

TOWN OF RYE – SELECT BOARD

Monday, April 8, 2024, 5:45 p.m.

Rye Town Hall & via Zoom

Select Board Present: Chair Bill Epperson, Vice-Chair Bob McGrath, and Selectman Rob Wright

Also Present: Town Administrator Matt Scruton, and Asst. Town Administrator/Finance Director Becky Bergeron

5:45 p.m.

I. CALL TO ORDER

Chair Epperson called the meeting to order at 5:45 p.m.

II. NON-PUBLIC SESSION per (1) RSA 91-A:3, II (a) Personnel (2) RSA 91-A:3, II (b) Hiring (3) RSA 91-A:3, II (d) Acquisition

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Epperson reconvened the public meeting at 6:38 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- The Select Board wished Fire Chief Mark Cotreau a happy birthday.

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.)

Alex Herlihy, 55 Lang Road, spoke about conflicts in local government. He also encouraged people who have complaints about a board, or anyone in public life, to get on the board's agenda to have a discussion. Mr. Herlihy continued with comments about the new policy regarding board, commission, and committee appointments. He feels the Select Board needs to take the recommendation of the board in question into consideration.

Richard Furber, 124 Washington Road, asked if the Select Board will be relying on boards to make recommendations on appointments. He also asked how much weight the Select Board will be putting on those recommendations. He asked if the Select Board would vote against a unanimous recommendation from the board/committee.

Selectman Wright noted that the Selectmen have not spoke to one another about this issue. He doesn't think the Select Board has a good sense about how it will be handled. He thinks it's a topic that needs to be answered; however, there isn't a common answer because each situation is going to be case specific. Selectman Wright pointed out that he is going to propose that the process of applying to boards be made simpler. He thinks this would be a step towards getting lots of participation, which is a bigger hurdle. Right now, there are a few committees which are very sought after and many are not. He would like to see more participation all the way through.

Chair Epperson commented that when people come forward, from any board, they are going to be vetted thoroughly and hopefully the right decision will be made.

Vice-Chair McGrath commented that it would be great if the boards and committees could make their own selections; however, the State of New Hampshire puts it in the Select Board's lap. He is personally going to do his own due diligence, as well as look at the environment and personalities on the boards. In his opinion, sometimes a board is stronger when there are opposing views within it, rather than all members supporting each other.

Joe Cummins, 990 Washington Road, made comments about the Recreation Commission. He also spoke about the possibility of having tennis courts in Rye.

VI. AGENDA ITEMS

A. ABATEMENTS

Assessor Ed Tinker met with the Select Board to review the 2023 abatements.

The Assessor recommends approval of the following abatements.

1. David & Coleen Gemellaro, 20 Signature Drive, map/lot 004-025-009
Current: \$1,757,000. Proposed: \$1,573,000. Abatement: \$1,576.88 + interest

Motion by Bill Epperson to grant the abatement of \$1,576.88 with interest for 20 Signature Drive, Tax Map 004, Lot 025-009. Seconded by Rob Wright. All in favor.

2. Eugene Skoropowski & Christopher Boucher, 0 Lafayette Road, map/lot 014-011
Current: \$418,300. Proposed: \$284,800. Abatement: \$1,072.01 + interest

Motion by Bill Epperson to approve the abatement for 0 Lafayette Road, Tax Map 014, Lot 011 in the amount of \$1,072.01 plus interest. Seconded by Rob Wright. All in favor.

3. Brian Mitchell, 3 Heather Drive, map/lot 024-061-022
Current: \$5,735,100. Proposed: \$4,923,100. Abatement: \$6,958.84 + interest

Motion by Bill Epperson to grant the abatement for 3 Heather Drive, Tax Map 024, Lot 061-022 in the amount of \$6,958.84 plus interest. Seconded by Bob McGrath. All in favor.

4. Daniel & Patricia Sullivan, 32 Gray Court, map/lot 052-089
Current: \$987,400. Proposed: \$882,100. Abatement: \$961.35 + interest
Note: *The property owner didn't pay taxes on the amount, so there's no required refund. This is for bookkeeping purposes for the Tax Collector.*

Motion by Rob Wright to grant the abatement for 32 Gray Court, Map 052, Lot 089, with no amount to be paid back to the property owner. It requires a notation on the tax collector's card. Seconded by Bob McGrath. All in favor.

5. Duron Ita P Rev Trust 2021, 148 Harbor Road, map/lot 092-021
Current: \$1,099,600. Proposed: \$1,070,200. Abatement: \$251.96 + interest

Motion by Bob McGrath to grant an abatement to 148 Harbor Road, Tax Map 092, Lot 021, in the amount of \$251.96 plus interest. Seconded by Bill Epperson. All in favor.

6. James & Carole McMillan, 1427 Ocean Blvd., map/lot 174-005
Current: \$1,610,000. Proposed: \$1,593,500. Abatement: \$141.41 + interest

Motion by Bill Epperson to grant the abatement of \$141.41 plus interest for Tax Map 174, Lot 005, 1427 Ocean Boulevard. Seconded by Bob McGrath. All in favor.

7. James Reidy & Wendy Curran-Reidy, 18 Park Ridge Avenue, map/lot 194-010
Current: \$782,800. Proposed: \$769,200. Abatement: \$116.55 + interest

Motion by Bob McGrath to grant an abatement for property located at 18 Park Ridge Avenue, Tax Map 194, Lot 010, in the amount of \$116.55 plus interest. Seconded by Bill Epperson. All in favor.

8. Thomas & Deborah Gosselin, 0 Starboard Way, map/lot 202-016
Current: \$524,600. Proposed: \$381,700. Abatement: \$1,224.65 + interest

Motion by Bill Epperson to grant the abatement of \$1,224.65 plus interest for Tax Map 202, Lot 016, 0 Starboard Way. Seconded by Bob McGrath. All in favor.

9. Thomas & Deborah Gosselin, 1 Starboard Way, map/lot 202-017
Current: \$1,303,800. Proposed: \$1,303,300. Abatement: \$4.29 + interest

Motion by Bob McGrath to grant an abatement to 1 Starboard Way, Tax Map 202, Lot 017, in the amount of \$4.29 plus interest. Seconded by Bill Epperson. All in favor.

The Assessor recommends denial of the following applications resulting in no change in the existing assessment.

1. Kevin & Abigail Wittnebert, 170 Love Lane, map/lot 004-046-000-PR4
Current: \$1,756,600. Abatement \$0 + interest

Motion by Bill Epperson to deny the abatement application for Tax Map 004, Lot 046-000-PR4, 170 Love Lane. Seconded by Bob McGrath. All in favor.

B. State Representatives Jaci Grote, Peggy Balboni & Dennis Malloy re: Legislative update and the upcoming meeting with NHDOT on 4/15/24

Representative Jaci Grote noted that as a result of the recent storms, the NH Department of Transportation has been invited to meet with the residents to talk about coastal resiliency and the ten-year plan for maintenance and repair of the roads. David Rodrigue, NH DOT Assistant Commissioner, and Brian Schutt, NH DOT Regional Project Manager, will be holding the meeting on Monday, April 15th, 6:30 p.m., at the Rye Junior High. Representative Grote also noted that she has spoken with Rye Planning Administrator Kim Reed about holding a second meeting for residents to discuss the programs and ordinances that Rye has put in place in order to prepare for coastal storms. She reported that the Federal Government has granted NH DOT a twenty million dollar grant to put towards the repair of the revetment walls between North Hampton and Rye. There are four sections of walls that are going to be repaired by DOT. The work will be explained by DOT at the upcoming meeting on the 15th.

Representative Peggy Balboni spoke to the Select Board about the NH House Education Committee and House Bill 1583, which increases the base amount per student for an adequate education. She also spoke about other education funding bills for increasing aid for special education and targeted aid, which are proposed to come from the NH Education Trust Fund.

Representative Dennis Malloy spoke about the work of the NH Ways and Means Committee, which reviews the revenue through items that are taxed through the State.

C. Chief Walsh – Event Permit Application: All Sports Events/Tri/ME – Wallis Sands Half Marathon, Sunday, 5/5/24, 7:00 – 10:30 a.m. to benefit youth sports groups

Police Chief Kevin Walsh presented the event permit application for All Sports Events/Tri/ME for a half marathon to be held on Sunday, May 5th starting at 7:00 a.m.

Selectman Wright questioned whether the funds raised from this event will benefit local NH youth.

After some discussion, Chief Walsh agreed to follow up with the organization to see what towns are benefited by the event. He will report back to the Board with the information.

Motion by Bill Epperson to approve the application for All Sports Events/Tri/ME for May 5, 2024 for up to 600 runners starting at 7:30 a.m. and ending at 10:30 a.m., based on the recommendation from Chief Walsh. Seconded by Bob McGrath. All in favor.

D. Jenn Madden – re: warrant article about documenting procedures for a permit and the next steps

Chair Epperson noted that Articles 30 and 33 have been approved by the voters. The Select Board will be addressing these articles in a public work session and will be coming up with next steps.

E. Jason Rucker, Public Works Director

Director Rucker presented the following bid results.

1) Catch Basin Cleaning

Motion by Bill Epperson to grant Triton Stormwater the annual contract for catch basin cleaning. Seconded by Bob McGrath. All in favor.

2) Pavement Markings

Motion by Rob Wright to award the road pavement markings to Industrial Traffic Lines, as recommended by DPW Director Jason Rucker. Seconded by Bill Epperson. All in favor.

3) Street Sweeping

Motion by Bob McGrath to grant the bid for street sweeping to Granite State Sweeping Services in Portsmouth, per order of the DPW Director. Seconded by Bill Epperson. All in favor.

F. Jason Rucker, Public Works Director – Application for Beach Construction Form

DPW Director Jason Rucker presented the Select Board with a draft application form for beach construction, which will allow for the repair of revetment seawalls owned by private residents throughout the summer season. Due to damage from recent storms, it is anticipated that the repair work is going to go into the summer season, as there are a limited number of contractors who do this type of work. The form has been reviewed by Primex and their suggestions have been added. The application will be sent out to all contractors with existing work permits. The intent of the form is to hold the contractors accountable. Contractors should be aware that permits need an extension from DES and this must be communicated with the Town. If the work is going to continue through the summer, there will be some stringent requirements from the Town for them to perform work on the beach, as safety for everyone is paramount.

Motion by Bill Epperson to adopt the newly revised permit application for beach construction. Seconded by Bob McGrath. All in favor.

- G. Sign Request:** Rye Driftwood Garden Club requests permission to put a sign at Parsons Field announcing their plant sale on 5/17/24 & 5/18/24. The sign is requested from 5/11/24 to 5/18/24.

Motion by Bill Epperson to approve the sign request for Rye Driftwood Garden Club to put their signs at Parsons Field announcing their plant sale on 5/17/24 and 5/18/24. The signs are approved from 5/11/24 to 5/18/24. Seconded by Rob Wright. All in favor.

- H. Request for approval of Raffles:** ISA UU Shops of Star (Star Island Gift Shop and Bookstore) requests permission to hold a series of raffles for handmade items to benefit the Isles of Shoals Association (Unitarian Universalist). Drawings will be held throughout the summer on Star Island.

Motion by Rob Wright to approve ISA UU Shops of Star Island raffle request to raffle handmade items to benefit the Isles of Shoals Association throughout the summer, providing all state approvals, if needed, are obtained and all state raffle regulations are adhered to. Seconded by Bill Epperson. All in favor.

- I. Request for approval of a Raffle –** Boston Partner's in Education requests to hold a raffle on May 13, 2024, at a charity event being held at Wentworth by the Sea Country Club.

Motion by Rob Wright to approve the Boston Partner's in Education raffle request for an upcoming charity event at Wentworth by the Sea Country Club on May 13, 2024, providing all state approvals, if needed, are obtained and all state raffle regulations are adhered to. Seconded by Bob McGrath. All in favor.

VII. CORRESPONDENCE

- A.** Letter rec'd from Peter Carroll re: His resignation as the Town Custodian

Motion by Bill Epperson to accept the resignation from Peter Carroll and send a letter of best wishes. Seconded by Bob McGrath. All in favor.

- B.** Letter rec'd from Firefighter/Paramedic Kaitlyn Pidgeon re: resignation from Rye Fire Dept.

Motion by Bill Epperson to reluctantly accept Kaitlyn Pidgeon's resignation as of April 16th. Seconded by Rob Wright. All in favor.

VIII. NEW BUSINESS

A. Town Legal Matters Representation

Chair Epperson read a statement regarding town legal representation. The Town is legally represented by Donahue, Tucker and Ciandella with the lead being Attorney Eric Maher. DTC is a well-respected firm with an extensive knowledge of municipal law. Any legal matter before the Town will be first directed to Attorney Maher. If the firm is not equipped to address the matter, Attorney Maher, with permission from the Select Board, will go to an outside firm which has the expertise to adjudicate the issue.

Asst. Town Administrator Becky Bergeron noted that this process would streamline information. The Select Board would receive updates on each legal matter, as well as not having multiple attorneys involved in representing the Town, which would result in a reduction of legal expenditures. She reminded the Board that the premise behind hiring a firm was to have a bench of multiple attorneys to handle multiple issues.

Motion by Bill Epperson that any legal matters concerning the Town be directed towards general counsel Donahue, Tucker, and Ciandella, unless the Town Counsel either has a conflict of interest or believes special counsel is in the Town's best interest.

Selectman Wright clarified that any entity within town governance is directed to use the Town's counsel.

Chair Epperson confirmed.

Vice-Chair McGrath commented that the Town needs to have someone that understands what's happening in other areas of town business and can make a judgement call. The bench is deep and if there is a conflict, it can be referred to a different firm.

Selectman Wright noted that his first experience in working in town government was on the Planning Board. He had the opportunity to spend a lot of time with Attorney Michael Donovan who had a very broad and deep knowledge of all matters pertaining to the Town. Selectman Wright commented that having one resource to tap into will allow the Town to build a knowledge base that will be helpful. Going to multiple places is not effective.

Chair Epperson agreed.

Seconded by Bob McGrath. All in favor.

Town Administrator Matt Scruton clarified that the motion does not apply to the Library Trustees or the School District, as they are a separate entity. The Cemetery is a separate entity, as well.

- Selectman Wright spoke about the need to move quickly to address issues with committees that are underserved and how to waive the recently passed Committee Policy, so they can be made whole as soon as possible. He submitted a form for the Board's consideration to be used as a quick entry to any of the committees that are seeking members. The intent of the form is to provide an easy mechanism for applicants, while creating a transparent process for waiving the policy for where it creates a bottleneck and makes no sense. This would not apply to applicants who are already in the process of following a different path. This form would be for applicants moving forward.

There was some discussion about setting up a process for appointments to the committees. After discussion, the Select Board agreed to have Administrator Scruton edit and revise the form, and put it into effective as soon as possible.

Motion by Rob Wright to authorize the Town Administrator to create a document that will provide an easily downloaded online form, also available in print at town hall, to indicate interest in serving on a board or committee in the Town of Rye.

Seconded by Bob McGrath. All in favor.

The Select Board also agreed to have Administrator Scruton devise a process for the appointment of people to boards and committees.

- Administrator Scruton noted that the Planning Board has asked for clarification on the committee policy regarding appointments. The Planning Board has a Transportation Alternative Program (TAP) appointment to the Rockingham Planning Commission (RPC). It's technically not a town committee, so it doesn't fall under the town policy that the Select Board approved. The Planning Board is reaching out to be sure the Select Board agrees with that interpretation.

It was agreed that the Planning Board can make a recommendation on an appointment back to the Select Board. The process of choosing a TAP representative falls outside of the requirements in the committee policy.

IX. OLD BUSINESS

None

X. OTHER BUSINESS

None

ADJOURNMENT

Motion by Bill Epperson to adjourn at 8:59 p.m. Seconded by Rob Wright. All in favor.

Respectfully Submitted, Dyana F Ledger