

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

February 5, 2022

DELIBERATIVE SESSION

At 9:00 a.m., on the 5th day of February 2022, 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 called for a moment of silence in remembrance of Rye Residents who passed away in 2021 and for all those around the world who lost their lives due to Covid-19.

Moderator Eaton then introduced Select Board Chair Bill Epperson.

Chair Epperson stated that as many people know, Attorney Michael Donovan has retired from his position as town counsel for Rye. He introduced Attorney Eric Maher, of Donahue, Tucker and Ciandella, who has taken the position of town counsel for Rye. Attorney Maher has an extensive amount of experience in municipal law, land use and development, administrative law and civil litigation. Attorney Maher is licensed in New Hampshire, Vermont and Massachusetts. He routinely appears before the N.H. Board of Tax and Land Appeals and the Public Utilities Commission (PUC). Prior to joining DTC, Attorney Maher worked at the Educational Advocacy Clinic in Boston advocating for students' rights and special education services. Before Attorney Maher was a successful lawyer, he worked for the N.H. Marine Patrol and was assigned to patrol the seacoast area. He also worked as a part-time police officer for the Danville Police Department. A little fun fact, Attorney Maher was also a Jeopardy champion.

Chair Epperson noted that Public Works Director Dennis McCarthy retired at the end of 2021. Jason Rucker has been assigned to the position of Public Works Director. Mr. Rucker comes to Rye with fourteen plus years of experience in equipment operations, winter maintenance, solid waste disposal and general road maintenance. In addition, he is a state certified culvert maintainer, salt applicator and master road scholar. Prior to his municipal work, Mr. Rucker worked for thirteen years as a wildlife guide in Alaska and owned his own outdoor center at the Denali National Park.

Chair Epperson introduced Dyana Martin who will be filling the position of Recreation Director starting in March. She served as Hampton Recreation Director for twenty-two years. She left Hampton in 2018 to pursue a career in sales; however, her passion is with recreation and she is thrilled to be back in that position. Ms. Martin has been a member of the National Recreation and Park Association for thirty-two years. She is also a twenty-nine-year member of the N.H. Recreation and Parks Association and a certified lifeguard. He welcomed Ms. Martin and looks forward to having her onboard.

Moderator Eaton continued with the introductions of town officials on the stage: Select Board Vice-Chair Phil Winslow; Select Board Member Tom King; Town Administrator Becky Bergeron. He also introduced Town Clerk/Tax Collector Donna DeCotis.

Moderator Eaton introduced the candidates who are in competitive races for Town and School District offices and invited those present to stand.

- Select Board, 1 seat for a 3-year term: Bill Epperson and Cathy Hodson
- Library Trustee, 1 seat for a 3-year term: Victor Azzi and John Hart
- Supervisor of the Checklist, 1 seat for a 3-year term: Karen Oliver and Joanne Meyer
- Zoning Board of Adjustment, 1 seat for a 1-year term: Sandra Chororos, Jenn Madden and John Mitchell
- School Board, 2 seats for 3-year terms: Susan Ross, Katherine Errecart and Danielle Maxwell

All candidates for office are posted on the town website.

Moderator Eaton reminded everyone that the Rye School District Deliberative Session is being held at 6:30 p.m. on Tuesday, February 8th at the Rye Junior High School. The Town and School election for local offices and warrant articles will be held on Tuesday, March 8th at the Rye Elementary School. The polls will be open from 8:00 a.m. until 7:00 p.m. Residents may apply for an absentee ballot up to the day before the Election. There will be a virtual interactive candidates' night that will be broadcast live on February 24th at 7:00 p.m.

Moderator Eaton read his rules for the meeting:

1. Meeting Purpose: The purpose of this meeting is to discuss and debate the articles on the Town Warrant. However, this meeting cannot remove articles from the ballot. Up or down voting on an article only occurs at the March election. However, you may amend most articles 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 summarize each article in the order that it appears on the warrant, unless somebody moves to take an article out of order. The whole article will be projected on the screen. There are also hard copies available. I will ask for a motion and a second to move the 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 staying six feet apart. There is a separate microphone for maskless speakers. When it's your turn, introduce yourself by name and street address. I will recognize all people who want to speak to an article before recognizing someone who wishes to speak a second time. Remember, we are

here in the spirit of fair debate. Some of you may be passionate about an issue. 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 a personal attack. 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. Same as last year, I am limiting speakers, including article sponsors, to three minutes. When there is thirty seconds left, Steve Borne will hold up a yellow card for everyone to see. When the time is up, he will hold up a red card, at which time I will ask you to please conclude your remarks. I will use my discretion to let a person speak longer if it is warranted by the circumstances.

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 so I can read it. Give your amendment to the runner, who will give it to me. I will read the amendment and open the floor for discussion. When you are ready to vote, I will restate the amendment. There are five limits to amendments. First, articles whose words are prescribed by law may not be amended. Second, I will not allow motions to amend the amendments before the original amendment is voted on. Third, an amendment may not add a new subject. Fourth, you cannot increase the budget, including warrant articles, by more than ten percent, unless the article uses specific language seeking to override the ten percent limitation. Finally, amendments cannot eliminate an article's subject matter.

5. Voting: If you haven't already done so, check in at the clerk's table, get a red voting card and sign it. To vote, I will ask you to raise your card. I will only vote if my vote will break or create a tie. We will vote by secret ballot if, before voting on an article, five voters who are present, sign a written request for a secret ballot. If there is a secret ballot and you are not wearing a mask, we will bring the ballot box to you.

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

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

8. Restricting Reconsideration: You may also move to restrict reconsideration of an article, but only after I order an article to be placed on the ballot. The motion 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 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 to 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 8th. There is nothing to discuss or debate. Article 3 proposes five amendments to the Rye Zoning Ordinance. Those are usually not discussed because by law they cannot be amended. If anyone would like to make a motion to discuss any part of Article 3 that motion may be made now. Hearing no such motion, **Moderator Eaton ordered Article 3 to appear on the ballot as written.**

Moderator Eaton read Article 04.

ARTICLE 04. 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 eleven million one hundred fifty-one thousand five hundred thirty-four dollars (\$11,151,534)? Should this article be defeated, the default budget shall be ten million six hundred eighty-five thousand eight hundred fifty-one dollars (\$10,685,851) 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. (9-0)

Selectman Epperson moved Article 4 to the floor. Seconded by Selectman Winslow.

Moderator Eaton asked Selectman King to speak to Article 4.

Selectman King stated that the proposed 2022 Rye Operating Budget of \$11,151,534 is \$396,868 greater than last year for an increase of 3.69%. The primary factors for this increase are the 2.75% COLA for town employees, a new land use administrative assistant position and an expansion of the previous part-time assistant building inspector to a full-time position. The land use administrative assistant with salary and benefits adds approximately \$100,000 to the budget, while the expansion of the building inspector's position adds roughly \$50,000 more than what was budgeted in 2021 for the part-time position. The combination of increased requirements and associated workload, due to the building growth in town and Covid Pandemic-related employment issues, drives the need for these two positions to be full-time. After spending over a year unsuccessfully attempting to hire a part-time building inspector, the Select Board agreed to a recommendation to convert this part-time position to full-time. The Town has since welcomed Vincent Bauer as the assistant building inspector. The Select Board also recognizes the need for

professional assistance in monitoring the conditional requirements which have become routinely levied upon building projects by the three principal land use boards (planning, zoning and conservation), to protect the water and other limited natural resources from contamination. A quick scan of the year over year increases by department on the budget sheet will highlight the results of a personnel change in the building and grounds maintenance position in the Town Custodian Budget and significant cost increases for materials, goods and services, and utilities. Large percentage increases in other budgets, such as the Historic District Commission, Heritage Commission and Energy Committee, are generally due to increased printing and transcription costs, but do not significantly affect the budget. The default budget is \$10,685,851 if this article is not approved.

Moderator Eaton called for discussion on Article 4.

Jaci Grote, 124 Washington Road, Chair of the Rye Budget Committee, thanked all departments who worked very hard to put their budgets together for this year in a very efficient way. She also recognized the cooperation and support given by the Select Board when the Budget Committee has questions or wants to discuss issues in town that need debate or further information.

Hearing no further discussion, **Moderator Eaton ordered Article 04 to appear on the ballot as written.**

Moderator Eaton read Article 5.

ARTICLE 05. To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000) for the purchase of a front-end loader and to authorize the withdrawal of two hundred thousand dollars (\$200,000) from the Highway Heavy Equipment Capital Reserve Fund created in 1994 for this purpose. This article has no current tax impact. (Majority vote required.)

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

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

Selectman Winslow stated that out of the twenty-four articles that are being discussed today, sixteen are capital reserves and expendable trust funds. The use of the capital reserves and expendable trust funds are a means to stabilize the tax rate and eliminate spikes. Funds are placed on a regular basis each year into expendable trust funds and capital reserves to smooth out the spikes in the tax rate.

Selectman Winslow continued that Article 5 is to appropriate the sum of \$200,000 for the purchase of a front-end loader and to authorize the withdrawal of \$200,000 from the Highway Heavy Equipment Capital Reserve Fund created in 1994 for this purpose. This will have no tax impact. The current Caterpillar IT28F was purchased in 1996 for \$119,000 and has 11,213 hours of use. The projected service life of the loader is twenty-five years. This loader is currently

assigned to the Transfer Station. On replacement, it will be assigned to the Highway Division. The 2014 Baldwin 160 that the Highway Division is using will move to the Transfer Station. The replacement of these two pieces of equipment is done about every ten to fifteen years.

Moderator Eaton called for discussion on Article 5. Hearing none, **Moderator Eaton ordered Article 5 to appear on the ballot as written.**

Moderator Eaton read Article 6.

ARTICLE 06. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Highway 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 Winslow moved Article 6 to the floor. Seconded by Selectman King.

Moderator Eaton asked Selectman Winslow to speak to Article 6.

Selectman Winslow noted there is currently \$168,972 in the Highway Heavy Equipment Capital Reserve Fund. In order to take \$200,000 for the purchase of the front-end loader, money will need to be placed in this fund in order for the transaction to move forward. This fund was created in 1994. The objective of the fund is to smooth out cost issues in order to stabilize the tax rate.

Moderator Eaton called for discussion on Article 6. Hearing none, **Moderator Eaton ordered Article 6 to appear on the ballot as written.**

Moderator Eaton read Article 7.

ARTICLE 07. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Fire and Ambulance Vehicle Capital Reserve Fund the purpose of which was amended by Article 15 of the 2018 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required).

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

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

Moderator Eaton asked Selectman Winslow to speak to Article 7.

Selectman Winslow noted there is currently \$282,242 in the Fire and Ambulance Vehicle Capital Reserve Fund. The last withdrawal from the fund was for a mini-pumper in the amount of \$100,000. The mini-pumper was purchased for \$300,000 and \$200,000 came from Fund 14, which is a special revenue fund. The balance of Fund 14 is \$76,070.

Moderator Eaton called for discussion on Article 7.

Steven Borne, 431 Wallis Road, pointed out that \$50,000 every year from the Grove Road cell tower goes into this fund. He asked if the Port Way cell tower revenue is going to go into this fund.

Selectman Winslow pointed out that currently there are no funds coming in from the Port Way cell tower because it's not in operation yet. The intention is for those funds to go into the general fund, until it's known where that money should go.

Moderator Eaton called for further discussion on Article 7. Hearing none, **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 one hundred thousand dollars (\$100,000) to be added to The Municipal Buildings Construction and Renovation Capital Reserve Fund established by Article 9 at the 2020 Town Meeting under the provisions of RSA 35:1 for the purpose of construction or renovation of town owned 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 Winslow moved Article 8 to the floor. Seconded by Selectman King.
Moderator Eaton asked Selectman Winslow to speak to Article 8.

Selectman Winslow asked Town Administrator Becky Bergeron to speak to the article.

Town Administrator Bergeron explained that when this account was established by town vote in 2020, it was funded with \$280,000 from the sale of the old trolley barn. At that time, the Select Board clearly identified the use of this fund for the purpose of renovations at the TD Bank building. Currently, those funds are being expended for that purpose. Since the time this account was established, other construction and renovation projects have come to light that will need to be addressed in the near future. The Transfer Station is in need of significant renovations and reconstruction in order to correct potential safety hazards and increase the efficiency of operations. The garage at Public Works is in need of serious renovations in order to create safe working conditions for the employees. Also, at this current time, there are three cruisers, one fire vehicle and a slide unit for brush that are being left outside in the elements. If a garage could be constructed in back of the Public Safety Building to encompass those, as well as encompass the exterior oil tank, the Town could cease using blended fuel which is significantly more expensive than heating fuel. Although the Select Board would also not rule out using this fund to augment the renovations currently being conducted at the TD Bank building, there are other projects of equal priority that this fund would benefit.

Moderator Eaton called for further discussion of Article 8. Hearing none, **Moderator Eaton ordered Article 8 to appear on the ballot as written.**

Moderator Eaton read Article 9.

ARTICLE 09. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be placed in the expendable general trust fund known as the Town Employees' Accumulated Leave Fund, established pursuant to RSA 31:19-a by Article 14 of the 1990 Rye Town Meeting for the purpose of funding Town Employees' accumulated leave accounts. This appropriation is in addition to the operating budget. (Majority vote required.)

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

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

Moderator Eaton asked Selectman Epperson to speak to Article 9.

Selectman Epperson noted that Article 9 concerns the Employees' Accumulated Leave Fund. Ordinarily, the Town's auditors like to see 50% of the liability to be in that fund. As of the end of 2021, the total liability for the entire Employee Leave Fund was \$677,091, which would be \$338,545 for 50%. By placing \$100,000 into this fund, it would bring the fund to the 50% minimum.

Moderator Eaton called for further discussion on Article 09.

Steven Borne stated that every year there's the same statement about getting to the 50%; however, it's jumped from \$50,000 to \$100,000. He asked why the Town had was adding an additional \$50,000 this year. He thinks there was negotiating with the last contracts to limit the number of days the employees can carry forward. He also asked what is additionally being done to prevent such a big liability when the contracts are renegotiated. He pointed out this was a question that was asked at the budget analysis meeting.

Referring to the number of days in the contract, Town Administrator Bergeron explained that this has not changed. The number of days an employee can be paid upon expiration did not change in this contract. The reason for the jump is because historically, the Town has not met the 50% minimum. The Town is really trying hard to meet the requirements of the audit.

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

Moderator Eaton read Article 10.

ARTICLE 10. To see if the Town will raise and appropriate the sum of thirty-five thousand dollars (\$35,000) to be added to The Municipal Buildings Maintenance Expendable Trust Fund established by Article 11 at the 2007 Town Meeting under the provisions of RSA 31:19-a, for the

purpose of major repairs to municipal buildings. This appropriation is in addition to the operating budget. (Majority vote required.)

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

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

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

Moderator Eaton asked Selectman Epperson to speak to Article 10.

Selectman Epperson noted that this article is for The Municipal Buildings Maintenance Expendable Trust Fund. Currently, there is \$175,859 in that particular fund. The last expenditure from that fund was \$8,478 for the water storage tank replacement at the Public Safety Building.

Moderator Eaton called for further discussion on Article 10. Hearing none, **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 thirty thousand dollars (\$30,000) for the purpose of developing a Wastewater Asset Management Plan to authorize the Sewer Commission to borrow thirty thousand dollars (\$30,000) from the New Hampshire Department of Environmental Services (DES) Clean Water Revolving Fund and to appropriate the amount of three hundred dollars (\$300) for interest payments during 2022. This DES program includes principal forgiveness, thus there is no cost to the town other than a small amount of interest. This appropriation is in addition to the operating budget. (3/5 vote required.)

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

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

Selectman Winslow moved Article 11 to the floor. Seconded by Selectman King.

Moderator Eaton asked Selectman Epperson to speak to Article 11.

Selectman Epperson deferred to Sewer Department Administrator Lee Arthur.

Administrator Arthur stated that the Clean Water State Revolving Fund is a federal and state partnership that provides communities with financing for a wide range of projects. N.H. DES is currently offering loan forgiveness for asset management and waste water. This is an opportunity to develop an asset management plan by just paying for a small amount of interest. This is the same as a 2018 warrant article that the Highway Department proposed for stormwater management. In order to apply, the authority to borrow the full amount of the loan, including principal forgiveness and interest accrued, must be obtained. The scope of the work will include all vertical and horizontal assets and cover the cost of software, equipment purchases, and contract services. The deliverables will be integrating the existing horizontal collection system data into a software platform, asset inventory, value of assets owned, prioritize of assets based on condition assessment and lifecycle analysis, which is much needed. This will identify and prioritize assets so the Sewer Department can plan financially for the future. The asset

management plan will include an implementation process, communication process with the public, and staff training.

Moderator Eaton called for further discussion of Article 11. Hearing none, **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 establish a 400th Anniversary Celebration Expendable Trust Fund under the provisions of RSA 31:19-a for the purpose of creating a fund to support activities in conjunction with the Town's 400th anniversary and to raise and appropriate the sum of twenty thousand dollars (\$20,000) to be placed in this fund and to appoint the Selectmen as agents to expend from this fund. (Majority vote required.)

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

Selectman Winslow moved Article 12 to the floor. Seconded by Selectman Epperson.

Moderator Eaton asked Selectman King to speak to Article 12.

Selectman King stated that this article proposes to establish a 400th Anniversary Celebration Expendable Trust Fund and add \$20,000 as initial funding. The year 2023 is the four hundredth anniversary of the founding of Rye, along with Portsmouth, Dover and New Castle. The Select Board is currently in the process of forming a Rye 400th Committee to orchestrate the anniversary celebration, which will include organizing events, communications and marketing. Celebrations are envisioned to encompass diverse events, programs and locales. Since this committee has not yet been formed, the Select Board is speaking to this article. The goal of the 400th Committee is to give the community an opportunity to tell a story that is important to the Town through programs, events, exhibits and projects. It will focus on the people of Rye and explore the past, present and future of the Town. The Committee is intended to be a coordination center for any organization that wishes to participate. The vision is to have a vehicle for tax exempt donations and to guide anchor events, such as a parade and fireworks. The reason an expendable trust fund is being created is to allow the funds to be raised in both this year and next year, with some spent this year and next year for long lead items, without having to worry about lapsing appropriations expiring this year.

Moderator Eaton called for discussion on Article 12. Hearing none, **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 fifteen thousand dollars (\$15,000) to be added to the Revaluation Capital Reserve Fund established by Article 24 at the 2020 Town meeting pursuant to RSA 35:1 for the future revaluation of the Town so that the assessments are at full and true value at least as often as every fifth year. This appropriation is in addition to the operating budget. (Majority vote required.)

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

Selectman Winslow moved Article 13 to the floor. Seconded by Selectman Epperson.
Moderator Eaton asked Selectman King to speak to Article 13.

Selectman King noted that the properties in town have to be reevaluated at a minimum of every five years and this is currently the system in Rye. This year is the fifth year, so there is a revaluation currently taking place. This fund was created several years ago with \$30,000 being added for the past two years. The contracted price for the revaluation for this year is approximately \$60,000. That is what's in the fund currently, so this will zero out the fund. The article is requesting \$15,000 to be added to the fund and this will be the initial installment going forward, so over the course of five years the Town will be able to fully pay for the next revaluation.

Moderator Eaton called for discussion on Article 13. Hearing none, **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 raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the Goss Barn Maintenance Expendable Trust Fund established by Article 13 at the 2021 Town meeting pursuant to RSA 31:19-a for the maintenance of the Goss Barn 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 recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Winslow moved Article 14 to the floor. Seconded by Selectman Epperson.
Moderator Eaton asked Selectman King to speak to Article 14.

Selectman King explained that the request is to add \$10,000 to the Goss Barn Maintenance Expendable Trust Fund, which was created last year. This fund is intended to be used for maintenance and repair of the Goss Farm Barn. The current balance of this fund is \$45,000. He asked Conservation Commission Member Mike Garvan to speak to the article.

Mike Garvan, 220 Washington Road, Conservation Commission Member, noted that for the past eight years, the Goss Barn has not required any major maintenance. However, the Conservation Commission is now looking at a couple of projects that need to be undertaken to shore up the barn to make sure its structural integrity is as it should be. The first project is the sheathing on the east and west ends, which needs to be replaced. The second project is the vertical barn boards on the north and south side of the barn. Water is now penetrating through the cracks and the knot holes. The Conservation Commission has estimates for both the projects. The money that was appropriated last year was planned for the sheathing project. However, because of the

delay in the Town Meeting and delays associated with construction due to Covid, the funds were not able to be expended. The estimate is \$30,000 for the sheathing, plus painting of \$8,000 to \$10,000. The second project, which is not anticipated to be done immediately, is estimated at \$32,400. An additional \$10,000 would be a very welcome addition to the trust fund.

Moderator Eaton called for discussion on Article 14. Hearing none, **Moderator Eaton ordered Article 14 to appear on the ballot as written.**

Selectman Winslow moved to restrict reconsideration of Articles 4 through 14. Seconded by Selectman Epperson. Moderator Eaton called for a vote. Motion carried. Moderator Eaton declared that reconsideration of Articles 4 through 14 was thereby restricted.

Moderator Eaton read Article 15.

ARTICLE 15. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the Library Employees' Accumulated Leave Fund established by Article 22 at the 2018 Town Meeting under the provisions of RSA 31:91-a, for the purpose of funding Library Employees' accumulated leave. This appropriation is in addition to the operating budget. (Majority vote required.)

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

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

Selectman Winslow moved Article 15 to the floor. Seconded by Selectman Epperson.

Moderator Eaton asked Selectman Winslow to speak to Article 15.

Selectman Winslow noted that this is the Library Employees' Accumulated Leave Fund. There is currently \$29,769 in the fund. The last payment out of the fund was \$319 for an employee separation.

Moderator Eaton called for discussion on Article 15. Hearing none, **Moderator Eaton ordered Article 15 to appear on the ballot as written.**

Moderator Eaton read Article 6.

ARTICLE 16. To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be added to the 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 Winslow moved Article 16 to the floor. Seconded by Selectman King.

Moderator Eaton asked Selectman Winslow to speak to Article 16.

Selectman Winslow explained that this fund is used for maintenance of the Rye Public Library. The fund currently has \$35,622 and the last withdrawal was for an HVAC/UV system in the amount of \$2,625.

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

Moderator Eaton read Article 17.

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Rye Public Library 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 Winslow moved Article 17 to the floor. Seconded by Selectman Epperson.
Moderator Eaton asked Selectman King to speak to Article 17.

Selectman King noted this article proposes to add \$5,000 to the Public Library HVAC Capital Reserve Fund which is solely for the purpose of maintenance and replacement of the library's HVAC equipment. The current equipment is nearing the end of its useful life but replacement has been delayed due to potential library expansion plans, which have been postponed. The current estimated replacement cost is approximately \$65,000 and the current fund balance is a little over \$60,000. The \$5,000 addition will make the full cost of replacement available should a failure occur.

Moderator Eaton called for discussion on Article 17. Hearing none, **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 change the purpose of the Recreation Building Capital Reserve Fund established by Article 12 of the 1996 Town Meeting to the Recreation Buildings and Property Maintenance Fund for the purpose of creating a maintenance fund for all Recreation buildings and associated land and to designate the Select Board as agents to expend and to raise and appropriate the sum of five thousand (\$5,000) to be placed in this 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. (8-0)

Selectman Winslow moved Article 18 to the floor. Seconded by Selectman King.

Moderator Eaton asked Selectman Epperson to speak to Article 18.

Selectman Epperson explained the purpose of the article is to change the name and purpose from Recreation Building Capital Reserve Fund to Recreation Buildings and Property Maintenance Fund for the purpose of doing maintenance, which would allow the Recreation Commission to put forward their request to repair the stairs at the recreation fields. Instead of creating another capital reserve fund to do that project, it was suggested to amend the name of the existing CRF and the purpose to reflect what it's specifically for.

Moderator Eaton called for discussion on Article 18.

Shawn Crapo, 676 Central Road, asked if the first sentence should be amended to read to see if the Town will vote to change the name and purpose. He noted that "name change" is not mentioned in the wording.

Shawn Crapo moved to amend Article 18 so the beginning of the first sentence would read; To see if the Town will vote to change the name and purpose. Seconded by Ned Paul.

Moderator Eaton called for discussion on the motion to amend Article 18.

Selectman Epperson noted there is also a slight change in the voting that's required for this article. Article 18 now states "majority vote required". In this particular situation, a 2/3 vote is required to pass.

Mr. Crapo accepted a friendly amendment to his motion to also include the change of "majority vote required" to "2/3 vote required". Mr. Paul concurred.

No further discussion being heard, **Moderator Eaton called for a vote on the motion to amend Article 18 as follows:** "To see if the Town will vote to change the name and purpose of the Recreation Building Capital Reserve Fund established by Article 12 of the 1996 Town Meeting to the Recreation Buildings and Property Maintenance Fund for the purpose of creating a maintenance fund for all Recreation buildings and associated land and to designate the Select Board as agents to expend and to raise and appropriate the sum of five thousand (\$5,000) to be placed in this fund. This appropriation is in addition to the operating budget. (2/3 vote required.)" **Motion to amend carried.**

Moderator Eaton called for further discussion on Article 18, as amended.

Steven Borne asked if there's a reason why the agents to expend can't be the Recreation Commission, so they don't have to go back to the Select Board to spend the money.

Selectman Epperson explained the capital reserve fund for that particular purpose is very specific. They want to take money to do something outside the parameters of that particular fund. That's why the name and purpose is being changed.

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

Moderator Eaton read Article 19.

ARTICLE 19. To see if the Town will vote to raise and appropriate the sum of three thousand dollars (\$3,000) to be added to the Grove Road Landfill Capital Reserve Fund established by Article 11 at the 1994 Town Meeting. This appropriation is in addition to the operating budget. (Majority vote required.)

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

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

Moderator Eaton asked Selectman Epperson to speak to Article 19.

Selectman Epperson stated that Article 19 is in reference to the Grove Road Landfill. This is for post-closure compliance. In 2021, the costs increased but the spending level was not increased. The permit needs to be amended and reconsidered every five years. These particular funds will go to subsidize the Grove Road Landfill closure.

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

Moderator Eaton read Article 20.

ARTICLE 20. To see if the Town will vote to raise and appropriate the sum of three thousand dollars (\$3,000) to be added to the Capital Reserve Fund for Records Restoration established by Article 16 of the 1990 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 Winslow moved Article 20 to the floor. Seconded by Selectman Epperson.

Moderator Eaton asked Selectman King to speak to Article 20.

Selectman King noted this article proposes to add \$3,000 to this capital reserve fund for records restoration. This involves records that must be retained long-term. This is the way to bind them into books. This fund was established to do this work. He asked Town Clerk Donna DeCotis to speak to the article.

Town Clerk DeCotis explained the books need binding. There are a lot of old books that need to be restored, as it's required that certain records be kept by the Town. The company who does the binding will also restore the print, so the old documents will be more readable.

Moderator Eaton called for discussion on Article 20. Hearing none, **Moderator Eaton ordered Article 20 to appear on the ballot as written.**

Moderator Eaton read Article 21.

ARTICLE 21. Shall the Town modify the elderly exemptions for property tax in the Town of Rye, pursuant to N.H. RSA 72:27-a, based on assessed value, for qualified taxpayers, to be as follows:

- For a person 65 years of age up to 74 years an increase in exemption to \$140,000 (currently \$75,000);
- For a person 75 years of age up to 79 years an increase in exemption to \$170,000 (currently \$90,000);
- For a person 80 years of age or older increase to \$200,000 (currently \$105,000).

To qualify the person must have been a New Hampshire resident for at least three (3) consecutive years preceding April 1st of the year exemption is claimed, must own the real estate individually or jointly, or if the real estate is owned by his or her spouse, they must have been married and living together for at least five (5) years, in addition, the taxpayer must have a net income of not more than \$40,000 if single, or if married, a combined net income of less than \$59,900, and own net assets not in excess of \$199,000 excluding the value of the person's primary residence. (Majority vote required)

The purpose of this article is to modify the exemption for the elderly due to the current 2022 revaluation of the Town in order for the exemption to keep pace with the general or average increase in property values so as to leave no elderly persons behind because of these value changes.

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

Selectman Winslow moved Article 21 to the floor. Seconded by Selectman King.

Moderator Eaton asked Selectman Epperson to speak to Article 21.

Selectman Epperson explained that this article is intended to bring the exemptions up to what is felt to be a fair and equitable level. He asked Town Administrator Bergeron to speak to the article.

Administrator Bergeron stated the purpose of this warrant article is to modify the elderly exemption in order to mitigate the effects of the current 2022 revaluation of the Town on elderly persons, many of whom are on fixed incomes, so as to not negatively impact them by the general or average increase in property values. To be clear, the only thing that is changing on the elderly exemption is the amount of the exemption. The income and asset requirements needed to qualify for the exemption will stay the same. When this warrant article was proposed by the Town's assessor, a survey of surrounding communities, including, North Hampton, Hampton, Exeter, Greenland, and Stratham was conducted to confirm that Rye was among the lowest with respect to the elderly exemption. The last time the Town voted to make changes to the elderly exemption was in 2003. As a result, if this article were to pass as written in March with the proposed

increases for the shift in taxable to exempt, utilizing the Town's 2021 tax rate, the cost shift would be roughly \$28,000.

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

Ms. Grote called for a point of order. Referring to Article 18, Ms. Grote asked if the Budget Committee needs to meet after the Deliberative Session to revote on the article, as the wording was changed. Moderator Eaton confirmed. Ms. Grote notified the Budget Committee members that they will be meeting briefly after the Deliberative Session.

Moderator Eaton read Article 22.

ARTICLE 22. To see if the Town will vote to adopt the Rye Community Power Electric Aggregation Plan, finalized on January 4, 2021 by the Rye Energy Committee, and to further authorize the Select Board to develop and implement Rye Community Power, and to take all action in furtherance of, the Rye Community Power Electric Aggregation Plan, pursuant to RSA 53-E.

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

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

Moderator Eaton asked Selectman King to speak to Article 22.

Selectman King stated this article proposes that the residents approve the creation of the Rye Community Power Electric Aggregation Plan. Members of the Energy Committee, Howard Kalet, Lisa Sweet and Tom Pfau, are present to speak to the article.

Howard Kalet, 90 Colburn, Energy Committee Co-Chair, noted that he would like to propose an edit to the warrant article. The date on the warrant article says the plan was written in 2021. It was actually written in 2022.

Howard Kalet moved to amend Article 22 to say 2022 instead of 2021. Seconded by Selectman Winslow. Hearing no further discussion, **Moderator Eaton called for a vote on the motion to amend** to change the date on which the Energy Committee finalized the plan from January 4, 2021 to **January 4, 2022**. **Motion to amend carried.**

Moderator Eaton called for further discussion on Article 22, as amended.

Mr. Kalet explained that Community Power is based on a law; RSA 53-E that was amended in 2019 to allow municipalities to purchase energy on behalf of its residents and businesses. The concept is the pooling of power which creates an economy of scale, which results in more affordable energy prices and more options for innovative technologies. Article 22 asks the Town to pass this warrant article based on the plan that was adopted January 4, 2022 and authorize the Select Board to develop and implement Rye Community Power, and to take all action in furtherance of, the Rye Community Power Electric Aggregation Plan, pursuant to RSA 53-E. The aggregation plan lays the groundwork to establish community power. The goals are for the

best most stable prices for energy supply. Rye Community Power will meet or beat the default energy rates offered by Eversource. Rye Community Power will offer different rate tiers, so customers can opt to choose more renewable energy and lower carbon emissions, should they choose. There will also be other options for new technology and services; which can include, local energy sources, time of day use rates, efficiency programs and battery backup, just to name a few. Rye Community Power addresses only the supply portion of the bill, not the delivery. Eversource will continue to deliver the electricity, maintain the poles and power to the homes. Customers will have the option to switch back to Eversource if they choose.

Mr. Kalet continued that Rye Community Power is locally controlled. The Select Board will approve policy, rates and agreements. Rye Community Power will be self-funded. No taxes will be involved. If somebody is not participating in the program, it will be no cost to them. Mr. Kalet noted that the Energy Committee has been studying this program for quite some time. This is not something new that the Energy Committee just started. The Energy Committee developed a plan. It was presented at two public hearings. The Select Board reviewed the plan and voted to accept it on January 6, 2022. The next step is to have the warrant article approved on March 8th at the Town Election. There are several steps involved in implementation, which involves power procurement partners, adopting policies, agreements, rates and continuing to educate the public in the community. In regards to the timeline, if approval from the voters is received at the beginning of March, it will go to the Public Utilities Commission for approval. PUC is responsible for setting the guidelines to protect the public. This is in the midst of rulemaking and approval right now. It is expected to be August before that's complete. A procurement partner needs to be chosen and policies need to be adopted by the Town, along with agreements and rates. The launch of the program is expected to be in September or later. The rates will either meet or beat the Eversource default rate at launch. He encouraged the voters to vote "yes" on Article 22 to approve the plan.

Hugh Lee, 220 Pioneer Road, complimented the Rye Energy Committee and the Select Board for seeking ways to help the members of the community save money. Over the years, there have been many proposals to save on utility costs, which have not worked out, but hopefully this will. Prior to the point of establishing electric rates under the plan, he believes there will be costs incurred, certainly legal review and maybe other things, that need to be done. He would like to propose an amendment. At the end of what's written, change the period to a comma and insert "provided that the Selectmen establish a specific account to track all costs related to the plan (including attorney fees) with all such costs to be recovered from electric rates established by the plan.

Moderator Eaton restated Mr. Lee's motion to amend Article 22, which sought to change the period at the end of the article to a comma and insert the following "provided that the Selectmen establish a specific account to track all costs related to the plan (including attorney fees) with all such costs to be recovered from electric rates established by the plan." Seconded by Shawn Crapo.

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

Mr. Lee stated that he believes there will be at least \$20,000 in legal fees for review of the various documents that are required. Rye is also a member of the Community Power Coalition (CPC) of New Hampshire. The Joint Powers Agreement contemplates the establishment of specific agreements between the member towns and the CPC; although, the towns can go off on their own and hire their own consultants to establish rates and reliability studies. Presumably, the least expensive means would be to retain the services of CPC. There will be a number of documents that need to be reviewed. He believes those costs should not be paid by the tax payers, but should be covered by the rate payers under the plan.

Selectman Winslow commented that he supports Mr. Lee's proposal; however, he'd like to hear from Howard Kalet. He asked if this is legally possible. Can the legal costs actually be passed on to the rate payers? Mr. Kalet replied that he believes there is a mechanism to make that happen. The only question is whether that will be something that is recovered in year one or over the course of a few years.

Shawn Crapo pointed out that the presentation stated there wouldn't be any costs. He can't fathom that there wouldn't be administrative costs associated with this plan on behalf of the Town. He questions how this could go forward with it saying "no cost". Also, because it was written saying "no cost", it did not go before the Budget Committee for a full review and vote. It doesn't seem like it can be administered by the Town without either taking away time out of the existing budgeted hours for the staff and/or possibly adding a new administrator.

Attorney Eric Maher, on behalf of the Town, stated that by statute the costs associated with getting the Community Power established does not need to be recovered through rates. It can be coming through the general operating budget and this is by statute. However, once it's established, by law, any costs associated with the operation of the Community Power has to be billed to customers and participants of Rye Community Power. Attorney Maher noted there have already been some costs associated with this. He has already reviewed the plan and the Town had previously entered into an intermunicipal agreement with other members of the Community Power Coalition, which is a group of several municipalities that have their own community power initiative to pool resources. There has already been some "leg work" and costs associated with this that would typically come out of the general operating budget from the legal line item.

Attorney Maher continued that the concern he has with the amendment isn't so much the accounting of the costs through a separate fund or accounting mechanism, the issue is the phrase at the end which says any costs associated with ramp up must come through rates. As presented, it's not guaranteed that this is going to go into effect. This is only going to go into effect if the default rate is going to be lower than Eversource's default rate. By definition, there's a possibility that rates may not be as low and this never gets off the ground. The other contingency is that sitting here today, it's not known what criteria and requirements that the Public Utilities Commission is going to impose to approve community power. That has been in rule making since late summer or early fall of 2021. The Town is still waiting for the final rules. Other communities who have already submitted their plans to the PUC have gotten rejected because there are no rules yet. There's a lot of uncertainty associated with this. He thinks the

last phrase that would require the payment of the costs only through rates creates a potential factual impossibility at some point in time.

Mr. Lee stated that in looking at RSA 53-E, it indicates that such charges can be paid by the taxpayer, but it doesn't mandate that they be paid by the taxpayer.

Mr. Lee moved a slight amendment to his amendment to add a comma at the end and add the words "if possible". Mr. Crapo agreed to Mr. Lee's slight amendment.

Mr. Kalet noted that the actual month to month maintenance and operation would not be done by the Town, in terms of sending out bills or gathering information. That would actually be done by a third-party agency, which would be all part of the procurement process.

Hearing no further discussion, **Moderator Eaton called for a vote on the motion to amend Article 22 to read: "To see if the Town will vote to adopt the Rye Community Power Electric Aggregation Plan, finalized on January 4, 2022 by the Rye Energy Committee, and to further authorize the Select Board to develop and implement Rye Community Power, and to take all action in furtherance of, the Rye Community Power Electric Aggregation Plan, pursuant to RSA 53-E, provided that the Selectmen establish a specific account to track all costs related to the plan (including attorney fees) with all such costs to be recovered from electric rates established by the plan, if possible." Motion to amend carried.**

Moderator Eaton called for further discussion on Article 22, as amended.

Mr. Crapo stated that the project may phase itself out if it is not feasible. He continued that the Public Utilities Commission, years ago, approved and allowed everyone to be charged for the failure of Seabrook. With this, he worries that they take away the profits from Eversource, who will still make money on the transmission. However, what's to say they won't raise the rates of the transmission to offset. He doesn't see this as being truly beneficial. He thinks it will just bring everyone a bunch of costs.

Mr. Kalet explained that Eversource or any power company that delivers power in the State of New Hampshire does not make money specifically on providing the power. Their business is delivering the power. All the different rates they charge to deliver the power go separately through the PUC. When they are out clearing trees and providing power backup during storms, those costs are all discussed and reviewed by the PUC. Eversource and other power companies have been selling off their generation assets over the years, rather than producing it themselves.

Hearing no further discussion, **Moderator Eaton ordered Article 22 to appear on the ballot as amended. Selectman Winslow moved to restrict reconsideration on Articles 15 through 22. Seconded by Selectman King. Moderator Eaton called for a vote. Motion carried. Moderator Eaton declared that reconsideration of Articles 15 through 22 was thereby restricted.**

Moderator Eaton read Article 23.

ARTICLE 23. (By Petition) To see if the Town will vote to ban the use of voting machines in all local, state and federal elections.

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

Michael Bean moved Article 23 to the floor. Seconded by Ms. Grote.

Moderator Eaton asked Mr. Bean to speak to Article 23.

Michael Bean, 112 Grove Road, stated that maintaining election integrity in Rye and across the State should be a non-partisan issue. This statement is supported by the fact that the New Hampshire Senate voted unanimously to audit Windham when election results were called into question. He commented that the Senate does not vote unanimously on too many things. This proves that election integrity should be a nonpartisan issue. He's certain that the town officials overseeing Rye's elections do so to the very best of their abilities. The machines are the one singular item that the citizens of Rye do not and cannot control. He has serious concerns with LHS Associates in Salem, N.H. and with Rye's AccuVote machines in general. LHS sells programs and maintains the machines. Whatever goes on inside the machines, and what comes out, is beyond the control of anyone in the community. Many towns in New Hampshire have no machines. They hand count the election. Rye for many years, hand counted ballots and it's not beyond the Town's ability to do so today. There are between four thousand and five thousand registered voters. The task is very doable. In fact, it will require members of the community, on all sides, to come together and participate in election integrity. No Democrat is going to allow a Republican to count alone. No Republican is going to let a Democrat count alone. It will definitely bring everyone together. Every other aspect of the Town's elections is in the control of the Rye citizenry. Every other aspect of Rye's elections can be verified by Rye citizens, except the machines. The machine results determine the winner. There is no control of what goes on inside and what comes out the other end of the machine.

Ms. Grote stated that she speaks as Rye's State Representative. She agrees with Mr. Bean that voting integrity is utmost to democracy. However, she respectfully disagrees with him about the problems with the machines. Rye does not have voting machines. Rye has ballot counters. Ballot counters are quite different from voting machines. Furthermore, the Town verifies its election using three methods after the polls close. The ballots that are handed out are counted. The number of ballots that have gone through the ballot machine are counted. Also, the number of residents that have voted are counted using the checklist. She continued there have been several recounts. None of those recounts overturned a result. Furthermore, the recounts have proved that there was an average, plus or minus, of five votes from the totals. She does agree with Mr. Bean that Rye has hardworking poll workers who put in their heart, mind and soul when working at the polls. She appreciates everything they do. She asked the residents of Rye to vote against this petitioned warrant article.

Selectman Winslow stated that the question of maintaining election integrity in Rye is upfront to the Town Moderator, Town Clerk, Select Board and election workers to ensure there is a strong election integrity in Rye. Passing this article will be costly and will cause a delay in the election results by at least an additional day. This in itself, would undermine the public's confidence in

the election results and would add to the town residents' tax burden. The upcoming election includes upwards of twenty-five offices and warrant articles. It is expected there will be a range of two thousand voters who will be voting. This means there will be a requirement to hand count ninety thousand individual votes at this election. Imagine the human error possibilities with counting ninety thousand individual votes. The polls are open from 8:00 a.m. to 7:00 p.m. Once the polls are closed, the Town Moderator goes through the vote count process, as described by Jaci Grote. Additionally, all write-in ballots are hand counted. The Moderator then compares the ballot numbers against the voter checklist to make sure all ballots have been collected. Only then, and most times after 10:00 p.m., are the results announced. If the Town were to have to resort to hand counting, it wouldn't be possible to have the poll workers continue to work because they've already worked eleven hours that day. This would force the counting to be done the next day. The task would probably result in two hundred to two hundred fifty person hours and would most likely cost over \$4,000. For those reasons, he asks the voters to vote "no" on this petitioned warrant article at the polls.

Frances Erlebacher, 484 Brackett Road, stated that she is not necessarily for this article. However, she would like to correct the record of what Ms. Grote said. At one time, the count was off by 10% and they found that the culprit was in fact the machines.

Mr. Crapo moved to amend Article 23 to read as follows: "To see if the Town will vote to have the Selectmen consider a ban on the use of voting machines in all local, state and federal elections." Seconded by Mr. Lee.

Mr. Crapo stated that he feels this does not change the subject matter. It just defers the vote. A vast majority vote or simple majority vote could be evaluated by the Selectmen as to the will of the Town. At that time, it could be determined if it's something that needs to be implemented, versus a simple majority vote could force this issue. He thinks it will still allow the voice of the initial petitioner to be heard, but gives an added check and balance. He reiterates what the previous speakers have noted that the Town has plenty of checks and balances in place. He fears that one vote over the majority could force the Town to have many votes in question in the future.

Mr. Bean noted the amendment substantially changes the intent. It puts it back to the Selectmen and takes it out of the hands of the voting public. He continued that he doesn't want to criticize the Town Officials; however, the process that is used tallies an aggregate of votes. It matches machine count in aggregate vote only. It doesn't tell anything about the results, unless a hand count audit is conducted. To the Selectman's point about the burden placed on the Town, there are many towns in the State that count by hand today. It's manageable and doable. Rye people can count as well as any other town in this State. It would just take a different format. The Moderator would have to address that going forward. However, there are volunteers and many people in the community who are interested in ensuring the election integrity. He is absolutely certain that Rye can count the ballots without a problem. Lastly, Selectman Winslow addressed it being costly. Selectman Winslow did not address the issue of the cost the Town has today with the machines for maintenance and repair. Nobody knows what goes on during that maintenance and repair.

Mr. Bean continued that he suspects the majority of the folks trusted the results of the audit that took place in Windham. The folks who did the audit, who are affiliated with verified voting, have published documents that optical scan counters, such as Rye's machine, are easily hackable and programmable. The published documents make it perfectly clear that the machines are hackable and programmable with plausible deniability. Rye cannot, as a town, citizenry, town clerk and moderator, refute that. He's doing this because he feels very strongly in Rye's integrity. He wants the citizens of Rye to control their elections, not some outside agency.

Moderator Eaton stated that he is going to respond to one point Mr. Bean made because he thinks it inferentially asks for a legal ruling. Mr. Bean pointed out that in his opinion this proposed amendment would change the intent of the article. Moderator Eaton explained that the N.H. Supreme Court made it quite clear in Cady versus Town of Deerfield that the intent or purpose of an article can be changed at the Deliberative Session. What cannot be changed is the subject matter. In his estimation, this motion does not change the subject matter.

Moderator Eaton opened the floor for further discussion.

Suzanne Barton, 114 Clark Road, stated that she is in agreement with Representative Grote. In her opinion, human beings can be programmable, as well as not reliable. She believes that this should be a bipartisan topic and the solution should be bipartisan. However, there is nothing stopping anyone from undermining the integrity of the vote. She opposes this article.

Kailie Kline, 870 Central Road, commented that she doesn't understand why this is even a bone of contention. It seems that if everyone wants a free and fair election, the votes should be manually counted. Why even risk the chance that a machine that can be programmed could interfere with the desires of what the Town is voting for as a community? There have been other hand counts throughout the country that have used the same ballot counting machine that Rye has. The discrepancies have been greater than 10%. There could be two people counting votes side by side with someone overlooking what the other person is doing. There are plenty of volunteers who will do this free. There could be a Democrat and Republican doing it together or a Republican and Independent together. If the Town wants to have a free and fair election, it has to be done by hand count. It won't take that long, considering all the volunteers the Town could get. She further commented that it is not known who is doing the maintenance on the counting machine. Looking into the research on this, there are plenty of communities around the country who have done recounts and have had greater discrepancies than 10%.

Stacey Brooks, 429 Brackett Road, complimented the Moderator and the Town Clerk's Office on the work that they do to deliver, at every election, an impeccably run and transparent privilege of exercising to vote in this democracy. People who say that it's going to be easy to do manual counts have probably not been around at 11:00 p.m. when the write-in votes are being tallied with all the other details that are involved in registering the votes. She can only compliment those who do that every single election cycle because it's a big deal. What she would like to dispute is the idea that this technology is hackable. The actual technology, which is optical character scanning technology, is overseen out of the Republican Secretary of State's Office. She has full confidence in the bipartisan commitment of the electoral system. She urges the citizens of Rye to not fix what's not broken.

Julie Tucker, 960 Washington Road, noted that she is just speaking to the amendment. She knows it doesn't change it and it's completely allowable. However, the Selectmen have already said they're against it. The amendment wants the Selectmen to make the decision, instead of the people of Rye. She doesn't understand why this would not just go to be voted on as is. The people will have spoken and it will be done. It's already known the Selectmen are against it, so that's a foregone conclusion if they are to make the decision.

Mr. Crapo pointed out there's a difference between the Selectmen's vote against this as written and what is proposed for an amendment. There would be a vote of the town's people for the Selectmen to then look at it. If overwhelmingly, people voted in favor, they can evaluate that versus whether or not it receives a one vote majority.

Michelle Tyminski, 121 Parsons Road, stated that she has been involved in the democratic process in town for years. This meeting is part of the democratic process. There have been warrant articles that have been gutted in this meeting and that's what happens. This is part of the Town's interaction and is an acceptable part of the democratic process. She has also witnessed Moderator Eaton in the past rejecting questions about whether or not elections can be moved someplace else; such as, the Congregational Church to make it safer for the schools and for ease of voting. Moderator Eaton has worked very hard to keep the voting process in this town impartial, which she appreciates. Ms. Tyminski pointed out that there are not enough citizens to run for all voluntary positions in this town now. She doesn't understand why they would put more of a burden on the citizens to try to count the elections. She supports Mr. Crapo's amendment.

Selectman Winslow commented that he has given some consideration on the amendment. His feeling is that this should go to the voters as written to let them decide. He's sure they will make the proper decision.

Hearing no further discussion, **Moderator called for a vote on the motion to amend Article 23 to read;** "To see if the town will vote **to have the Selectmen consider a** ban **on** the use of voting machines in all local, state and federal elections." **Motion failed.**

Moderator Eaton called for further discussion on Article 23.

Cathy Hodson, 616 Central Road, stated that she would like to speak against this article as an election worker. For the past several years, she has worked at the town elections and has seen the process. The ballots arrive at town hall in sealed boxes and the Moderator calls the volunteers to count the ballots. After which time, the boxes are resealed in front of someone from the Town Clerk's Office and the volunteers. The boxes are then taken to the polls on election day. There's a reconciliation between the number of ballots that go through the machine and those that are extra. All of this is done in front of several people. The process of putting ballots through the machine and achieving a count is a repeatable process. If hand counts were done, it is unlikely that the same results would be repeated. She saw a study that said people can only concentrate on a mundane task for about forty-five minutes. If people are asked to hand count, it's going to be a very long process and is unlikely that it will repeat the same results.

Mr. Borne asked the residents of Rye to look up and realize this does not need to be done.

Dania Seiglie, 633 Central Road, stated that she supports wholly a bipartisan approach to the process. She would like to share some facts regarding the AccuVote ballot counter. The AccuVote machines are the only approved voting machines in New Hampshire. They are used by over one hundred seventy towns throughout New Hampshire. The vast majority in New Hampshire prove that these voting machines are accurate enough to be able to be used by so many towns and wards. The machines strictly count cast votes. They are not connected to the internet and they are not at risk of hacking. These machines are maintained and are audited regularly. There have yet to be any issues in Rye in this regard. She was privileged to have worked at one of the elections last year. She was highly impressed by the staff, workers and amount of due diligence in double checking the process and the protocols that take place so seriously. She urged all Rye voters to consider opposing this petitioned warrant. She pointed out that she is a relative newcomer to Rye. However, she has been equally impressed by the due diligence and the knowledge that each of the Rye voters take into account before they vote. She encourages the voters to continue to ask themselves why anyone would change the current standard used with the AccuVote ballot counters.

Mr. Lee stated that when he read the proposed article and the term “voting machine”, it didn’t come to mind that it was talking about the counting machine currently being used. What came to his mind was the concept of the electronic devices that may or may not be connected to the internet where there is no paper ballot and no way to track the votes that were cast. The fact that the Town has paper ballots, which can always be counted and checked, gives him great confidence. The “machines” that are used now, he did not think of in the context of this article. They are counting machines, not voting machines.

Mr. Lee moved to amend Article 23 to add to read: “To see if the Town will vote to ban the use of voting machines in all local, state and federal elections, other than the type of paper ballot counting machines currently in use.” Seconded by Mr. Crapo.

Mr. Lee stated that by virtue of the fact that the Town has all the paper ballots after the fact and could potentially be recounted if someone chose to do so, it obviates the concern about an electronic voting machine, which is what he thought this article addressed. With that amendment, everyone can be comfortable. The fact that Bill Gardner (N.H. Secretary of State) approved the kind of counting machines that Rye currently uses, gives him great confidence.

Mr. Bean noted the petitioned warrant article is very specific to the machine that Rye currently uses. Recounts and request for recounts is not willy-nilly. Specific criteria need to be met to get a recount in many cases. It’s not something that someone can ask for and just receive. He continued that on January 7, 2022, the Secretary of State Bill Gardner and Attorney General John Formella issued a letter taking the Windham moderator and town clerks to the woodshed for not following the ballot guidelines of 2010. They recognized the dangers of what can occur when those very stringent requirements from the Ballot Commission are not followed. Andrew Lapelle, from Verified Voting Board of Advisors, subsequently published a New Hampshire Part 1 and a New Hampshire Part 2 agreeing with the Attorney General and Secretary of State and the

fact that those issues could be occurring throughout the State of New Hampshire. The requirements are ultra-stringent and rigid. He is not suggesting that anyone has ever erred. The programmers and the maintainers of the memory cards themselves are not tamper proof and they can be hacked easily. The people who are responsible for doing the auditing are acknowledging the problems with this machine. They're the very people who did the audit. They're the ones saying how and why the ballot machines are not safe. Unless there are recounts, there is no way to verify. He reiterated that recounts require specific criteria and can't be requested every time there's a question. If recounts are going to be done, the counting of ballots should be done by hand in the first place, as many towns in the country do. The Town of Rye is capable. The citizens of this community who are concerned about the elections will volunteer and come forward.

Ms. Grote encouraged everyone to leave the warrant article as written. The Secretary of State's Office is responsible for approving voting machines and ballot counting. There are two hundred forty-three municipalities in New Hampshire and over half of them use these ballot counters. She continued that if this is about the Windham Election then people are seriously being misguided. To bring another outside influence into Rye, a town that's known for its dependability, reliability and respect for each other, is disturbing to her. She doesn't want to put a clause that restricts the Town's use of whatever ballot counter is used. If the Secretary of State's Office were to approve a different mechanism, they should be sure the Town is open to that. She encouraged everyone to leave the warrant article as written.

Selectman Winslow stated that similar to the position that he took with Mr. Crapo's motion, he urges everyone to allow this article to go before the voters as written. He has full confidence that the voters will make the right decision. He thinks the voters have confidence in the Town's ability to continue with the process as is with the Town Moderator and Town Clerk. To the point of having paper ballots, the Town always has paper ballots as a backup, so if there are any questions, they have them to count. He urges everyone to let this go forward to the ballot. That will also give the opponents of this no further ability to stand on this issue because the voters will have made a decision.

Jeff Quinn, 71 Cable Road, asked how many years Rye has been using the voting machines. Moderator Eaton replied that the Town was already using them when he became town moderator fourteen years ago. He did not know when they were first used. Mr. Quinn asked if it had been at least fourteen years. Moderator Eaton confirmed.

Mr. Quinn stated he is old enough to remember when voters were lined up on various sides of the school's auditorium to cast votes into wooden boxes. Those votes would then have to be dumped onto tables. It would strike him that Rye has come a long way since that time. He was always under the impression that the machines that were in used in the Town of Rye were simply tabulators. He didn't rely on the machines to translate what was going on in his mind and heart. He has control over the paper and the machine was just tabulating his desire. He doesn't know whether it's a misnomer to call this a voting machine. It's more accurate that it's a tabulating machine. The motion demonstrates how cumbersome this can get. However, he can't be more supporting of the fact that without voter integrity in Rye and the entire country, everyone is lost. The Town has to rely on the volunteers, those who have been elected and the people who have

been asked to do the tabulations. He is sure that everyone in the room can tell a story of an anomaly in a past election. However, ultimately, everyone has to trust the people who have been put into place. He does not want to encumber this article with machinations that will make it impractical to conduct an election of integrity. He urges everyone to vote against the amendment.

Ms. Erlebacher called the question. Multiple seconds. Moderator Eaton called for a vote on the motion to end debate. Motion carried. Moderator Eaton called for a vote on the motion to amend Article 23 to read as follows: “To see if the Town will vote to ban the use of voting machines in all local, state and federal elections, other than the type of paper ballot counting machines currently in use.” Motion failed.

Moderator Eaton called for further discussion on Article 23.

Selectman Epperson stated that he is a poll worker. He has witnessed the machines being zeroed out at the beginning of the day. There are test ballots that go in to make sure the ballots factor zero on every article and candidate that’s being voted on. If there is going to be a hack, it would be with the ballots themselves. The ballots are secured when they get there and secured when they leave. The ballots are counted to be sure it’s 100% accurate. He has every confidence that the integrity is there with these machines. He really is taken aback when he hears this partisan issue of Democrat and Republican. Rye is a little town of five thousand four hundred people. Everyone needs to do what’s right for the Town, not what’s right to a party that someone might be affiliated to.

Moderator Eaton called for further discussion on Article 23. Hearing none, **he ordered Article 23 to appear on the ballot as written.**

Moderator Eaton read Article 24.

ARTICLE 24. (By Petition) To see if the town will go on record opposing the retail sale of dogs and cats in pet stores in the town. This resolution is necessary because the majority of dogs and cats sold in pet stores are sourced from large-scale, inhumane commercial breeding facilities commonly called “puppy mills”. The record of this vote shall be transmitted by written notice from the selectmen to the town’s state legislators and to the Governor of New Hampshire.

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

Jaci Grote moved Article 24 to the floor. Seconded by Dania Seigle.

Vikki Howard, 261 Brackett Road, stated that as a veterinarian, she is asking for everyone’s help with a critical issue that is very important to the citizens of Rye; especially the four-legged residents – dogs and cats. The Town of Rye has been presented with an opportunity to participate in a state and national campaign that wants to stop the pipeline for inhuman puppy trafficking facilities, commonly referred to as “puppy mills”. Dogs and cats, especially breeding females, experience cruel and unsanitary conditions in these large-scale commercial facilities. So, how can this “puppy mill” pipeline be stopped? It can be stopped by cutting off their largest

revenue generator and that's pet stores that sell puppies and kittens. By supporting Article 24, the Town of Rye will take a step in this direction. It will result in the Town officials sending a clear message to the local and state officials, including the Governor of New Hampshire, that the Town of Rye is going on record with the State that they oppose the sale of puppies and cats in pet stores in the Town. Towns who have passed local legislation have shown it can lead to entire states banning the sale of puppies and kittens in pet stores. For example, in 2016, Boston banned the sale of puppies and kittens, and even rabbits, in every single pet store. Currently, the State of Massachusetts is considering doing the same thing for every single pet store in Massachusetts. Currently, there are over four hundred towns and cities throughout the U.S. that have passed local legislation. This has led to five entire states, including the State of Maine, who have banned the retail sale of dogs and cats. New Hampshire, it's time to do the same thing, which is the right thing. Even though Rye currently does not have any pet stores in town, it's a real possibility that this could happen as more states nearby ban puppy sales in pet stores. This would put New Hampshire towns at risk for acquiring new puppy selling pet stores. How will this bill affect the success of pet stores that will no longer be able to sell cats and dogs? There's an abundance of proof that local and national stores can be successful by focusing on selling pet products and services, not puppies and kittens. Puppy and kitten mills are cruel, inhumane and pet stores are the primary reason they exist. The Town of Rye can take a leadership role in the State and be one of the first towns to say "no, we will not allow the inhumane trafficking of puppies and kittens and we will not tolerate this in the Town of Rye." Hopefully eventually, it will not be tolerated in the State of New Hampshire. Article 24 supports obtaining puppies and kittens from responsible breeders. It supports the adoption of puppies and kittens from rescue societies and it also supports pet stores that have a socially responsible business model. Article 24 will stop the inhumane "puppy mill" pipeline. She asks everyone to support Article 24 at the next election.

Moderator Eaton called for further discussion on Article 24. Hearing none, **Moderator Eaton ordered Article 24 to appear on the ballot as written.**

Selectman Winslow moved to restrict reconsideration of Articles 23 and 24. Seconded by Selectman Epperson. Motion carried. Moderator Eaton declared that reconsideration of Articles 23 and 24 was thereby restricted.

Moderator Eaton read Article 25.

ARTICLE 25. (By Petition) Shall the town cease from referring to the holiday on the second Monday of each October as Columbus Day and instead refer to it as Indigenous Peoples' Day?

The Selectmen abstain from recommending/not recommending this article (0-0-3)

Ms. Grote moved Article 25 to the floor. Seconded by Mr. Borne.

Moderator Eaton noted that Sam Borne would like to speak to this article. Sam is not yet 18, so he is not a registered voter in Rye. Moderator Eaton stated that he is happy to let Sam speak. He asked if there were any objections to allowing Mr. Borne to speak. Hearing no such objections, Moderator Eaton asked Sam Borne to speak to Article 25.

Sam Borne, 431 Wallis Road, stated that he is present to speak in favor of Warrant Article 25. Pluto used to be his favorite planet, but now it's not. Looking at the facts, scientists reevaluated the situation and realized they no longer consider Pluto a planet. The same exact thing applies to Christopher Columbus Day. The facts have come out. Despite what he was taught as a kid, Christopher Columbus is most definitely not a hero. Bartolome de las Casas, a missionary who was sent with the natives to record the events of what Columbus was doing, wrote that Columbus's work was to "exasperate, ravage, kill, mangle and destroy". It's a small wonder that some of the natives tried to rebel. Columbus was not sent on an exploration mission. He was sent to generate a profit. In so doing, he created a system to enslave the natives and forced them to work to death, until they could extract every last ounce of gold. Columbus himself, the man a holiday was named in honor of, said "let us in the name of the holy trinity go on sending all the slaves that can be sold". Columbus went on a voyage to make money. Bartolome de las Casas wrote that the men under Columbus's control thought "nothing of knifing [native Americans] by tens and twenties and of cutting slices off them to test the sharpness of their blades". Bartolome de las Casas tells how Columbus overseeing two men one day, met two native boys, each carrying a parrot. They took the parrots for fun and then proceeded to behead the boys. Columbus created a mass system to enslave the entire population of the Island of Haiti where he landed to search for gold. In two years, by murder, mutilation or suicide, Columbus eliminated two hundred fifty thousand people on the island. He reduced the population by more than half as a direct result of his system. Christopher Columbus is most certainly not a hero. This is why thirteen states do not celebrate Columbus Day; among them are Alaska, Louisiana, North Carolina, and two of New Hampshire's neighbors, Maine and Vermont. It's unfathomable that in the 21st Century that there is still a holiday to honor Christopher Columbus. In fact, South Dakota has removed Columbus Day and instead honors the Indigenous People by having a day dedicated to celebrate them, as opposed to Columbus. It's pretty simple. Get rid of Columbus Day. If people want to honor an Italian- American, they should pick a hero who is not Christopher Columbus. Removing Columbus Day is the absolute bare minimum of what should be done to make right the wrongs that were committed to Native Americans and it should be changed to Indigenous People's Day. Rye should get rid of Christopher Columbus Day.

Sam Borne proposed to amend Article 25 by adding the following sentence: If at any such time the state or federal government institutes an Indigenous Peoples' Day, the Selectmen will reintroduce a new warrant article. He noted that the reason is because there is a bill at the State Legislature to consider this same proposal. Its passage is dubious, but should it succeed to pass, ideally it would, the Selectmen would produce a warrant article to deal with that at the appropriate time.

Steven Borne moved to amend Article 25 to add the following sentence at the end: "If at any such time the State or Federal Government institutes an Indigenous Peoples' Day, the Selectmen will put forth a new name via a warrant article." Name of seconder inaudible.

Moderator Eaton reread the proposed amendment to be added to the end of Article 25, and then called for discussion on the motion.

Ms. Grote commented that young Mr. Borne is a tough act to follow. She continued that he is correct. The State has had this bill before them for many years to change the name of Columbus Day to Indigenous Peoples' Day. That bill has failed every year. There is a new bill before the Legislature that would change Indigenous Peoples' Day to August 9th, which is National Native American Day. The bill in the House would change the date from October to August 9th. She just wanted everyone to be aware.

Speaking to Ms. Grote, Selectman Epperson asked if she is saying they will leave Columbus Day as it is presently and make August 9th Indigenous Peoples' Day. Ms. Grote confirmed. She explained there's tremendous resistance to changing Columbus Day. The new bill would make Indigenous Peoples' Day August 9th. She noted there are towns that have changed their town calendar to name Columbus Day as Indigenous Peoples' Day. She does not know the impact that would make, as opposed to celebrating the state holiday.

Moderator Eaton noted that discussion should be about the proposed amendment to Article 25, not the article itself.

Mr. Quinn asked Moderator Eaton to reread the proposed amendment, which he did.

Ms. Tucker stated that she thinks it's a good idea to recognize Indigenous People. She does not think it's a good idea to erase Columbus Day. As Ms. Grote stated, it has had a hard time passing. If people want to recognize Indigenous Peoples' Day, she would say to do that on a different day. It sounds like August 9th would be the day. History cannot be erased. Columbus happened. What he did occurred. It's not doing any good to pretend it didn't happen. People need to learn from the past. She is not quite sure what the goal of this is. Is it to eradicate someone who's not liked? Or is it to honor Indigenous Peoples' Day? She commented that she is biased because she's Italian. Her grandparents came from Sicily and they are proud Italian-Americans. Columbus was someone that her family had a holiday on. She reiterated that history cannot be erased. It happened. Part of the reason Columbus Day was adopted was to stop some of the bad behavior toward Italian-Americans, which is why it became a federal holiday. If people want to erase what happened to Indigenous People, they need to look at Rye in the 1600's when a lot of bad things happened. Again, history should not be erased. People can learn from it.

Steven Borne noted that the amendment is "if the Legislation ever creates an Indigenous Peoples' Day". So there would not be a conflict, it gives the Select Board the ability to rename that October holiday. No one is erasing history. They're just adding facts to history. Sam is bringing it to light.

Moderator Eaton called for further discussion on the amendment to Article 25.

Ms. Tucker stated that by erasing Columbus Day, the topic won't come up of what happened. History is being erased when a person is cancelled out of history. It brings up a wonderful opportunity for people to discuss what happened.

Ms. Barton stated she is in agreement with Sam. This is not erasing history. What's being done is resetting the precedent of honoring and worshipping people of the past that don't deserve

being honored and worshipped. In order to move forward and create a more sustainable and humane humanity, there can't be holidays honoring and worshipping people who did awful and horrible things. That is the point of the amendment to the article.

Hearing no further discussion, **Moderator Eaton called for a vote on the Motion to Amend Article which would add the following sentence to the end of the existing article: “If at any such time the State or Federal Government institutes an Indigenous Peoples’ Day, the Select Board will put forth a new name via a warrant article.” Motion failed.**

Moderator Eaton called for further discussion on Article 25 in its original form.

Mr. Quinn stated that with all due respect to the young people in this audience and their passion, he would like to express his profound disappointment that this article was put forward for the Town vote. He's equally disappointed that he read in the article that the Selectmen choose to abstain from this. While he completely understands the implications of that, he looks to the Town's leaders to demonstrate their minds. He noted that his vote was asked for and he would like to know what's on the Selectmen's minds. If anyone doubts that the woke revision in history is alive and well in the schools, one only needs to listen to the intent of this warrant article. That's disturbing to him. These young people only know what they're taught. He would suggest that teaching them in a bubble without any consideration for history's perspective whatsoever is doing them a profound disservice. He doesn't think there is anyone present that could look upon their personal family history and not see nefarious characters or unfortunate behavior. He does not at all cast aspersions on the fact that the Town would honor indigenous people because that should be done. They are part of everyone's heritage, but so is Christopher Columbus. While Columbus is not exactly the source of western civilization in this country, he's certainly part of it and one can't deny that.

Moderator Eaton asked if anyone objected to a high school student speaking. No objections were heard.

Mya Catino, 377 Brackett Road, stated that she is advocating on behalf of Warrant Article 25. Rye Town Selectmen should include this warrant article on the March 8th ballot, as it provides Rye with the opportunity to recognize the existence of indigenous people in the area. The soil Rye was built upon belonged to the Pennacook, Pentucket, Wabanaki and Abenaki tribes. Through genocide, false treaties and forced removals, colonists established the country we now praise as home. Instead of recognizing the suffering indigenous people have suffered and faced due to colonization, the Town continues to celebrate the historical moment this massive injustice began: the landing of Christopher Columbus in the Bahamas in 1492. Despite being hailed as the discoverer of the Americas, Columbus committed atrocities against the indigenous people he encountered. Labeling them Indians, Columbus seized six native Arawak people the day he arrived, believing they would be “good servants”. Years later, Columbus sent thousands of Taíno natives from the Island of Hispaniola to Spain to be sold into slavery. Columbus was not a hero who treated the indigenous people kindly upon arrival, as is upheld in the narrative of Columbus Day. He was an enslaver and a colonizer. The first of his kind. Columbus's landing in the Caribbean Islands acted as a watershed moment igniting the age of exploration and exploitation that annihilated the indigenous population.

Ms. Catino continued that by upholding Columbus Day, the Town contributes to the whitewashing of history and erasure of the genocide of indigenous people. Instead, Rye should take this day to celebrate the resiliency and diversity of the native people, who rightfully inhabited the land before colonization. Indigenous people deserve to be recognized and commemorated, not the man who contributed to their destruction. She urged the Selectmen to include this warrant article on the March 8th ballot.

Dennis Lipman, 484 Brackett Road, stated that without Columbus or other merchants of interest like him, for good or bad, no one in this room would be here now. If Columbus Day is nixed, what would be celebrated next year during the four hundredth anniversary of Rye? What would that celebration be about?

Sam Borne stated that in regards to the idea that history is being erased, no it's not. This is not getting rid of Columbus. It's just choosing to not honor a man who wiped out half the population of the island he first landed on. Christopher Columbus is not a hero and should not be honored. He pointed out that Robert E. Lee is not being honored. The statues of the Confederacy are being taken down. That is history, but is not the history that should be honored. If everyone can agree on the basic fundamental fact that Christopher Columbus wiped out half the population of the indigenous island that he landed on, everyone can agree he is not a hero. He thinks everyone can agree on the basic fact that they should not be honoring a man who is a mass murderer. It's that simple. Will the Town be honoring a person who committed genocide? People can still talk about him, which should be done because it's a responsibility to talk about history. People need to learn about history. However, do we honor someone who commits genocide? That's the question being faced today. Article 25 should be supported.

Ms. Erlebacher stated that to Mr. Quinn's point, a lot of people do have things in their lives that they don't talk about. Martin Luther King did some things that are not talked about, only the good things. Her question is about the legality of this article that no one has talked about. The fact that the Selectmen did not take a vote on this is extremely disappointing. It seems that if this is binding, another year Independence Day could be changed to Second Amendment Day. Or Presidents' Day could be changed to George Bush Day. Would the Selectmen have to follow that? She would like to find out about the legality. This is a federal holiday established by the federal government, voted on by both chambers of Congress, including the present president, and voted and signed by then President. She would like to know the legal ramifications of just ignoring this and how binding it would be if next year it was decided to make Fourth of July Second Amendment Day.

Moderator Eaton asked Attorney Maher if he has a legal opinion in regard to the article on the floor.

Attorney Maher noted that the article is legal. States have their own calendars and the federal government has its own calendar. Towns can have a different calendar and recognize different holidays. Someone cannot change a holiday, as it has to be done by the State Legislature. He continued that this is not an illegal warrant article. The other question is whether this is a binding warrant article. There is some authority dating back to the 1800's that would say that it is a

binding warrant article to the extent that the town maintains a town calendar. However, he believes it's within the Select Board's discretion whether it even has a town-based calendar. He's not sure whether the Town has a calendar that it maintains separately and distinct from the one through the State legislation.

Selectman Epperson stated the he wants to address the people who have said they are disappointed in the Select Board and their position on this particular article. This was discussed at length at the last Select Board's meeting. The consensus of the Select Board was that this is an issue that should be decided specifically by the people of the Town. It was felt that the Select Board should not be influencing in a way that would bend the opinion of the Town. He's comfortable with the fact that the Selectmen had abstained. In light of House Bill 1173, which would establish August 9th as Indigenous Peoples' Day and would leave Columbus Day as is, that's where he would vote; however, how someone else votes is entirely up to them. He doesn't think it was a cowardly move or shirking responsibility. He hopes that's not the opinion of people at large.

Selectman Epperson continued that in talking about history and the deplorable things that have been done, it occurred to him that there's a monument on Brackett Road which signifies the Brackett Road massacre of colonists. There's also a commemoration of the Breakfast Hill massacre where the colonists wouldn't massacre the Indians, but they massacred the colonists. There's a lot of nefarious things that people don't want to admit to, but unfortunately, it's there.

Selectman Epperson moved to amend Article 25 to add the following sentence to the end of the article: "However, if House Bill 1173 is signed into law to proclaim Indigenous Peoples' Day a separately recognized holiday, then this warrant article shall become null and void." Seconded by Phil McDonough.

Mr. Crapo stated that in light of the fact that the Select Board voted to abstain from any recommendation on this, he thinks the record should show whether this is a personal amendment by Mr. Epperson or from the Select Board. The Select Board confirmed that it was its motion.

Steve Borne stated he opposes this amendment as it changes the purpose of the warrant article. This is not about Indigenous Peoples' Day. It's more about changing the name of the current holiday in October to something other than Columbus. That's why the first amendment was put forth, to dissolve this concern that Mr. Epperson has. He contends this changes the intent of the warrant article, which is to eliminate using Columbus Day for this holiday.

Moderator Eaton stated that although the motion may change the intent, it is not forbidden to change the intent of a warrant article if it does not change the subject matter, so it's a valid motion.

Attorney Maher stated that, as Moderator Eaton has said earlier, the case of Cady v. Town of Deerfield that was passed down by the Supreme Court a couple of years ago, makes it very clear that a motion to amend is permissible if it doesn't change the subject matter. In his opinion, this wouldn't change the subject matter.

Selectman Winslow stated that for information purposes, he looked at the town calendar and holidays are not listed. The calendar simply lists the meetings for the boards, commissions and committees.

Sam Borne stated that he contends that this does change the subject matter. The subject matter of this warrant article is getting rid of Columbus Day. By inserting HB 1173 that would create Indigenous Peoples' Day, which would make this warrant article null and void, would mean that Columbus Day would be reinstated. The subject matter is two parts. One Indigenous Peoples' Day and two removing Columbus Day. If this does pass, this will change the subject matter directly. Part of it is that the indigenous people who came here before should be honored. But Columbus Day should not be honored. To Selectman Epperson's point, yes, everyone is involved in history and it's layered in Rye and goes deep. However, Christopher Columbus is someone everyone can draw a pretty clear and cut contrast on. He thinks everyone can agree on the basic fact that what Christopher Columbus did, which is genocide and eliminating half the population of Hispaniola, was bad. If everyone can agree that was bad, they can all agree he should not be honored. He reiterated that the amendment does change the subject matter and should not be allowed. Secondly, even if it is, it should not be supported because it's about removing Columbus Day.

Moderator Eaton noted that, with all due respect, it remained his opinion that this amendment does not change the subject matter. As a matter of fact, the original language remains, so the subject matter is expressly still there and he will permit the amendment.

Ms. Grote called the question. Multiple seconds. Moderator Eaton called for a vote. Motion carried.

Moderator Eaton called for a vote on the motion to amend Article 25 to state as follows: "(By Petition) Shall the town cease from referring to the holiday on the second Monday of each October as Columbus Day and instead refer to it as Indigenous Peoples' Day? However, if HB 1173 is signed into law to proclaim Indigenous Peoples' Day as a separately recognized holiday, then this warrant article shall become null and void." **Motion carried.**

Moderator Eaton called for further discussion on Article 25, as amended.

Mr. Crapo asked if the Select Board will be changing their vote to be reflected on the ballot. Moderator Eaton noted that the Board indicated that it could not decide that in the middle of the meeting. However, it will be meeting immediately after to discuss if it will change its recommendation.

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

Selectman Winslow moved to restrict reconsideration of Article 25. Seconded by Selectman Epperson. Moderator Eaton called for a vote. Motion carried. Moderator Eaton declared that reconsideration of Article 25 was thereby restricted.

Moderator Eaton read Article 26.

ARTICLE 26. 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 2022.

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

Selectman Winslow moved Article 26 to the floor. Seconded by Selectman King.

Moderator Eaton asked Selectman Epperson to speak to Article 26.

Selectman Epperson noted this is standard operating procedure to sell at any auction, by sealed bid, any surplus town equipment that may have been replaced by something else or has become obsolete.

Moderator Eaton called for further discussion on Article 26. Hearing none, **Moderator Eaton ordered Article 26 to appear on the ballot as written.**

Moderator Eaton read Article 27.

ARTICLE 27. To transact any other business which may legally come before this meeting.

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

Selectman Winslow moved Article 27 to the floor. Seconded by Selectman King.

Moderator Eaton opened the floor for discussion of any other business.

Selectman Epperson said that everyone is sitting at the meeting with masks on. That is because of the Covid pandemic, which seems to have embraced the Town pretty clearly. The Town has embarked on a very significant drive to mitigate as much of this as possible with Covid vaccination clinics and there have been several. The next clinic is on February 23rd at the Fire Station from 1 p.m. to 5 p.m. It's available for all three vaccines, boosters and children. He reminded people who are getting a second shot or a booster to bring their vaccine cards.

Hearing no further discussion, **Moderator Eaton declared the Rye Deliberative Session adjourned at 11:38 a.m.**

Respectfully submitted,

Donna M. DeCotis
Town Clerk