

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

**Monday, March 12, 2018
6:00 p.m. – Rye Town Hall**

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

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

6:00 p.m.

I. CALL TO ORDER

Chairman Musselman called the meeting to order at 6:00 p.m.

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

At 6:00 p.m., Priscilla Jenness made a motion to go into Non-Public Session per RSA 91-A:3, II (a) Personnel and (d) Acquisition. Seconded by Phil Winslow. Roll Call: Musselman – Yes, Jenness – Yes, Winslow – Yes.

At 6:35 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 6:40 p.m. and led the Pledge of Allegiance.

IV. ANNOUNCEMENTS

- A. The Town Municipal Election will be Tuesday, March 13, 2018, 8:00 a.m.-7:00 p.m. at the Rye Elementary School.**

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

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, speaking on behalf of the Rye Public Library Board of Trustees, thanked Selectman Musselman for his many years of service to the Town of Rye. She also spoke about the new events happening at the library involving the youth program, which is under the direction of Youth Librarian, Kat Paiva. She noted that the library will be holding a special St. Patrick's Day Event on Wednesday, March 14th, 3:00 p.m., with the Glenshane Irish Folk Duo. All are welcome to attend.

Peter Crawford, 171 Brackett Road, also thanked Selectman Musselman for his many years of service. He expressed his thanks to Finance Director, Cynthia Gillespie, who will be retiring in August. He spoke in regards to the upcoming election. He expressed concerns about voters not having the right information about the wishes of Esther Parsons and the deed restrictions on the TD Bank parcel before going to the voting polls.

Police Chief Walsh thanked Selectman Musselman for his service to the Town.

Joe Cummins, 990 Washington Road, spoke to the Selectmen in regards to the possible use of the New Castle indoor tennis courts by Rye residents. He also spoke about the construction trades program possibly being cut from the curriculum at Portsmouth High School in the future, which would affect the students from Rye who attend that school.

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

- A.** Application for use of Parsons Field: Seacoast Lacrosse mid-March through June 15 (weather permitting)
Monday – Friday: 4:00 – 7:00 p.m.
Saturday: 9:00 a.m. – 12:00 p.m.
*Seacoast Lacrosse offers to pay AB Septic for a portable restroom at the Field for March, April, May and June. **Seacoast Lacrosse has prepaid this fee for 2018.*
- B.** Email rec'd from Deborah Meyer re: Dogs on the beaches in Rye
- C.** Letter rec'd from Finance Director Cyndi Gillespie informing the Board of Selectmen of her retirement effective August 31, 2018

Items A and C were removed from the Consent Agenda for discussion.

Motion by Priscilla Jenness to approve Consent Agenda Item B. Seconded by Phil Winslow. All in favor.

- Seacoast Lacrosse use of Parsons Field:

Selectman Winslow asked if the \$150 covers the expense of the portable restroom.

Chair Musselman commented that it is his understanding that the expense is paid directly to the company by Seacoast Lacrosse.

Selectman Winslow stated that there is a request to have the portable restroom placed in an area where it cannot be seen from the road but is reasonably visible. The eastern part of the field would be a good placement if possible.

Motion by Phil Winslow to approve the application of Seacoast Lacrosse for use of Parsons Field with the conditions that the expense for the portable restroom be paid directly to the vendor and the restroom be located in an area where it cannot be seen from the road, preferably the eastern part of the field. Seconded by Priscilla Jenness. All in favor.

- Retirement of Finance Director Cynthia Gillespie

Chairman Musselman stated that he has been honored to work with Mrs. Gillespie for the last 12 years. She has been both professionally and personally truly outstanding.

Vice-Chair Jenness stated that Mrs. Gillespie will be missed by a lot of people. People who have gone to her under the Right-to-Know and employees who needed to have time devoted to their needs have found her to be accessible and extremely helpful. She continued that the changes and demands that have happened over the last 10 to 15 years from the State and Federal that have been imposed on the work she does is extraordinary.

Town Administrator Magnant noted that Mrs. Gillespie has been his right hand person for the past 8 years. A lot of people bring out the adjectives of being dedicated and loyal when it comes to Mrs. Gillespie; however, it goes one step further. She is very devoted to the Town and her work.

VII. DISCUSSION ITEMS

A. Meeting Minutes

1. Meeting, Monday, February 26, 2018, 5:45 p.m., Town Hall

Motion by Phil Winslow to approve the minutes of February 26, 2018 as presented. Seconded by Priscilla Jenness. All in favor.

2. Non-Public Session, Monday, February 26, 2018

- (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 Advice

Motion by Phil Winslow to approve the minutes on the Non-Public Session, per RSA 91-A:3, II (a) Personnel, for February 26, 2018 as written. Seconded by Priscilla Jenness. All in favor.

Motion by Phil Winslow to approve the minutes on the Non-Public Session, per RSA 91-A:3, II (c) Reputation, for February 26, 2018 as written. Seconded by Priscilla Jenness. All in favor.

Motion by Phil Winslow to approve the minutes on the Non-Public Session, per RSA 91-A:3, II (l) Legal Advice, for February 26, 2018 as written. Seconded by Priscilla Jenness. All in favor.

B. Summer Sessions – Addressing the Police Chief's concerns from last year

Tyler McGill, Proprietor of Summer Sessions, 22 Perkins Road, spoke to the Selectmen about the letter he submitted to the Board addressing Chief Walsh's concerns regarding safety and parking issues with his summer camps. He addressed two principal areas of concern which were potential violations of the 2017 permit and safety concerns regarding pickup and drop off at Sawyer's Beach.

Chief Walsh spoke about his concerns regarding congestion being caused by the summer camps and safety issues. He also spoke about his request to Summer Sessions to come up with a safety plan to present to the Town.

C. Chief Walsh – New Police Firearm Purchase from Sig Sauer

Chief Walsh spoke to the Board regarding the request for the purchase of new firearms based on the age and recent malfunctions of the current weapons. The request is to purchase the firearms from Sig Sauer Inc., which provides an excellent training program and response time to resolve any issues. The firearms would be available for the Town by the end of the week.

There was discussion on how the cost of the firearms would be covered under the budget.

Motion by Phil Winslow to approve the purchase of 17 Sig Sauer B 320's as presented and 250 units of ammunition for each weapon for a total cost of \$6,418.83 which includes a trade-in of \$3,400 for the 357 magnums currently owned by the department. Seconded by Priscilla Jenness. All in favor.

D. Chief Walsh – Parking on Central Road in front of St. Theresa's Church

Chief Walsh addressed the concerns of parking on Central Road in front of St. Theresa's Church. The first idea of having cones put out on Central Road has not been successful. He is planning to introduce parking boxes for the front of specific houses on Central Road during church sessions. He submitted a drawing of a parking box and a photo of one that is similar on Ocean Boulevard. He will need to research whether a public hearing will be needed to add this to the Town Ordinance.

The Selectmen agreed that Chief Walsh should speak with the Rye Beach Precinct about what is being done and then move forward with the proposal.

E. Dennis McCarthy, Public Works Director – Utility Pole License 63-0675 Pole Number 43/34S – Pole located on Sagamore Road.

Motion by Priscilla Jenness to approve the request for utility pole license for work on pole number 43/34S on Sagamore Road. Seconded by Phil Winslow. All in favor.

**F. RSA Chapter 36-A approval of RCC purchase of ± 56.29 acres of open space – Stoneleigh Preserve Subdivision
(Taken after correspondence)**

VIII. CORRESPONDENCE

A. Email rec'd from Alice Soewito, an intern with Environment America looking for local leaders to support the use of solar power in their community.

Motion by Phil Winslow to refer the request to the Rye Energy Committee. Seconded by Priscilla Jenness. All in favor.

B. Letter rec'd from Leo Axtin re: his decision to resign from the Historic District Commission when his term ends on March 31, 2018.

The Selectmen requested a letter to be sent to Leo Axtin for his dedicated service to the Historic District Commission.

- RSA Chapter 36-A approval of RCC purchase of ± 56.29 acres of open space – Stoneleigh Preserve Subdivision

Note: Priscilla Jenness recused herself from the Stoneleigh Preserve Subdivision discussion.

Chairman Musselman stated that at a previous Selectmen's meeting there were a number of legal questions raised as to whether or not the waiving of the "Q" process was appropriate. The

Selectmen have since received a memorandum from Attorney Michael Donovan addressing that issue. Attorney Donovan has stated that this is an administrative policy adopted by the Selectmen. The Selectmen have the authority to waive the process, which has been done on other matters. This is part of a court ordered settlement that the Town is required to acquire the open space for a payment of \$300,000 and it is otherwise within the prudential responsibility of the Board of Selectmen. He continued that the list of items that are required for the Conservation Commission's acquisition are in the packages that have been submitted to the Planning Board and are available for public review; including tax maps, property surveys, soil delineations and title opinions. There was a question that was raised as to whether an appraisal was necessary. With this being a court settlement of litigation, it is not something that is required and is not appropriate within the circumstances. There was also a question raised about hazardous waste potentially from logging activities. Attorney Donovan noted that logging activities are not typically a source of hazardous waste. The property that is being acquired is largely on one of the two properties that was not used for logging. The conclusion is that the information that would have been provided by the A through Q process is predominately available and is inappropriate for the Selectmen to require it at this point with respect to the legal settlement. It is appropriate for the Town, in this circumstance, to waive the submission and review of the A through Q process in the Selectmen's consideration of providing approval for the Conservation Commission to acquire the 56.29 of open space with a payment of \$300,000 funds.

On behalf of the Stoneleigh Preserve acquisition, Phil Winslow made a motion to waive the Conservation Commission Land Easement Acquisition Approval Process, adopted by the Board of Selectmen on January 6, 2014. The information summary sheet prepared by Town Counsel satisfactorily addresses most of the items required by the process. Seconded by Craig Musselman.

Vote: 2-0

Regarding the Stoneleigh Preserve Acquisition, Phil Winslow made a motion to approve the acquisition by the Rye Conservation Commission of 56.29 acres of open space from Harbor Street LP, or any successor or entity, as shown on sheets 1 and 2 on the plan entitled 'Subdivision of Stoneleigh Preserve' prepared by Doucet Survey, Inc., with a plan revision date of February 19, 2018, for the purchase price of \$300,000 to be taken from the Conservation Land Acquisition Fund from bond proceeds authorized by Article VII of the 2014 Annual Town Meeting and to authorize the chairman of the Rye Conservation Commission to sign the purchase and sales agreement. Seconded by Craig Musselman.

Vote: 2-0

Note: Priscilla Jenness was reseated for the remainder of the meeting.

IX. NEW BUSINESS

Motion by Phil Winslow to formally commend Craig Musselman on behalf of the select board members and all the residents of Rye for his many years of valuable service to the Town of Rye. Seconded by Priscilla Jenness.

Vote: 2-0-1 Abstained: Craig Musselman

X. OLD BUSINESS

Selectman Winslow stated that he spoke with the transportation engineer for the City of Portsmouth. They have finalized the turn process to cap the intersection of Lang Road and Route 1. A consultant has been hired to work on the cost estimate for the design and construction. The analysis and estimates are to be ready within the next few weeks. It is anticipated that the project will take about 1.5 years to be completed.

XI. OTHER BUSINESS

- None

ADJOURNMENT

Motion by Priscilla Jenness to adjourn at 8:05 p.m. Seconded by Phil Winslow. All in favor.

Respectfully Submitted,
Dyana F. Ledger

DRAFT MINUTES of the Board of Selectmen's Meeting 3-12-18
See minutes of 3-26-18 for approvals/corrections

3-12-18 Consent Item B

Janice Ireland

From: Deborah Meyer <deborahj.meyer@gmail.com>
Sent: Friday, February 23, 2018 3:09 PM
To: Janice Ireland
Cc: Kevin Walsh
Subject: Dogs on the beaches in Rye

Dear Police Chief Walsh and the Rye Board of Selectmen,

I recently read the articles in the Portsmouth Herald about the continuing discussion of unleashed dogs on the beach. I'm also aware of a similar discussion in 2017, as well as warrant articles related to this topic. My husband, Paul and I have owned our home at 106 Old Beach Rd. in Rye since 1993. We are residents of New York State, so we are unable to vote in the Rye town elections. I'd like to still express my thoughts, as I imagine there are others who feel the same way I do. We are not dog owners, but we are well aware of the issues involved, when we both look out at the beach from our home and also walk the beach on a daily basis in the summer.

I don't think that all dog owners understand the concerns of others when dogs are unleashed on the beach. Most of the dogs on the beach are quite large. Often the owners meet up, and the dogs are then part of a large group. It's intimidating, and I worry when I see dogs approach me, as I am not really sure of whether the owners have true control. I try to walk as far away from the dogs as possible. The dogs get very excited when they have the freedom to run free. I know its fun for them, and that would be great in a dog park. I don't want to be jumped on and potentially be knocked down. Assuring others that their dogs are friendly is not really that helpful. When I see a dog on a leash, then I know I can relax.

I want to mention an incident that was witnessed from our home. In the summer of 2016, our window washer saw two large dogs jump on a woman who was walking on the beach with a baby. She had to hold the baby above her head, until the owner could get them under control. He thought it was a frightening sight. Unfortunately he didn't tell me about it until twenty minutes later, or I would have called the police.

I know that I can wait until after 9:00am to go out on the beach, and I can exit the beach by 7:00pm, in order to avoid dogs. There are many walkers on our wonderful beach. I used to wait to walk until 8:00am, and then the timing was changed. It's late to start the rest of the day, after waiting until 9:00am for a walk, but that's what I usually do. If I decide to go out earlier, I scan the beach to assess the dog situation. Once I get on the beach, I keep in mind where I can exit to the road, if I am uncomfortable. Sometimes I then find myself exiting the beach and walking on the road for most or part of the walk. It's certainly not the same experience, and it's also not as safe. I sometimes get in the car and drive to another location, so that I can walk along the A1A walking path instead.

I'm also not as happy with the new time of 9:00am-7:00pm for dogs to be off the beach. I much preferred the 8:00am-6:00pm time. If I take a walk around 6:00pm, I usually see people starting to bring dogs out on the beach. Many don't wait until 7:00pm, so we've lost an hour, and the day now starts later. Although I think people mostly clean up after their dogs on the beach, I also think about the urine residue that's left behind, and the fact that people are later walking on it barefoot, or children are sitting and potentially playing with it.

Our beaches in Rye are a treasure, but allowing dogs on the beach in the summer has raised a lot of issues. I hope you will continue to explore all options to ensure that the beaches are a safe and enjoyable place for all.

DRAFT MINUTES of the Board of Selectmen's Meeting 3-12-18
See minutes of 3-26-18 for approvals/corrections

Sincerely,

Deborah Meyer

DRAFT MINUTES of the Board of Selectmen's Meeting 3-12-18
See minutes of 3-26-18 for approvals/corrections

3-12-18 Consent Item C

Cynthia L. Gillespie
PO Box 1601
Rochester, NH 03866
603-817-0389
gillespie@metrocast.net

February 28, 2018

Rye Board of Selectmen
Town Administrator, Michael Magnant
10 Central Road
Rye, NH 03870

Dear Members of the Board and Mike,

I would like to inform you that I will be retiring, effective August 31, 2018. Working for the Town of Rye has been a wonderful experience. I have found the position of Finance Director/Assistant Town Administrator to be both challenging and rewarding.

Life is fleeting, so I have decided to retire and leave the workforce, so I can enjoy being with my husband and our family. I have worked for the Town of Rye for 16 years, and although these have been some of the most rewarding years of my life, I am looking forward to the next chapter.

I want to personally thank you for the many opportunities you have given me over the years. I have grown personally and professionally, and am very pleased with the work I have done. It has been a privilege to work with so many intelligent and dedicated individuals, as I have found in the Rye Management Team. I hope that our paths will cross again often.

I am extending this six month notice in order to help the Town with my successor and the transition.

I wish you; the Members of the Board, Mike and the Town of Rye the very best.

Sincerely,



Cynthia L Gillespie

DRAFT MINUTES of the Board of Selectmen's Meeting 3-12-18
See minutes of 3-26-18 for approvals/corrections

3-12-18 Corres. A

Janice Ireland

From: Alice Natasha Soewito <ansoewito@environmentamerica.org>
Sent: Sunday, March 4, 2018 7:37 PM
To: Janice Ireland
Subject: Local Leaders for Solar Power

Dear Selectmen Musselman and Executive Assistant Ireland,

My name is Alice Soewito and I am an intern with Environment America, a non-profit organization working for clean air, clean water and clean energy.

As a local leader, you well know the challenges facing the nation's communities and our environment today. We believe solar energy is well suited to meet those challenges -- by reducing air pollution, lowering energy costs and fighting climate change.

Environment America is working to bring together mayors and local leaders who support the use of solar power in their communities. **Today, we ask that you stand with us by signing on to our letter: 'Mayors for Solar Energy'.** This letter is a simple statement of support showing you agree with the need to advance solar energy in your community and beyond.

The link above will take you to a Google form where you can sign on to the letter.

We first released the "Mayors for Solar Energy" letter in December with over 80 U.S. mayors as signatories. Today, we have a bipartisan list of 150 mayors on the letter.

Our plan is to re-release our updated list of mayors on March 20, with a goal of including mayors from all 50 states. **We hope you'll join them by adding your name in support today.**

We also hope for the opportunity to start a dialogue with you about the ways in which your city is already going solar, how you could do more, or how to get started.

If you would like additional resources, our campaign Fact Sheet and "Ten Ways Your City Can Go Solar" Guide are great places to start.

Thank you for your consideration,

Sincerely,
Alice Soewito
Environment America Intern, Shining Cities Campaign
607-739-6188
ansoewito@environmentamerica.org
Follow me: @alice_soewito

DRAFT MINUTES of the Board of Selectmen's Meeting 3-12-18
See minutes of 3-26-18 for approvals/corrections

3-12-18 Corres B

LEO AXTIN
144 West Road, Rye, NH 03870
603 964 4115 Cell 603 502 8740

March 5, 2018

Board of Selectmen
10 Central Road
Rye, NH 03870

Dear Members:

After careful consideration, I have decided to step aside as member of the Rye Historic District Commission at the end of the current term.

I sincerely appreciate to have had the opportunity to participate in the workings of the Commission, which for me, has been a great personal pleasure.

Very truly yours,



Leo Axtin

