

**TOWN OF RYE  
BOARD OF SELECTMEN  
Monday, December 9, 2019  
6:00 p.m. – Rye Town Hall**

*Present: Chair Phil Winslow, Vice-Chair Keriann Roman and Selectman Bill Epperson*

*Others Present: Town Administrator, Becky Bergeron*

**6:00 p.m.**

**I. CALL TO ORDER**

Chair Winslow called the meeting to order at 6:00 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-AL3, II (c) Reputation**

**At 6:00 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3, II (c) Reputation. Seconded by Phil Winslow. Roll Call: Winslow – Yes Roman – Yes Epperson – Yes**

**At 6:35 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes Roman – Yes Epperson – Yes**

**6:30 p.m.**

**III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chair Winslow called the meeting to order at 6:40 p.m. and led the Pledge of Allegiance.

**IV. ANNOUNCEMENTS**

- The Selectmen will be holding a public meeting on Monday, December 16<sup>th</sup>, 7:15 p.m., Town Hall, to discuss the possibility of trading the Parsonage for the TD Bank building.
- Selectman Epperson thanked the Holiday Parade Committee. Resident Bud Jordan restored the sleigh and it made its first appearance this year, which was a beautiful addition. He thanked Chuck Gallant for organizing the parade. He thanked Police Chief Kevin Walsh and Fire Chief Mark Couture for their work. Appreciation was also given to the floats that participated; Carol Landscaping, Atlantic Grill, Partner's Bank, Rye Congregational Church, Cub Scout Pack 18, Girl Scout Pack, Lion's Club and Velokids.

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

**Karen Allen, 81 Grove Road, Library Trustee**, updated the selectmen on the events happening at the Rye Public Library.

- ❖ The After Notes, an accapella singing group, held a Holiday Performance on December 4<sup>th</sup>. It was a fantastic performance with 40 people in attendance.
- ❖ The Library was open to the public during the parade on December 8<sup>th</sup> with refreshments being served. About 50 people enjoyed visiting the Library.
- ❖ Bill Kilham, who is a black bear specialist, will be giving a presentation in January as the Library's kick-off for 2020.
- ❖ On January 14<sup>th</sup>, 2:00 p.m., an informational session will be held regarding the Library enhancement. The public is welcome to attend this session to learn more information.

Town Administrator Becky Bergeron read a letter from **Steven Borne, 431 Wallis Road**, as he was not able to attend the meeting.

- 1) Regarding his letter from November 13<sup>th</sup> about planning. Although he was not at the select meeting to discuss it, it should have been on the agenda to be a part of public record. When can this be discussed or improvements in communication be made?
- 2) Regarding the antenna on pole by 431 Wallis Road, a picture was sent to the selectmen on November 11<sup>th</sup>. He has not heard any updates on who the antenna belongs to or what it is for.
- 3) Information that should be available to the public;
  - December 4<sup>th</sup> ZBA Meeting shows on the calendar but there is no agenda, assuming there is no meeting;
  - Budget work session from November 1<sup>st</sup> has not been posted;
  - November 15<sup>th</sup>, new tax rate, important information which is not available;
  - Selectmen's Newsletters are not posted, neither are open board positions;
  - Zoning and Land Use Development Regulation changes is confusing;
  - December 2<sup>nd</sup> Conservation Commission public hearing, not mentioned in the Selectmen's Newsletter or communicated.
- 4) What is going on with the town's website? Who is leading this effort and what is the goal of this change? Town notification stopped but residents can now sign up again. Was there any plan for this transition?

**On behalf of the Rye Civic League** – There is nothing in the December Selectmen's Newsletter regarding election support. Can something be put into the March 1<sup>st</sup> Newsletter? Regarding the Deliberative Town Meeting, will there be a problem with the date every year? What are the town's plans to get even more people there?

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

Chair Winslow requested discussion on both Items A and B on the consent agenda.

**A. Board of Selectmen's Meeting Schedule 2020**

The selectmen reviewed the meeting schedule for 2020.

Chair Winslow noted that he is not available for the meeting on October 14<sup>th</sup>. He requested a change to October 13<sup>th</sup>. Town Administrator Bergeron will need to follow up the meeting schedule for other boards to be sure there is no conflict with using the courtroom at the Town Hall.

Vice-Chair Roman noted she will not be available for the February 24<sup>th</sup> meeting to attend in person. It was agreed to change the date of that meeting to March 2<sup>nd</sup>.

Selectman Epperson noted he has a conflict with the meetings of April 13<sup>th</sup> and 20<sup>th</sup>; however, he will be able to attend by phone.

**B. Holiday Schedule 2020 – Policy Directive**

Chair Winslow noted that the Fire and Police Departments have 10 holidays per year and all other town staff have 11. He asked the reason why.

Police Chief Walsh noted that town employees have the day after Thanksgiving off. Police and fire staff do not, as they have more personal time available to them. He also noted that emergency service personnel have to work the day after Thanksgiving.

Chair Winslow asked why the Town staff is being given 11 holidays, when the police and fire contracts are for 10.

Police Chief Walsh explained this was taken into consideration during contract negotiations. It was felt that police and fire staff have more personal time available, which makes it an even field.

**Motion by Phil Winslow to accept Consent Agenda Item B and to get additional information for Item A. Seconded by Keriann Roman. All in favor.**

**VII. DISCUSSION ITEMS**

**A. Executive Assistant Appointment**

**Kate Drago** introduced herself to the public. She is coming from a fulltime dispatch position in Salisbury, where she worked for over two years. She has a Bachelor's Degree, as well as training in accounting, Excel and Word Processing.

Selectman Epperson stated that the selectmen are looking forward to having Ms. Drago onboard. She presents herself well and has excellent credentials.

Vice-Chair Roman concurred.

The selectmen welcomed Ms. Drago to Rye.

**Motion by Keriann Roman to appoint Katelyn Drago as the Selectmen's Executive Assistant. Seconded by Phil Winslow. All in favor.**

**B. CMA Engineers – Proposal for Conceptual Design Services re: Rye Town Center Committee – Pedestrian Improvements**

Chair Winslow explained the objective of this is to develop a proposed cost that can be used to go to warrant article for the March election. The Transportation Alternative Grant (TAP) will pay eighty percent of the costs that are used for improvements to the town center; covering bike lanes, sidewalks, lighting and cross walks. The intent is to get the costs to be able to go to town election with a warrant article asking the electors to agree to pay twenty percent if the grant is received. The objective of CMA Engineers is to come up with a proposal and the costs.

The selectmen reviewed the agreement with CMA Engineers for conceptual design services, which is being paid for by municipal aid. The agreement fee is listed as not to exceed \$11,700 which is within the range anticipated.

**Motion by Phil Winslow to sign the contract with CMA Engineers for the purpose of conceptual design and proposal cost estimate. Seconded by Bill Epperson. All in favor.**

**C. 1090 Washington Road – Enforcement Action**

Building Inspector Peter Rowell sent a letter to the selectmen recommending that enforcement action be taken against the property located at 1090 Washington Road, formerly Independence Farm and now Driftwood Equestrian. The property has a restriction that there cannot be non-natural materials. There is a wall that has been built inside the riding arena, which must be taken down. There are also RV's located on the property that are being used as living quarters. The property owners have been notified of these violations several times by the Building Department with an agreement being signed in August 2019.

**Motion by Phil Winslow to turn this over to Attorney Donovan for purposes of enforcement. Seconded by Keriann Roman. All in favor.**

**D. 487 Sagamore Road – Enforcement Action**

Building Inspector Rowell sent a letter to the selectmen recommending enforcement action against for the property located at 487 Sagamore Road. The owner had signed an agreement that a total of only nine cars would be stored outside at any time. Photos show that there are probably more than double that number. The property owner has offered to come up with a plan for taking out some of the vehicles; however, the Building Department has not received that plan. Letters to the owner from the Building Inspector were sent on May 21, 2018 and August 21, 2018.

**Motion by Keriann Roman to send 487 Sagamore Road to Attorney Donovan. Seconded by Bill Epperson. All in favor.**

**E. Amendment to Ordinance #22 Soliciting/Canvassing in the Town of Rye**

The current regulations do not allow religious canvassing door to door. Attorney Donovan has reviewed the ordinance and come back with a proposal to legalize that and allow for signatures on nomination papers for candidates for public offices.

Town Administrator Bergeron explained that Attorney Donovan has looked at the ordinance with regard to the First Amendment and it was just a brief review. She recommended having him do a comprehensive review of the ordinance.

Chair Winslow suggested the selectmen adopt what has been proposed thus far. They can decide later if they want to spend any money to have it reviewed further.

Vice-Chair Roman agreed that Attorney Donovan's change, regarding exemptions, should be adopted. In looking at the ordinance, she does think it needs to be rewritten. She would hate to see First Amendment issues against the Town. She noted the change proposed is meant to get at canvassers and solicitors that are covered by State law and it is a bit broad. Attorney Donovan points out that even with this change, there could be First Amendment issues.

After some discussion, the selectmen agreed to set this up for a public hearing at the next meeting. Vice-Chair Roman will draft a proposal to be sent out to the selectmen for discussion at the public hearing.

**F. Dennis McCarthy, Public Works Director – Roll-off Container Bid Results**

DPW Director Dennis McCarthy noted that two bids were received for a paper container with a sliding roof to keep the paper dry. He is recommending Rudco Products with a low bid of \$8739. He noted the funds will be covered under the Public Works Budget.

Note: No motion to accept is needed from the selectmen as the low bidder was chosen.

**VIII. CORRESPONDENCE**

- None

**IX. NEW BUSINESS**

- Vice-Chair Roman announced that the Town's Facebook page has been created. The first posts were about the holiday parade and the new tax rate. The Facebook page can be searched under **Town of Rye, NH**.

**X. OLD BUSINESS**

- None

**XI. SELECTMEN'S 2020 BUDGET WORK SESSION**

**A. Departmental Budgets**

- Historic District Commission:

Chair Winslow explained the Town's Historic District requirements are significantly understated compared to other towns. Rye's current documentation, with what people can and can't do, is very general and arbitrary. There is a 60/40 grant available to hire a consultation to help with the writing of the Historic District Guidelines. The cost is approximately \$25,000 and the Town's portion would be up to \$10,000 depending on the bid of the consultant that is chosen. The document would cover residential and commercial properties in regards to what can and can't be done in the District.

The selectmen agreed that they need to find out if the guidelines need to go to the voters on a warrant once they are adopted by the Historic District Commission.

Town Administrator Bergeron noted this would need to be added to the HDC Budget.

It was agreed to table this discussion to a future meeting for more information.

- Regional Associations:

Town Administrator Bergeron noted that the Budget Committee voted to present this as part of the operational budget. She asked the selectmen if they want to stand on creating a separate warrant for Regional Associations.

Vice-Chair Roman stated that the Budget Committee has the final say on the operating budget. If the selectmen countered that, it would be in the operating budget as well as a separate warrant article. She thinks that what the Town spends on donations should be up to the taxpayers and should be clearly set out for them to decide. Other towns have done this and have not had any issues; however, she does not want to do a separate warrant at this time.

The selectmen agreed to keep Regional Associations in the operational budget.

- Finance Budget:  
Town Administrator requested 20 hours of overtime be added to the budget to cover the Finance Administrator's wages for the Deliberative Session attendance and year end tasks that need to be completed. She is asking the budget be increased by \$1,085 which would bring the Finance Budget to \$171,948 from \$170,863.

**Motion by Keriann Roman to increase the Finance Budget to \$171,948 from \$170,863. Seconded by Bill Epperson. All in favor.**

- Recreation:  
**Lee Arthur, Recreation Director**, spoke to the Board regarding the Recreation Department's proposal to fund a comprehensive study to come up with a long-term plan for the washrooms at the recreation area, which would also look at current buildings (recreation office and rec house). The cost of the study, which also includes schematics, is estimated to be \$10,000 and will be paid from the Recreation Revolving Fund.

**Motion by Keriann Roman to approve the additional \$10,000 to Fund 9 Recreation Revolving Fund. Seconded by Bill Epperson. All in favor.**

**B. Capital Outlay**

- Police Department:  
**Police Chief Kevin Walsh** spoke to the Board regarding his request to include funds in Capital Outlay, as a placeholder, for a possible study of the intersection of Wallis Road and Brackett Road in 2020, which has a history of accidents in that area. He explained the improvements that have been made to date, by the Police Department and Public Works, to help prevent accidents at this corner. He is requesting \$10,000 to cover the costs of a study. He reviewed the information that will be covered in the study, which will lay out short and long term plans for improving conditions in that area.

Chair Winslow asked what will be done with the information from the study.

Chief Walsh stated that his guess is the study is going to talk about the rise on Wallis Road and how that can be improved, which might be removing a telephone pole or taking out some shrubs and trees. On the south side, the engineer will look at the improvements that have already been made by the Town.

Chair Winslow asked why a study is needed, if the Town already knows what needs to be done. He asked why they don't just move forward with the improvements without the study.

Chief Walsh stated he wants to be able to tell the residents that the Town is doing everything possible to make it safe by having an expert come in to do a review.

Chair Winslow commented if they already know what should be done, they should just do it. The study is putting a "belt on suspenders". He pointed out that Gregg Mikolaities, a professional engineer, spent some time at that intersection and came back with some recommendations. The Public Works Director has also given an opinion, as well.

Dennis McCarthy, Public Works Director, stated that the residents do not want to hear the town staff's opinion. They have their own opinion of what needs to be done there. Without some professional backup for the town staff, it doesn't do any good. There are some small improvements that can be made but he is not sure there will be any buy in from the residents.

Vice-Chair Roman stated an engineering study could come back and say cut back the trees, and other than cutting out the hill in that road for thousands of dollars, there is nothing else that can be done. There have been a lot of accidents at that intersection. She understands the engineering study could say there is nothing else that can be done but she is not okay with that. In regards to the bushes, it is unclear as to whether they are in the right-of-way or on personal land. She noted the Town can spend money on private land if it is for the public safety. The Town could offer to maintain the cutting, if the property owners give permission through an agreement.

Police Chief Walsh stated that there has only been one accident since they have started improvements. There is only one more improvement to make, which is trimming back the shrubs on the sides of the road. He needs to have something with merit to go back to the homeowner to say the shrubs need to be cut back.

Vice-Chair Roman asked the selectmen if they want to have Director McCarthy and Chief Walsh to go to the property owners on both sides of the road to trim. She asked if they should offer that the Town would pay to have it done; however, permission from the homeowner is needed.

The selectmen agreed that Chief Walsh and Director McCarthy should come up with a plan, which includes cutting back the shrubbery with an offer to the homeowners' that the Town will maintain the cutting.

There was some discussion on the possibility of installing a sign going east on Wallis that says "dangerous intersection ahead". The selectmen agreed this is a very unique intersection with a lot going on that is unlike any other intersection in town. Vice-Chair Roman will research whether installing this sign, acknowledging a dangerous intersection, will increase Town's liability. She will bring this information back to the Board at the next meeting.



**Motion by Keriann Roman to give Dennis McCarthy and Chief Kevin Walsh discretion to offer that the Town will cover the cost in cutting of the shrubs. Seconded by Phil Winslow. All in favor.**

**C. Encumbrances**

- The selectmen reviewed the list of encumbrances presented by Town Administrator Bergeron.

**Motion by Keriann Roman to encumber the amounts as shown on the Year End 2019 Encumbrance spreadsheet, in the amount of \$249,889.40. Seconded by Bill Epperson. All in favor.**

**D. Revenues**

To be reviewed at next meeting.

**E. Warrant Articles**

- Highway Equipment Capital Reserve Fund – to add \$100,000
- Fire and Ambulance Capital Reserve Fund – to add \$100,000

**Motion by Keriann Roman to move both the Highway Equipment Capital Reserve Fund Warrant Article and the Fire and Ambulance Capital Reserve Fund Warrant Article to the warrant in a single warrant article. Seconded by Phil Winslow. All in favor.**

- Expendable Trust Fund Warrant Articles - #3 and #4

**Motion by Keriann Roman to combine the third and fourth Articles and move them to the warrant in a single warrant article. Seconded by Phil Winslow. All in favor.**

- Vote to establish a Revaluation Capital Reserve Fund for the purpose of reappraising all real estate within the municipality - \$30,000 (Add the RSA)

**Motion by Keriann Roman to move the warrant with the amendment to establish the title as 'Revaluation Capital Reserve Fund' and to add the RSA. Seconded by Bill Epperson. All in favor.**

- Salt Shed Storage Facility
- Reconstruction and Repaving of Shoal View Drive

There was discussion on the past warrant articles for the salt shed and the reconstruction of Shoals View Drive, which have been on the warrant in the past but have not hit the 60% vote needed for a bond.

Mr. McCarthy suggested leaving the Shoals View Drive warrant article off the warrant for this year. He also suggested revising the salt shed article to 'Prepare Salt Storage Facility Site' and cut it to \$350,000 so it becomes a raise and appropriate article with a majority vote needed.

The selectmen agreed with Mr. McCarthy's suggestion.

**Motion by Keriann Roman to revise the Salt Shed Article to Prepare Salt Storage Site at \$350,000 and move it to the warrant. Seconded by Phil Winslow. All in favor.**

- Truck for DPW - \$70,000 from Reserves (no impact to the budget)

Motion by Keriann Roman to move the article for \$70,000 for a DPW truck to the warrant. Seconded by Phil Winslow. All in favor.

## **XII. OTHER BUSINESS**

- There was some brief discussion about the Pulpit Rock Tower. Vice-Chair Roman will bring information to the selectmen at the next meeting for more discussion.

### **A. Meeting Minutes**

1. Meeting, Friday, November 1, 2019, 8:00 a.m., Town Hall

The following corrections were noted:

- Page 6, under Building Inspector: **Phil Winslow made the motion to recommend.**
- Page 7, under Finance Office: **Phil Winslow made the motion to recommend.**

**Motion by Phil Winslow to approve the minutes of November 1, 2019 as amended. Seconded by Keriann Roman. All in favor.**

2. Meeting, Friday, November 15, 2019, 4:30 p.m., Town Hall

**Motion by Keriann Roman to approve the minutes of November 15, 2019 as presented. Seconded by Phil Winslow. All in favor.**

3. Meeting, Thursday, November 21, 2019, 9:00 a.m., Town Hall

The following was noted:

- The Selectmen took a roll call vote to enter the non-public session.

**Motion by Phil Winslow to approve the minutes of November 21, 2019 as amended. Seconded by Bill Epperson. All in favor.**

4. Non-Public Session, Thursday, November 21, 2019

(1) Per RSA 91-A:3, II (b) Hiring

**Motion by Keriann Roman to approve the Non-Public minutes per RSA 91-A:3, II (b) Hiring of November 21, 2019 as presented. Seconded by Bill Epperson. All in favor.**

(2) Per RSA 91-A:3, II (a) Personnel

**Motion by Keriann Roman to approve the minutes of the non-public Session per RSA 91-A:3, II (a) Personnel of November 21, 2019. Seconded by Phil Winslow. All in favor.**

**Motion by Keriann Roman to seal the minutes under Reputation. Seconded by Bill Epperson. All in favor.**

(3) Per RSA 91-A:3 II (d) Acquisition

The following amendment was noted:

- **Discussion by the Board with Brian Underwood for the appraisals of Parsonage and 500 Washington Road.**

**Motion by Keriann Roman to approve the non-public minutes of November 21, 2019 per RSA 91-A:3, II (d) Acquisition as amended. Seconded by Phil Winslow. All in favor.**

(4) Per RSA 91-A:3, II (a) Personnel

The following amendment was noted:

- **Two candidates have been interviewed. One candidate has a stronger interest.**

**Motion by Keriann Roman to approve the minutes of the non-public session per RSA 91-A:3, II (a) Personnel. Seconded by Phil Winslow. All in favor.**

5. Meeting, Friday, November 22, 2019, 10:00 a.m., Town Hall

**Motion by Phil Winslow to approve the minutes of November 22, 2019 as presented. Seconded by Keriann Roman. All in favor.**

## **ADJOURNMENT**

**Motion by Bill Epperson to adjourn at 8:33 p.m. Seconded by Keriann Roman. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger