a separate space for the tax collector. It will be two separate offices.

Selectman Epperson replied that they understand all the ramifications. What the Select Board is trying to do is to prevent an issue in the future where a person runs for office that is not qualified for the job, which is not the case right now. The logistics of the positions can be worked out to be more specific.

Ms. Thibodeau stated that she completely understands the intent. She pointed out that the Town of Atkinson is going through this right now. They did a two year study before they decided to combine their positions. She also pointed out there are towns with over 10,000 people that are still combined with no intention of separating. Ms. Thibodeau asked if there will be two fulltime positions. Selectman Epperson noted that the Town may have to hire an additional person, but the revenue is coming in to support that.

Deb Crapo moved to amend Article 28 to read: To see if the Town will vote to continue the combined office of the Town Clerk/Tax Collector. Seconded by Dania Seiglie.

Town Clerk/Tax Collector Donna Decotis stated that she is in favor of the amendment. The way the current warrant article is written is hard to understand. She noted that as the Town Clerk/Tax Collector, she works for the taxpayers. She is in favor of Article 28 and recommends that the residents vote in favor; to continue to have the office combined for the town clerk/tax collector. If this article is voted against, it may cause an unnecessary increase in taxes by the need to hire additional employees, provide benefits, and additional office computers. She pointed out there are certain statutes addressing privacy for a town clerk and that's where the problem will come in, office-wise, if the positions are divided. Speaking to the Select Board, she asked what the impact would be on the taxpayers by adding more people, benefits, computers, and reconstruction of the office.

Selectman McGrath asked everyone to keep in mind that the Select Board is always in touch with legal counsel and also the administration within the Town. He thinks this would give some opportunity for some projects to get worked on that may have been put to the side in the past. It may also give some extended hours at the Town Hall, which he thinks a lot of residents would enjoy.

Ms. Decotis said that if the two positions are combined, the town clerk sets the hours in the office. If the positions are divided up, and the Select Board says that the office will be open from 8:00 am to 4:30 pm, even though the Town Clerk's office closes on Friday at noon, there will just be the tax collector and assessment in the building. The tax collector wouldn't be able to take care of motor vehicles or vital records because it's the municipal agent, who's the town clerk, who sets those guidelines.

Moderator Eaton called for further discussion on the motion to amend Article 28.

Mike Thiel moved to amend the amendment to Article 28 to read: To see if the Town will vote to continue the combined office of the Town Clerk/Tax Collector, as it is today.

Deb Crapo agreed to the friendly amendment. Dania Seiglie also agreed.

Moderator Eaton called for further discussion.

Mr. Drake asked what would happen, if there is no second sentence, if the article is voted down.

Attorney Maher read from the statute: *If a majority of those voting on the question do not vote in favor of continuing such combined office, at the next annual meeting in which an election for Town Clerk/Tax Collector is to be held the voters shall choose one individual as Town Clerk and*

another individual as Tax Collector. Attorney Maher noted that the purpose is to inform the folks who look at the ballot of what the affect is of a no vote.

Moderator Eaton asked for a second to Mr. Thiel's motion. **Seconded by Michael Bean.**

Moderator Eaton called for further discussion on the motion to amend Article 28.

Rob Wright, 64 Alehson Street, asked if it would be possible to put an emboldened comment on the article to clarify the effect of a yes and no vote. Attorney Maher confirmed that there could be a note at the bottom to that effect.

Rob Wright offered a friendly amendment to the amendment to add at the end: "Note: A yes vote will continue the combined office of the Town Clerk/Tax Collector. A no vote will split those into two offices."

Deb Crapo consented to the friendly amendment proposed by Rob Wright. Dania Seiglie consented. Mike Thiel consented. Michael Bean opposed to adding a note. **Friendly amendment proposed by Rob Wright rejected.**

Moderator Eaton called for further discussion on the amendment to Article 28 to read: To see if the Town will vote to continue the combined office of the Town Clerk/Tax Collector, as it is today.

Mr. Borne stated that if the explanatory wording is not in the article, it's going to be more confusing to the voter. If the vote is no, the positions are going to be split. He is against the amendment. He thinks the amendment should be voted down and then they can discuss how to make the article clearer.

Ben Tweedie called the question. Seconded by Julie Tucker. Moderator Eaton called for a motion to end debate on the amendment to Article 28. **Motion carried.**

Moderator Eaton called for a vote on the motion to amend Article 28 to read: To see if the Town will vote to continue the combined office of the Town Clerk/Tax Collector, as it is today. **Motion failed. Article 28 not amended.**

Moderator Eaton called for further discussion on Article 28 as written.

Rob Wright moved to add an explanatory note to Article 28 that says: A yes vote will continue the combined office of the Town Clerk/Tax Collector. A no vote will split those into two offices. Seconded by Scott Marion.

Moderator Eaton called for discussion on the proposed amendment.

Ben Tweedie called the question. Seconded by Lydia Tilsley. Motion carried.

Moderator Eaton called for a vote on the motion to amend Article 28 to add an explanatory note to the original article that reads: A yes vote will continue the combined office of the Town Clerk/Tax Collector. A no vote will separate the Town Clerk and Tax Collector into two separate offices. **Motion carried.**

Moderator Eaton called for further discussion on Article 28 as amended.

Mr. Lee stated that an improvement to this article would be a simple change in the Selectmen's recommendation. He asked the Select Board to change their recommendation to recommend Article 28.

Selectman King stated that despite some comments, it's not like the Select Board hasn't been discussing this for quite some time. It's not like the Board hasn't paid for consultants who have done studies on this. The Select Board relied on professional staff and looked at vulnerabilities in the Town. The intent is to separate the functions and positions that handle critical areas dealing with a lot of money. The recommendation from professional staff was to put these articles out to the voters. It's the Select Board's responsibility to bring recommendations that are considered to be for the good of the Town. He noted that the Select Board is not going to change its recommendation, as it would still like the positions separated. The voters will make the decision.

Ms. Tucker stated that the Select Board is worried that in the future, the voters won't be capable of picking a town clerk/tax collector; however, the voters have already shown that they are capable. It doesn't seem like the Select Board has a lot of trust in the voters to do due diligence to find the right person.

Selectman McGrath pointed out the Select Board is made up of three volunteer people. The Select Board has an attorney and a very competent, professional staff. He believes this article is just trying to improve the efficiencies. It's also going to give the assurance that the Town will have people as good as it has right now. It will also give more flexibility in addressing some issues with hours.

Mr. Borne stated that he is lost about the pros and cons that are trying to be fixed and the different options. If this was an emergency, he thinks it should go forward. However, he doesn't think it's an emergency. He doesn't think putting this in front of the voters is something that should be done. After the Master Plan comes out, the Town can take a hard look at the services that are expected from the voters. He thinks this is rushing things and he doesn't understand what's driving this to happen immediately.

Ms. Oliver asked about the budgetary considerations of this move. She asked if there would have to be another office at the Annex in order to accommodate the two positions. Attorney Maher explained there are privacy related issues with being a registered agent and having access to the portal that provides vital records, which is within the purview of the town clerk. However, there is no prohibition on nominating or making part of the job responsibilities of an appointed tax collector to also act as assistant town clerk with access to that information.

Ms. Thibodeau stated that she checked with the State of New Hampshire and it disagrees. A tax collector within a town cannot do this without the proper provisions from the town clerk, so the town clerk can say no. On that same point, if the town clerk's offices are open from 8:00 am to noon on Fridays, even if the town clerk has authorized the tax collector to do transactions, when the office closes, the town clerk office hours are closed. Attorney Maher clarified this would be the refusal of a town clerk to provide the necessary authorizations to allow for that. Ms. Thibodeau commented it would be the town clerk refusing to allow it without her presence or one of her staff in the office. Attorney Maher noted this is something that could be addressed through coordination between the Select Board and Town Clerk.

Ms. Oliver asked if the building will need to be reconfigured to accommodate this change. Attorney Maher stated that it depends on the level of coordination between the Select Board and Town Clerk in terms of who will have authorization and who will stand in a dual role.

Linda Davis, 1 Liberty Common, stated that Donna Decotis is doing a great job, but she could retire and the Town would then need to fill that position. She thinks they should clearly state the qualifications for the position, so it's not a case of a vote. The candidate that's on the ballot has to be qualified; otherwise, their name shouldn't be on the ballot. She pointed out there are certain positions that require skill.

Selectman Epperson noted that anyone can run for any office, qualified or not.

Frank Drake moved to amend Article 28 to read: To see if the Town will vote to study the effects of discontinuing the combined offices of Town Clerk/Tax Collector. Seconded by Hugh Lee.

Attorney Maher noted that it's the statute that requires the language. The proposed amendment puts it into limbo as to the legality of the warrant article. The statute identifies what the wording should be, so it brings it into question. He continued there's no NH Supreme Court case on this one way or the other, as it's not a frequently evoked statute; however, it's of questionable legality.

Moderator Eaton ruled the amendment out of order, as warrant articles cannot be amended whose language is required by statute.

Mr. Drake asked if the amendment takes it out of the RSA's. He asked if the voters can make an advisory decision on what to do with the Town Clerk/Tax Collector office without it being subject to the RSA's. Attorney Maher explained that the wording is provided by statute to take this action and it goes on the warrant as is. If the article is changed such that it is a change in the overall purpose or subject matter, it would no longer be a valid and legal warrant article. He continued that if the deliberative body says to establish a study or shall the select board study, it becomes a non-binding warrant article, because it just directs the Select Board to look into it. This is usually the operative effect of that. It will mean either an unlawful warrant article or a nonbinding warrant article. It doesn't stop the Select Board from studying it and getting the temperature of the community; however, it is of questionable legality.

Moderator Eaton reversed his ruling to say that the motion to amend is permissible as it would be a recommendation that's not binding and wouldn't be upheld in a court of law.

Moderator Eaton called for a second on the proposed amendment to Article 28 to read: To see if the Town will vote to study the effects of discontinuing the combined offices of Town Clerk/Tax Collector. **Seconded by Steven Borne.**

Moderator Eaton called for further discussion.

Mr. Borne questioned the wording.

Attorney Maher explained that if the article is amended, it will go on the ballot. If the folks vote yes, it's either going to be deemed unlawful or it's lawful and the Select Board does a study.

Mr. Lee commented that he heartily supports the amendment. If it's found to be a valid article, the Select Board gets to study the question, which should have been done in the first place. He urged everyone to support Mr. Drake's amendment.

Scott Marion called the question. Seconded by Karen Oliver. Motion carried.

Moderator Eaton allowed to Ms. Decotis to speak because she had been seeking the floor earlier and the Moderator didn't see her.

Ms. Decotis noted that when she started in the Town Clerk's office, Jane Ireland was the town clerk/tax collector and Beth Yeaton was deputy. After Jane left, Beth automatically became town clerk/tax collector. Ms. Decotis continued that she then became the deputy. Usually, the rule of the thumb is when the town clerk retires the deputy moves up, who's very qualified, and they put their name on the ballot. She pointed out that the Town is very fortunate that there are currently three town residents in that office who could move up in the positions. In looking to find a qualified person, there is nothing more qualifying than having hands-on experience in the position.

Moderator Eaton called for a vote on the motion to end debate on the motion to amend Article 28. **Motion carried.**

Moderator Eaton called for a vote on the motion to amend Article 28 to read: To see if the Town will vote to study the effects of discontinuing the combined offices of Town Clerk/Tax Collector. **Motion carried.**

Moderator Eaton called for further discussion on Article 28 as amended. Hearing none, **Moderator Eaton ordered Article 28 to appear on the ballot as amended.**

Scott Marion moved to restrict reconsideration of Article 28. Seconded by Hugh Lee. Motion carried. Reconsideration of Article 28 hereby restricted.

Moderator Eaton 29.

ARTICLE 29. If the Town votes not to continue the combined office of the Town Clerk/Tax Collector under Article 28, to see if the Town will vote to authorize the appointment, rather than the election, of a Tax Collector. If the Town votes in favor of Article 28 and this Article 29, after the 2026 Town Meeting the Select Board shall be responsible for appointing a Tax Collector and establishing the Tax Collector's compensation. If the Town votes in "yes" to Article 28, then this Article 29 shall be void and of no force and effect. (Majority vote required).

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

Selectman King moved Article 29 to the floor. Seconded by Selectman Epperson.

Selectman McGrath moved to amend Article 29 to read: To see if the Town will vote to study the appointment, rather than the election, of a Tax Collector, while considering the separation of the Town Clerk/Tax Collector under Article 28. Seconded by Bill Epperson.

Scott Marion called the question. Seconded by Ben Tweedie. Motion carried.

Moderator Eaton called for a vote on the motion to amend Article 29. **Motion carried.**

Moderator Eaton called for further discussion on Article 29 as amended. Hearing none, **Moderator Eaton ordered Article 29 to appear on the ballot as amended.**

Selectman King moved to restrict reconsideration of all articles not previously restricted. Seconded by Scott Marion. Motion carried. Reconsideration of all articles not previously restricted hereby restricted.

<p>At 3:20 p.m., Moderator Eaton called for a recess. The meeting was reconvened at 3:35 p.m.</p>

Moderator Eaton read Article 30.

ARTICLE 30. (By Petition) Shall the Town of Rye reduce the speed limit from 35 mph to 30 mph on all town roads where the current speed limit is 35 mph, effective June 1, 2024.

Explanation: Some town roads have segments at 35 mph, preceded and/or followed by a 30 mph speed limit. This warrant article will provide for a consistent maximum town speed limit, which will promote increased safety on town roads.

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

Dania Seiglie moved Article 30 to the floor. Seconded by Elizabeth Sanborn.

Ms. Seiglie stated that this article was discussed at a meeting of the Select Board on January 29th and Attorney Maher advised the Board that the article, as written then, did not comply with state law. As a result, she would like to propose an amendment to address that problem.

Dania Seiglie moved to amend Article 30 to read: Shall the Rye Board of Selectmen implement a plan to determine which, if any, town roads or portions thereof, having a posted speed limit of 35 mph are not currently in compliance with state law and establish a speed limit of 30 mph on such roads per RSA 265:60 and RSA 259:118. Seconded by Alex Herlihy.

Alex Herlihy, 55 Lang Road, stated that last August the Civic League sponsored a meeting at the Library to discuss the issue of speeding because many residents are concerned. There was an additional meeting on October 23rd in which the Police Department and Select Board were present. He believes the Police Department is doing everything it can to reduce speeding; however, Lang Road is a dragstrip. Mr. Herlihy continued that he's not sure why, on a place like Washington Road, it starts out as 30 mph and as soon as it gets past Long John Road it turns to 35 mph. As everyone knows, signage is not going to stop certain people from speeding.

Police Chief Kevin Walsh noted that the Town has an existing Rye Driver Compliance Plan. The plan consists of education and awareness, engineering, and enforcement. The statistics are showing that Rye roads are safe. Over the last five years, the number of traffic accidents, in Rye, reported to the State of New Hampshire has dropped. So far, the plan is working and has been successful. In regard to the comments that the speed in town is unreasonable, Chief Walsh

pointed out that if this was the case, the number of accidents in town would be much higher. He commented that the Police Department is going to continue to bring awareness to the community and to provide education to the residents. Chief Walsh noted that policy should not be made on personal perception. It should be done on specific data and specific reasons why. He further noted that the Police Department will continue to do its best to make the residents feel safe every day.

Selectman Epperson stated that the warrant article, as amended, is one that was agreed to and the Select Board supports this amendment.

Ms. Seiglie noted there are roads in town that are not compliant with the law. The two ends of Central are 30 mph and the middle is 35 mph. There are specific laws that govern what roads can be 30 mph and 35 mph, depending upon the density. The roads have been around for a long time and the density has increased. Cars and the speeds at which they are capable have also changed dramatically. Also, the Town doesn't have sidewalks. The data is good, but it's just data. Just because there hasn't been a fatality recently, doesn't mean the roads are safe. She is asking residents to continue to support the efforts to make the roads safer. Even if the speed limits are reduced per law, there are still going to be people that speed. She thanked the Police Department, Public Works Department, and the Select Board for working with the residents on this project.

Moderator Eaton asked Ms. Seiglie if she would like to move to amend her amendment to add a question mark at the end. **Danie Seiglie agreed. Alex Herlihy also agreed.** Moderator Eaton called for a vote on adding a question mark to the end of the article. **Motion passed.**

Moderator Eaton called for further discussion on the motion to amend to Article 30.

Mr. Record asked Chief Walsh if there are roads in town that are not in compliance with State law. Chief Walsh replied that all roads are in compliance.

Joe Cummins moved a friendly amendment to add: Shall the Town of Rye Board of Selectmen study the utility of installing rumble strips. Moderator Eaton disallowed the friendly amendment, as it changes the subject matter of the warrant article.

Referring to Chief Walsh's comment that all roads are in compliance, Ms. Seiglie stated that she doesn't agree, as assessments have not yet been done. She pointed out there's a group of residents who are funding an assessment for Central Road. That data could determine whether or not there are parts of Central Road that are not in compliance with the RSA's. She is convinced there are multiple noncompliant roads, because of the age of the roads and the time when the speed limits were set.

Katherine Brown, 531 Washington Road, stated that the amendment isn't a good idea because there is no point, as all the roads are in compliance. Her understanding is the Select Board can't decide to lower speed limits, as they are enforced by the State to have 35 mph. She thinks that the article should be written to get the sense of the Town on whether or not the limit is perceived as too high.

Katherine Brown asked if she could offer a friendly amendment to the motion to amend Article 30 to read: Shall the Town of Rye request the select people to reduce the speed limit

from 35 mph to 30 mph on all town roads. Dania Seigle rejected the proposed amendment to the amendment.

Scott Marion called the question. Seconded by Karen Oliver. Motion carried.

Moderator Eaton called for a vote on the amendment to Article 30 to read: Shall the Rye Board of Selectmen implement a plan to determine which, if any, town roads or portions thereof, having a posted speed limit of 35 mph are not currently in compliance with state law and establish a speed limit of 30 mph on such roads per RSA 265:60 and RSA 259:118?

Motion carried.

Moderator Eaton called for further discussion on Article 30 as amended. Hearing none, **Moderator Eaton ordered Article 30 to appear on the ballot as amended.**

Scott Marion moved to restrict reconsideration of Article 30. Seconded by Karen Oliver. Motion carried. Reconsideration of Article 30 hereby restricted.

Article 31 petitioner Hugh Lee agreed to waive the reading of the original article on account of its length.

ARTICLE 31. (By Petition) To see if the Town will vote to establish a Litigation Ordinance as follows:

In order to enhance transparency and financial accountability in the operation of Town government, the voters of the Town of Rye adopt this Ordinance.

Initiation of Litigation

If the Select Board of the Town of Rye, or any Commission or Committee whose members are not elected but are appointed exclusively by the Select Board, deems it necessary or desirable to initiate litigation against any third party or to undertake an appeal to any State or Federal administrative agency or council, the Select Board shall, prior to initiation of any such litigation or appeal:

- Conduct a Public Hearing at which the Select Board shall describe the need for, anticipated costs of, estimated duration of and likely outcome of such litigation or appeal; and
- After the conclusion of said Public Hearing, vote to proceed or not to proceed with such litigation or appeal.

No funds shall be expended for any such litigation or appeal until the Select Board has voted to proceed with such litigation or appeal, following the Public Hearing.

Defense of Litigation

If litigation is commenced against the Town of Rye, or any Commission or Committee whose members are not elected but are appointed exclusively by the Select Board, the Select Board shall, within 30 days following the commencement of such litigation:

- Conduct a Public Hearing at which the Select Board shall describe the reasons why such litigation has been commenced, anticipated costs of, estimated duration of and likely outcome of such litigation and whether, and to what extent, the costs will be covered by insurance; and
- Describe what measures can be taken to minimize the cost of such litigation and to effect a resolution at the earliest reasonable date.

Annual Reporting

Between November first and December first of each year the Select Board shall conduct a Public Hearing and report on the status of all litigation and appeals in which the Town has been engaged during the year and the costs and expenses associated therewith. As to each litigation or appeal, the Select Board shall vote to continue or end such litigation or appeal.

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

Selectman King moved to amend Article 31 to read as follows: To see if the Town will vote to direct the Select Board to publish in their annual report a list of all civil litigation matters that are presently or were active during the calendar year together with the amount of legal fees and costs incurred related to each such case as of December 1 of that calendar year. Further, to see if the Town will vote to direct the Select Board to maintain and update on no less than a quarterly basis a list of all active litigation in which the Town is a party, said list to identify: (a) the case caption; (b) the court and/or administrative agency in which the matter is pending; and (c) the docket number related to such case, provided that, if the identification of the litigation would disclose information which would constitute an invasion of privacy, the Town may identify the caption using a pseudonym, i.e. "John Doe" or "Jane Doe" and may identify that the case number is "withheld." For the purposes of this warrant article, "litigation" shall be defined as any matter brought by or against the Town, or in which the Town has sought status as an intervenor, and which is filed with a State or Federal court or administrative agency but shall not include criminal prosecutions initiated by the Town Prosecutor, County Attorney, Attorney General, or any other prosecuting entity. **Seconded by Selectman McGrath.**

Moderator Eaton called for discussion on the motion to amend Article 31.

Hugh Lee offered a friendly amendment to remove the words "in the annual report" from the amendment. Selectman King agreed to the friendly amendment. Selectman McGrath concurred.

Moderator Eaton called for further discussion on the motion to amend Article 31 as amended.

Mr. Lee commented that he appreciates the efforts of the Select Board and Attorney Maher to make adjustments to the petitioned warrant article that he presented. The objective was to provide some light on the Town's litigations and claims. He thinks this is a reasonable solution and he supports the amendment.

Christopher Guerin asked what the list would look like.

Attorney Maher commented that he envisions a list that would be posted on the Town's website that would identify the legal expenditures, as of December 1st, that had been incurred for all the active litigation. The idea for this being that this is the time of budget season, when warrants and petitioned articles are being prepared, so folks would have this information. There would be a quarterly list, but the tabulation of costs is what would be provided for year-end.

Mr. Marttila asked if the Select Board would be reconsidering its recommendation if this amendment passes. Selectman King confirmed that it would.

Mr. Borne asked what would be reported that is not already reported in the Annual Report. Attorney Maher explained it's largely a matter of timing. The Annual Report is issued

immediately before town meeting. This is to provide the information to the voters and the public earlier. The other difference is that there will be a quarterly list that will be updated on a quarterly basis.

Mr. Lee pointed out that the other difference is that it would list the cost of litigation and not just lawyer fees. What's in the annual report now is legal expenditures. This does not include consulting expenditures, which he anticipates would be included in the costs of these various litigations.

Scott Marion called the question. Seconded by Rob Wright. Motion carried.

Moderator Eaton called for a vote on the motion to amend Article 31 and restated the motion. **Motion carried. Article 31 hereby amended.**

Hearing no further discussion on Article 31, **Moderator Eaton ordered Article 31 to appear on the ballot as amended.**

Selectman King moved to restrict reconsideration of Article 31. Seconded by Scott Marion. Motion carried. Reconsideration of Article 31 hereby restricted.

Moderator Eaton read Article 32.

ARTICLE 32. (By Petition) To see if the Town will vote to correct the boundary of the Town Forest, as established in 1981, that mistakenly included land acquired in 1961 specifically for the purpose of "...an addition to the Central Cemetery" and "...for the purpose of enlarging the Central Cemetery...", as set forth in 1961 Warrant Articles, utilizing a concise metes and bounds description. The described boundaries of the Town Forest shall henceforth exclude the land described in Warrant Article 11 of the 1961 Town Warrant. This Warrant Article hereby confirms the exclusion of all of the 1961 Article 11 cemetery land from the Town Forest. This Warrant Article further authorizes and directs the Select Board to do all things necessary to correct and amend the easement granted to the Rockingham County Conservation District, to conform with the corrected boundary description of the Town Forest as set forth above. This Warrant Article further authorizes and directs the Select Board to do all things necessary to effect the purposes of the foregoing.

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

Selectman McGrath moved Article 32 to the floor. Seconded by Hugh Lee.

Suzanne McFarland moved to amend Article 32 to read: To see if the Town will vote to alter the boundaries of the Town Forest, as established in 1981, utilizing a concise metes and bounds description to be provided by a surveyor and further to authorize the Select Board, Conservation Commission, and the Cemetery Trustees, to alter the location of the Rye Town Forest and to correct the Conservation Easement granted by the Town to the Rockingham County Conservation District on January 29, 2001 (recorded at Rockingham County Registry of Deeds Book 3539, Page 0314) related to the Rye Town Forest, in accordance with the following parameters:

- A. The unwooded portion of the so-called "Perry Walker Tract" that was conveyed to the Town of Rye in 1961 for the purposes of "enlarging the Central Cemetery" will be removed from and unburdened by the Conservation Easement
- B. The wooded portion of the Perry Walker Tract to the immediate north of the Cemetery Annex (hereinafter the "wooded uplands") will be removed from and unburdened by the Conservation Easement.
- C. The lands identified in Paragraphs A and B will be under the management and control of the Cemetery Trustees.
- D. The Conservation Commission will retain a perpetual easement, 20 feet in width, over the wooded uplands for the red trail and such portions of the orange trail that are within those wooded uplands. The Cemetery Trustees shall have the option in the future to relocate the easement for red trail and orange trail (if the latter is included in the easement area), to along the perimeter of the cemetery lands that are along the existing stone wall adjacent to the Cemetery Annex, provided that the cost for the laying out, grading, and clearing of such a trail shall be paid by the Cemetery Trustees. If the Cemetery Trustees exercise that option, the perpetual easement referenced would be amended to the relocated red trail and/or orange trail.
- E. The trees on the wooded uplands are to remain unless and until that space is needed for cemetery purposes in the discretion of the Cemetery Trustees.
- F. The Cemetery Trustees will consult with the Conservation Commission regarding the location of any cemetery road constructed in the wooded uplands if that cemetery road crosses the red trail, provided that, if the Cemetery Trustees and the Conservation Commission are unable to reach agreement after good faith discussion as to that cemetery road, the Cemetery Trustees shall have the final say as to the location of that cemetery road.
- G. For the avoidance of any disturbance of funerals, signage shall be posted along the red trail at the entry of the cemetery lands identifying that the land is part of the cemetery and stating that "users are advised to exercise proper respect and consideration for funerals and their attendees," or words to that effect. The cost of the signage will be borne by the Cemetery.
- H. The Cemetery Trustees will not grade the wooded uplands until it is reasonable and prudent to do so in the discretion of the Cemetery Trustees.
- I. The portion of the Perry Walker Tract located to the south of the Cemetery Annex, largely comprised of wetlands, will remain in the conservation easement, with the exception of the portion of those lands that are presently used by the Cemetery Trustees for storage.
- J. The survey of the metes and bounds description will be funded by the Select Board and Conservation Commission, with the metes and bounds description to be approved by the Select Board, Cemetery Trustees, and Conservation Commission.

Further, to authorize the Select Board, Cemetery Trustees, and Conservation Commission to enter into an agreement formalizing the terms set forth above and to execute any documents and take all other necessary actions related to this Article. (Majority Vote Required)

Motion seconded by Scott Marion.

Moderator Eaton called for discussion on the motion to amend Article 32.

Attorney Maher explained that in the 1960's, there was a lot that was deeded to the Town for the purposes of expanding the cemetery. A portion of that lot was graded, cleared, and prepared for cemetery lots, which is now called the Cemetery Annex at the rear of the cemetery towards the Town Forest. In 1981, there was a warrant article to establish the Town Forest, which was to include the wooded portions of the Perry Walker Tract. In 2001, the Town Forest was deeded

into a conservation easement. At the time the conservation easement was prepared, the entire area of the Perry Walker Tract was included into the conservation easement, inclusive of both the wooded and unwooded portions. This was identified in late 2021. The Select Board, Conservation Commission, Rockingham County Conservation District (RCCD), and the Cemetery Trustees met to discuss a framework for an agreement that was initially agreed upon in 2022. Some additional surveying was done to confirm the existence of wetlands on a piece of the parcel. There were some other opportunities that were presented that were related to acquiring some potential land from the Church, so the matter was delayed in terms of resolving the issue. Mr. Lee sent in his petitioned warrant article for this year. It was also learned around that time that the opportunity with the Church did exist, so that resurrected the 2022 arrangement. All parties met and worked very hard to bring this proposal together in time for the Deliberative Session. This amendment is the product of the Cemetery Trustees, Conservation Commission, Select Board and RCCD. All parties have agreed to this framework, reviewed, and agreed to the amendment as written. He believes this amendment will resolve the issue.

Mr. Lee commented that he trusts that everyone involved will work diligently to get this done and resolve any issues.

Hearing no further discussion, Moderator Eaton called for a vote on the motion to amend Article 32. **Motion carried. Article 32 hereby amended.**

Moderator Eaton called for discussion on Article 32 as amended. Hearing none, **Moderator Eaton ordered Article 32 to appear on the ballot as amended.**

Mike Garvan moved to restrict reconsideration of Article 32. Seconded by Scott Marion. Motion carried. Reconsideration of Article 32 hereby restricted.

Moderator Eaton read Article 33.

ARTICLE 33. (By Petition) To see if the Town will vote to appropriate human and technical resources needed to document all procedures for obtaining a building permit. Documentation shall include, but is not limited to, how commissions such as RCC (Rye Conservation Commission) and DRC (Demolition Review Committee) are to be engaged, by whom and when. Documentation shall also specify the legal limitations on the RCC, DRC and any other appointed (un-elected) committees in terms of their recommendations.

Procedures will also address zoning and planning variances, including: how an applicant can be adequately prepared for presentation to said committees, the limitations on committees revisiting previously determined elements of a submission and expectations on how long a decision will take as well as any costs that may be incurred.

These procedures will include a schedule of fees and expected expenses, as well as reasonable expectations for how long each step of the process will take. This information will enable applicants to better plan and prepare a budget for their building maintenance and improvement projects and in so doing use the time of the ZBA (Zoning Board of Adjustment) and PB (Planning Board) more efficiently in service to the Town of Rye and the applicants.

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

Jenn Madden moved Article 33 to the floor. Seconded by Elizabeth Sanborn.

Jenn Madden, 620 Central Road, stated that the article speaks for itself. All it's asking for is to document the process for obtaining a building permit.

Selectman McGrath moved to amend Article 33 to read: To see if the Town will vote to Authorize the Select Board to prepare an informational guide to assist the land use applicants, developers, and members of the public with regards to the building and the land use processes in the Town of Rye. Said guide to identify the various ordinances, rules, and regulations applicable to building and land use, as well as various applications, checklists and fee schedules which may be applicable. Seconded by Mr. King.

Moderator Eaton called for discussion on the proposed amendment to Article 33.

Ms. Madden commented that she likes the amendment, but there is one piece that wasn't included. She wonders if the article could include providing a resource to the applicant at the beginning of the process to help guide them through, versus just providing the information on a website. Attorney Maher stated he isn't sure this is something that the Town can do. That's really the role of the applicant's attorney, engineer, or architect. The Town has a planning and zoning administrator that provides some assistance. However, the level of assistance a municipality can provide an applicant implicates concerns associated with conflicts of interest. It creates the impression that the Town is helping an applicant through a process and there may be abutters who have problems with the project. That's why having an in-house shepherd is not a feasible process.

Ms. Madden noted that the Planning Board used to have a Technical Review Committee, but there was never that opportunity for zoning. It would be similar to that. It's not an advocacy role. It would be a facilitator. She doesn't want to limit the article to just providing information that may or may not be helpful in navigating the process. Attorney Maher pointed out that the article as proposed doesn't identify that the Town will have somebody that acts in that role. Ms. Madden commented this would be part of procedures. Attorney Maher addressed what the word "procedures" would mean in the article.

Selectman Epperson stated that he understands the intent of the warrant article is to make the process more streamlined. He noted that the Town has hired Rockingham Planning Commission (RPC) to assist the Planning/Zoning Administrator in looking at applications. What will happen now is that RPC will be evaluating the applications for what is going to be needed for variances and relief, which will be reported back to the Planning/Zoning Department. This will at least relieve one meeting that applicants have to go through to determine those things. He continued this has to be looked at in a realistic way, because every application is different.

Patricia Losik, 525 South Road, Planning Board Chair, spoke about the planning board process. She noted that the current Planning/Zoning Administrator reviews the applications when they come in and picks out most, if not all, the threshold issues. Her thoughts are balanced with current planners who are working with many communities. Those reports from RPC come back to the Planning/Zoning Administrator and are shared with the Planning Board. This gives a better start to the process. On top of that, RPC planners attend planning board meetings. Not only are there three engineers and very smart people on the Planning Board, there is also Administrator Reed and RPC. In regard to the Technical Review Committee, the Planning Board is addressing this and RPC will be working on this component for the first part of this year. She pointed out that the Technical Review Committee would be made up of department

heads and Administrator Reed. This would allow for a fresh set of eyes, in a group effort, to look at the key issues, which can be addressed early in the process. The best start is for a well-informed applicant to come to the Planning Board with a good team; engineers, attorneys, and surveyors.

Ms. Madden stated she is not focused on the ledge and wetlands. She is focused on the person who walks in the door and needs information on what to do. There is plenty of room to provide framework and an expectation for what people can expect.

Selectman King stated that the Town has a planning/zoning administrator, land use assistant, and RPC. There's also a new part-time building inspector position in the budget to help keep up with the workload. The Select Board is well aware of the issues and has put money into it. The Select Board, with the Town counsel advice, has offered this amendment. It's a step in the right direction without creating additional liabilities for the Town.

Ms. Madden stated that she is asking for an organizational flow chart. It needs to address the internal flow of an application. As long as that verbiage does it, then it's on the right track.

Gary Terhune, 7 East Atlantic Ave., stated that he and his wife went through the pain and suffering of building a home in 2019. Anything that the Board can do to help to lessen that suffering with the process, would be fantastic.

Mr. Drake stated that the amendment is a good faith start and gets at a lot of what the original petitioner is looking for.

Frank Drake called the question. Seconded by Elizabeth Sanborn. Motion passed.

Moderator Eaton called for a vote on the motion to amend Article 33. **Motion carried. Article 33 hereby amended.**

Moderator Eaton called for discussion on Article 33 as amended. Hearing none, **Moderator Eaton ordered Article 33 to appear on the ballot as amended.**

Selectman King moved to restrict reconsideration of Article 33. Seconded by Scott Marion. Motion carried. Reconsideration of Article 33 hereby restricted.

Moderator Eaton read Article 34.

ARTICLE 34. 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 2024.

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

Selectman King moved Article 34 to the floor. Seconded by Selectman Epperson.

Selectman King noted that this article is presented every year, as the Public Works Department auctions off surplus town equipment in the fall.

Hearing no further discussion, **Moderator Eaton ordered Article 34 to appear on the ballot as written.**

Moderator Eaton read Article 35.

ARTICLE 35. To transact any other business which may legally come before this meeting.


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

Mr. Marion thanked Moderator Eaton for his years of service as Town Moderator. He noted that the Town is certainly sending him out with a “bang” and Moderator Eaton handled it as well as he always does, even better.

The Town expressed their sincere appreciation to Moderator Eaton.

No further business was brought before the Deliberative Session.

Selectman King moved to adjourn the Deliberative Session at 5:10 p.m. Seconded by Selectman Epperson. Motion carried. Meeting adjourned.


Respectfully Submitted,
Donna DeCotis
Town Clerk