

**TOWN OF RYE – BOARD OF SELECTMEN
MEETING**

Monday, February 26, 2018

5:45 p.m. – Rye Town Hall

***Members Present:* Chairman Craig Musselman, Vice-Chair Priscilla Jenness and Selectman Phil Winslow**

***Others Present:* Town Administrator Michael Magnant**

5:45 p.m.

I. CALL TO ORDER

Chairman Musselman called the meeting to order at 5:45 p.m.

**II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (a) Personnel
(2) per RSA 91-A:3, II (c) Reputation
(3) per RSA 91-A:3, II (l) Legal Counsel**

At 5:45 p.m., Phil Winslow made a motion to go into Non-Public Session per RSA 91-A: 3, II (a) Personnel, (c) Reputation and (l) Legal Counsel. Seconded by Priscilla Jenness. Roll Call: Musselman – Yes, Jenness – Yes, Winslow – Yes.

At 6:40 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Priscilla Jenness. Roll Call: Musselman – Yes, Jenness – Yes, Winslow – Yes.

6:30 p.m. RECONVENE PUBLIC MEETING

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Musselman reconvened the public meeting at 6:43 p.m. and led the Pledge of Allegiance.

Motion by Priscilla Jenness to seal the minutes of the Non-Public Session just concluded. Seconded by Phil Winslow. All in favor.

IV. ANNOUNCEMENTS

- **None**

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.)

Jane Holway, 647 Washington Road, spoke to the Selectmen about the wishes of Esther Parsons with regards to the TD Bank property located on Washington Road.

Peter Crawford, 171 Brackett Road, spoke in regards to the Conservation Commission's pending land acquisition on South Road at the Stoneleigh Preserve Subdivision.

Elizabeth Sanborn, 16 Dow Lane, spoke about the concerns of the residents on Dow Lane and the importance of the neighborhood being represented.

David Tilton, 390 Washington Road, expressed his frustration on dogs running free on private property in Rye.

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

- A.** Chief Walsh - Event Permit Application: The Eastern States 20 Mile, Sunday, 3/25/18, 11:00 a.m. to 1:00 p.m., running race, to benefit local Seacoast charities.
- B.** Chief Walsh – Event Permit Application: NHARNG Best Warrior Competition Ruck March, Sunday, 4/15/18, 9:30 a.m. – 1:30 p.m.
- C.** Letter rec'd from Robert Wylde re: His opinion on what the use of the TD Bank building should be if the Town should acquire it.
- D.** Letter rec'd from Representative Mindi Messmer requesting support for two House Bills

Vice-Chair Jenness requested to remove consent agenda item D for discussion.

Motion by Phil Winslow to approve Consent Agenda Items A and B and place Item C on file. Seconded by Priscilla Jenness. All in favor.

- Letter rec'd from Representative Mindi Messmer requesting support for two House Bills.

Vice-Chair Jenness reviewed the details of House Bill 1766, which is an act relative to remediating the Coakley Landfill in Greenland, and House Bill 1701, an act relative to making Coakley Landfill Group subject to the provisions of RSA 91-A.

Motion by Priscilla Jenness to send letters of support for House Bill 1766 and House Bill 1701.

Selectman Winslow asked what the remediation for Coakley was supposed to be back in 1994.

Chairman Musselman noted that Coakley Landfill has been closed in accordance with the arrangements under the Superfund program with U.S. EPA. The bill is saying that something was not done that EPA was supposed to enforce. He is not sure what that is. He continued that the second bill pertains to the Coakley Landfill Group. He does not understand the comment that it is not known how the money was spent. He is not sure this is the Town of Rye's business as it is Portsmouth and North Hampton. This is an issue for those towns to deal with the legislature.

Selectman Winslow stated that his concern is how much involvement the Town of Rye should have and what the consequences will be of that involvement.

Chairman Musselman commented that if he was North Hampton or Greenland he would have questions. He is not sure that Rye has a standing to interject in neighboring communities' business.

Vice-Chair Jenness stated her concern is that if nothing is done, and there was money put there to do something about this, there is still the possibility of Coakley leaching additional material.

Selectman Winslow stated it would be beneficial to know what the remediation was supposed to be back in 1994. If they had that information, he may be inclined to support the motion.

Vice-Chair Jenness withdrew her motion.

VII. DISCUSSION ITEMS

A. Meeting Minutes

1. Meeting, Monday, February 12, 2018, 5:45 p.m., Town Hall

**Motion by Priscilla Jenness to approve the minutes of February 12, 2018 as presented.
Seconded by Phil Winslow. All in favor.**

2. Non-Public Session, Monday, February 12, 2018
 - (1) Per RSA 91-A:3, II (a) Personnel
 - (2) Per RSA 91-A:3, II (c) Reputation

Motion by Priscilla Jenness to approve the minutes of the Non-Public Session of February 12, 2018 as presented. Seconded by Phil Winslow. All in favor.

- B. Request from Greg Bauer for permission to access the beach to rebuild the sea walls in front of 11 F Street and 92 Old Beach Road.

Greg Bauer, Bauer Construction, spoke to the Selectmen regarding his request to access the beach for the repair of seawalls at 11 F Street and 92 Old Beach Road. The repairs will take approximately two weeks for each wall with work beginning within the next few days.

Motion by Craig Musselman to grant Greg Bauer permission to access the beach off F Street, for both vehicles and materials, for a two week period at 11 F Street and a separate two week period for the home at 92 Old Beach Road, all work to be completed by April 15, with access granted for vehicles only on the town access road near 92 Old Beach Road. Seconded by Phil Winslow. All in favor.

- C. David Walker, Rockingham Planning Commission – Dow Lane Analysis

David Walker, Rockingham Planning Commission Transportation Program Manager, reviewed the Dow Lane Analysis completed by the Rockingham Planning Commission. It was found that there is speeding occurring on Dow Lane, primarily in the direction of traffic leaving Route 1 heading towards Washington Road. The analysis listed options which may be viable solutions to help control this problem. The options consisted of everything from repainting the lines at the intersection of Route 1 and Dow Lane to closing that end of Dow Lane, which would increase the traffic at the Route 1/Washington Road signal. The easiest option to implement would be the change of the geometry of the Route 1 and Dow Lane intersection. The DOT has a project in place this summer to repave that section. There may be an opportunity to make that angle at the intersection more severe so that vehicles have to slow down to make that turn onto Dow Lane. The DOT is amenable to working with the town to help find a solution.

There was some discussion on working with DOT to try a temporary reconfiguration of the intersection in the spring to see how it will work. There was also discussion on other options that may be available for the town.

Elizabeth Sanborn, 16 Dow Lane, spoke on the importance of timing the project with the paving being done on Route 1 this summer by DOT.

Chairman Musselman noted that if it is a constructed solution it will take DOT some time to go through a design and approval process. If it costs money in addition to the paving it might be something that has to be dealt with later.

Members of the public who asked questions:

- Jenny Sears, 6 Dow Lane;

- Dave Marchefka, 35 Dow Lane

The Selectmen thanked Mr. Walker and the Rockingham Planning Commission for their work.

D. The Housing Partnership Report re: The Parsonage Apartments

Marty Chapman, The Housing Partnership Executive Director, gave an update to the Selectmen regarding funding options that may be available to The Housing Partnership for the Parsonage Apartments. He also reviewed the current condition of the property and repairs/upgrades that need to be made. The Housing Partnership will be returning to the Board with a final report and an answer on whether they feel comfortable moving forward with the lease on the Parsonage.

E. Use of Firefighting Foam in Rye

Fire Chief Mark Cotreau discussed the use of Class A and Class B firefighting foam over the years by the Rye Fire Department. The department has used very little Class B foam, which carries the most concern for perflourinated compounds (PFC's). Class B foam would be used in situations that involve fuel and other flammable products. Class A foam is used by the department for structure and brush fires. The department has a policy on foam, which states that Rye will procure the most environmentally friendly foam possible. Foam after 2015, is said to be perflourinated compound free. All foam the department has currently is less than one part per billion when tested. He feels comfortable with the products that are used by the department.

Selectman Winslow recommended that a record be kept of the use of firefighting foam in the future, to include the location, the reason for its use, amount and residual cleanup that was needed.

The Selectmen agreed that they are comfortable with Chief Cotreau using his best judgement on the use of firefighting foam by the department.

F. RSA Chapter 36-A approval of RCC purchase of ±57 acres of open space -- Stoneleigh Preserve Subdivision

Note: Priscilla Jenness recused herself from the discussion.

**Motion by Craig Musselman to table until the March 12th Board of Selectmen's meeting.
Seconded by Phil Winslow. Vote: 2-0**

VIII. CORRESPONDENCE

- None

IX. NEW BUSINESS

- None

X. OLD BUSINESS

- Town Administrator Michael Magnant noted that the Selectmen granted permission at their previous meeting for candidates to hold signs at the Transfer Station on Saturdays. He received an email from a candidate requesting to hold a sign on a Friday and a Saturday, March 9th and 10th.

Motion by Priscilla Jenness to expand the previous vote to include both Friday and Saturday. Seconded by Phil Winslow. All in favor.

XI. OTHER BUSINESS

- Selectman Winslow stated that a notice was received from the Blue Ocean Society stating they had 71 beach clean-up activities this past year in Rye. They collected 4,961 pounds of debris.

Motion by Phil Winslow to send a letter thanking the Blue Ocean Society. Seconded by Priscilla Jenness. All in favor.

ADJOURNMENT

Motion by Phil Winslow to adjourn at 8:57 p.m. Seconded by Priscilla Jenness. All in favor.

Respectfully Submitted,
Dyana F. Ledger

to The Board of Selectmen,
Gentlemen,

2-26-18 Consent
Item C

I understand that it is being considered for
the town to buy the TD Bank Building as a new
town clerk and tax collectors office

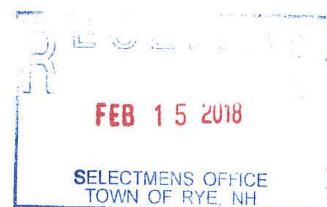
In my humble opinion you would do better to
store the files that must be permanently
saved there

Simply take out both counters at the north
end of the building, wall up the drive through,
and you can line up a number of filing ca-
binets

You can also line the wall of the former
offices and the conference room with
even more filing cabinets. ~~the~~

This whole thing will also organize
said files

Sincerely
Robert Wyldt



2-26-18 Consent Item
D



State of New Hampshire
HOUSE OF REPRESENTATIVES
CONCORD

February 14, 2018

Portsmouth City Council
1 Junkins Avenue
Portsmouth, NH 03801

Greenland Select Board
575 Portsmouth Avenue, PO Box 100
Greenland, NH 03840

Town of North Hampton Select Board
231 Atlantic Avenue
North Hampton, NH 03862

Town of Newington Select Board
205 Nimble Hill Road
Newington, NH 03801

Town of Rye Select Board
10 Central Road
Rye, NH 03870

Town of Hampton Select Board
231 Atlantic Avenue
Hampton, NH 03862

John Herlihy
Vice President, Water Quality and
Environmental Management
Aquarion Water Company
200 Monroe Turnpike
Monroe, CT 06468

To Whom it May Concern:

Legislative efforts have been proposed to protect drinking water of the Seacoast, in particular your towns. Groundwater, surface water and drinking water in each of your towns and water supplied by Aquarion is threatened by contamination from Coakley Landfill. Therefore, we ask for your support by emailing and writing letters to the respective committees. Below is a summary of the bills we ask you to support:

House Bill 1766 is an act relative to remediating the Coakley Landfill in Greenland which outlines the authority the New Hampshire Department of Environmental Services has to compel remediation of the site that was supposed to be implemented in 1994. The groundwater and surface water remediation was never implemented and the New Hampshire Department of Environmental

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Services agrees is unacceptably contaminating our waterways and groundwater. This bill is scheduled for a hearing on **February 20, 2018** in the House Environment and Agriculture Committee. The committee can be emailed at HouseEnvironmentandAgricultureCommittee@leg.state.nh.us and the committee chair is Representative John O'Connor.

Another bill, **HB1701 is an act relative to making the Coakley Landfill Group subject to the provisions of RSA 91-A** is proposed to shed light on the activities of the Coakley Landfill Group, Coakley Landfill Group took \$5.25M and Attorney Sullivan is quoted saying \$27M (\$13M of which is Portsmouth taxpayer money) has been spent but is not sure what the money was spent on. This bill was heard in the Judiciary Committee and Coakley Landfill Group brought their lobbyist, Rath, Young and Pignatelli to the hearing to propose the bill. The executive session is in the near future but unscheduled to date. The committee can be emailed at HouseJudiciaryCommittee@leg.state.nh.us and the committee chair is Joseph Hagan.

Please let us know if you have any questions about this request. Thank you for your time.

Sincerely,



Rep. Mindi Messmer
Rep. Renny Cushing
Rep. Phil Bean
Rep. Mike Edgar

Cc: Senator Jeanne Shaheen
Senator Maggie Hassan
Rep. Carol Shea-Porter
Gordon McDonald, N.H. Attorney General