

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

**Monday, April 9, 2018
6:30 p.m. – Rye Town Hall**

***Selectmen Present:* Chairman Priscilla Jenness, Vice-Chair Phil Winslow and Selectman Keriann Roman**

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Jenness called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

II. ANNOUNCEMENTS

- Chairman Jenness congratulated Lt. Scott Blaisdell and Officer Mark Lynch who were recognized by the Rockingham County Child Advocacy Center for their extraordinary contribution to ensure health, safety and well-being of children in the community. The recognition by the Child Advocacy Center stems from a Rye case involving four juvenile victims.

Police Chief Kevin Walsh confirmed that Lt. Blaisdell and Officer Lynch were honored by the Child Advocacy Center and presented the Champion Award for the quick investigation on a juvenile case. He recognized Sgt. Bill Blais, who is on the Interagency Case Assessment Team (ICAT), as well as, Officers Jeff Miller and Dan Fuglestad, who helped on the case. He commended his staff and their families for their continued dedication and support to the Town.

- Chairman Jenness spoke about the Boston Post Cane, which is a tradition that began in 1909, when Edward Grozier forwarded to the Board of Selectmen in each of 700 towns, no cities were included, a gold-headed ebony cane with a request that it be presented with compliments of the Boston Post to the oldest male citizen of the town, to be used by him for as long as he lives, or until he moves from the town, and then the cane would be passed down to the next oldest citizen. In 1930, the rules were changed to the oldest living resident, making females eligible. No canes were presented to towns in either Vermont or Connecticut. Some of the towns that did receive canes have since become cities.

In 1999, the Town of Rye presented the town's Boston Post Cane to Bertha Pelletier on her 99th birthday. Bertha Pelletier passed away in 2006. No one held the cane at that time, until it was presented to Robert Mitchell on August 11, 2014, shortly after his 104th birthday. The custom of the Boston Post Cane took hold in those towns that were fortunate enough to receive one. As time went by, some of the canes were lost, stolen, destroyed by accident or taken out of town and not returned to the selectmen to be passed on. Fewer and fewer towns are keeping up with the tradition.

In 2005, the Rye Board of Selectmen had a replica of the original cane made. The replica is given to the recipient. On May 15, 2015, the Rye, N.H., Boston Post Cane replica was presented to Louise Frances Philbrick by the Rye Board of Selectmen to honor her as the oldest resident in Town. She was born on May 11, 1915 and the day she received the cane she was celebrating her 100th birthday. Louise Philbrick passed away on March 31, 2018 at the age of 102. She was just about a month and a half short of her 103rd birthday. Her nephew returned the cane to the Town this past weekend.

With the growing population in the community and the increasing privacy laws, it is becoming more difficult to find the oldest citizen in Town. If anyone knows of someone who may be eligible to receive the cane, the residents are encouraged to submit their name to the Selectmen's Office so they may be presented with this honor. The Town has added to the policy that the resident must have lived in the community for 10 years in order to receive the cane because of the nursing homes within the Town.

- Chairman Jenness noted that following each Town Meeting the first task of the Board of Selectmen is to carry out the wishes of the voters regarding the articles that were passed. In 2017, there was a Petitioned Warrant Article, (Warrant Article 30), for \$500,000 to repair, refurbish and improve Town Hall. It was defeated. The Selectmen were confronted with RSA 32, which is often referred to as "No means no". Because that article was defeated, for the entire year of 2017 the Town was unable to spend as much as a dime in order to paint the Town Hall. It could not legally be painted. Today, the 2018 vote applies to other defeated warrant articles, which includes TD Bank, any support to the Loftus plan and the visioning sessions. Chairman Jenness announced that the RFP to paint the Town Hall is now ready to be sent out.

III. 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.)

Denis Lipman, 484 Brackett Road, spoke to the Selectmen about the discussion at the recent Heritage Commission meeting about whether or not the Town should wait to paint the Town Hall until the windows are replaced or repaired. He wrote to a gentleman, who is a high-ranking official of facilities at the Strawberry Banke Museum, who supported the painting of the building regardless of the condition of the windows, as they are a separate architectural element, to protect the exterior from deterioration.

Robert Wylde, resident, expressed his ideas for opening up office space in the Town Hall.

Robert Jesurum, 11 Harborview Drive, spoke in regards to Attorney Donovan's latest filing, on the Board's behalf, to the Rockingham Superior Court regarding Sanders Point. A copy of his response to Attorney Donovan's filing was submitted to the Board and will be on file in the Selectmen's office.

Elizabeth Sanborn, 16 Dow Lane, stated that she hopes the Town will continue the remediation to slow traffic on Dow Lane. She also spoke in support of painting the Town Hall in order to give the community faith and hope that the building will not be torn down.

Karen Allen, 81 Grove Road, Library Trustee, noted that the library had 30 attendees at the Glenshane Irish Folk Music Event in celebration of St. Patrick's Day. The library has added another senior chair yoga program, which is always a popular event. The Friends of the Rye Public Library will be hosting an event called 'Past is Present' with Boston Museum of Fine Arts Jewelry Curator, Emily Stoehrer, on April 24th at 6:30 p.m. She announced that the Rye Public Library has recently been voted number 1 out of the top 10 libraries in N.H. by 'Best Things N.H.'. (bestthingsnh.com)

Steven Borne, 431 Wallis Road, expressed his thoughts about topics that were discussed at the March 26th Selectmen's Meeting. He also spoke in regards to the Town working with Plan N.H., which was one of the recommendations by the Parsonage Committee. He noted that the warrant article for a town visioning session was voted down and the Town cannot spend any money on this project in 2017; however, there are residents who would be willing to help raise those funds through private donations. They are seeking the support of the Selectmen in moving forward with this project.

Paula Tsetsilas, 12 Rock Orchard Lane, spoke in support of the town charrette (visioning session) as discussed by Mr. Borne.

Patricia Weathersby, 26 Neptune Drive, spoke in support of the Town working with Plan N.H. and encouraged the Selectmen to give their support.

Peter Crawford, 171 Brackett Road, expressed his support for Plan N.H. He also expressed support for Robert Jesurum and his fight to maintain public access to Sanders Point. He spoke in regards to moving forward with the process of painting Town Hall.

David Tilton, 290 Washington Road, addressed his concerns regarding the fence installed by the Rye Conservation Commission on town owned land adjacent to his property, which was done in response to dogs trespassing onto private property.

Shawn Joyce, 270 Washington Road, spoke in regards to dogs not being under their owner's control and running onto his property which abuts the town forest. He requested that the Board consider implementing a temporary leash law along the Green Trail, until they come up with a solution to the problem.

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

- A.** Sign Request: Lee Arthur, Recreation Director, requests permission to post a sign at Parson's Field and in front of the Town Hall from Tuesday, May 22nd until Monday, May 28th, to publicize the Memorial Day Ceremony & Parade being held on Monday, May 28, 2018.
- B.** Chief Walsh – Event Permit Application: Seacoast Velokids, Tuesday, 5/1/18 to 6/5/18, 4:00 – 5:30 p.m.
- C.** Chief Walsh – Event Permit Application: Wallis Sands Half Marathon, Sunday, 5/20/18, 8:00 – 11:00 a.m. To benefit multiple charities.
- D.** Chief Walsh – Event Permit Application: American Lung Association, Cycle the Seacoast, Sunday, 5/6/18, 7:00 a.m. – 3:00 p.m.
- E.** Letter rec'd from Peter Crawford re: Painting the Town Hall
- F.** Letter rec'd from Tom Pearson re: Painting the Town Hall
- G.** Letter rec'd from Frances Erlebacher re: Painting the Town Hall
- H.** Letter rec'd from Paula Tarta re: Painting the Town Hall

Vice-Chair Winslow requested to pull item B from the Consent Agenda.

Motion by Phil Winslow to accept Consent Agenda Items A, C, D, E, F, G and H. Seconded by Keriann Roman. All in favor.

Discussion:

Speaking to Police Chief Walsh, Vice-Chair Winslow noted that last year Velokids wanted to use Parsons Field and the Selectmen asked them to use the area behind the airfield. He asked how this worked out for the group.

Chief Walsh stated that there were no complaints and the organization seems to be happy with that area.

Motion by Phil Winslow to accept Consent Agenda Item B. Seconded by Keriann Roman. All in favor.

V. DISCUSSION ITEMS

A. Meeting Minutes

1. Meeting, Monday, March 26, 2018, 6:00 p.m., Town Hall

The following corrections were noted:

- Page 2, it should be noted that Francis Earlbacher should be spelled **Frances Erlebacher.**
- Page 4, 2nd bullet, should state: **Georgina Saravia: Appointment as a member to the Recreation Commission for a 1 year term.**
- Page 4, under the 2nd bullet, it should state: **Georgina Saravia addressed the Selectmen regarding her request for appointment as a member of the Recreation Commission.**
- Page 5, 6th paragraph from bottom, should state: **Vice-Chair Winslow stated it is his understanding that the Heritage Commission is going to provide that service.**
- Page 9, 4th paragraph, last 3 sentences should read: **The Historic Structures Report is \$31,000 with \$19,000 from the Town and \$12,000 from L-Chip. The project cost for painting the Town Hall is \$95,000. The rest of the money was going to come from the Town Wide Building Maintenance Account.**

Motion by Phil Winslow to approve the minutes of March 26, 2018 as amended. Seconded by Keriann Roman. All in favor.

B. Patrick Bogle, Jones & Beach Engineers, Inc. – Requests permission to access the beach at the Surf Club, 1200 Ocean Blvd.

Patrick Bogle, Jones & Beach Engineers, spoke to the Board in regards to the request to access the beach at the Surf Club to repair a seawall that was damaged in a recent storm. The access will be through a town road from the town's right-of-way between the seawall and the highest observable tide line. NH DES has issued an emergency authorization permit and the building inspector will sign off on the flood plain permit. The work will begin as soon as they receive approval from the Selectmen and will take about a month to complete. Equipment will be moved off the beach at night and will be parked in the Surf Club parking lot.

Selectman Roman asked if the Town could receive something in writing or a bond covering any damage to the access way.

Joe Coronati, Jones & Beach, explained that a temporary bond from the contractor is typical in this situation.

Dennis McCarthy, Public Works Director, stated that he did not have any concerns with the work being done, as long as they are completed before Memorial Day Weekend.

Motion by Phil Winslow to approve the Jones & Beach Engineering proposal for repair damage at the Rye Surf Club with the following restrictions;

- **All equipment off beach by 6:00 p.m. daily;**
- **No track vehicles on right-of-way;**
- **Construction to be completed by May 18th;**
- **Bond to be submitted with amount to be determined by Town Administrator;**
- **No parking of equipment or vehicles on the town right-of-way; and**
- **Pre and post construction site inspections, with photographs, to be completed by the Public Works Director and Building Inspector.**

Seconded by Keriann Roman. All in favor.

C. Certified Local Government Program Application

Mae Bradshaw, on behalf of the Heritage and Historic District Commissions, presented the application for the Town to participate in the Certified Local Government Program (CLG). She noted that the Selectmen voted in November to move forward pending application review by the Board. She introduced Nadine Miller from the Division of Historical Resources, who was present to answer any questions.

Ms. Miller explained that the primary requirement to be a certified local government is to have a Historic District Commission (HDC) that regulates an ordinance area of the community. All of the other components are recommendations in the sense of working together with the HDC and the Heritage Commission in an advisory role or helping to complete a historic properties survey. The program will also give money to communities to help with architectural plans for buildings such as the Town Hall. The third priority of the program is actual physical money for buildings. Ms. Miller spoke in regards to projects that other CLG communities have been working on. She explained that it is necessary for the town to have established a Historic District Commission, which has been done in the Town of Rye. The Town also happens to have a Heritage Commission which will enhance the application. The CLG focuses on the entire town not just the Historic District. The town could receive money for a project outside the district or for something that is related to the town history in general. The money does not have to be used only in the Historic District. She continued that the Historical Society is a private organization that has no authority or responsibility to this in any way. In some communities, the Historical Society will work closely with the Heritage and Historic District Commissions.

Ms. Bradshaw explained that the program provides grants and expertise, which are available to the towns that are members, for projects within their communities. A grant application for each project would need to be prepared and submitted by the town to CLG for approval.

Ms. Miller noted that Rye is well on their way to qualifying for the program. No additional commissions are required to be set up and no additional volunteers are needed. The only requirement, once the Town becomes a member, is an annual report that needs to be submitted to CLG around the end of October.

Ms. Bradshaw pointed out that the Historic District Commission will take on the responsibility of writing the report.

After discussion, the Selectmen agreed the application could move forward.

D. Rye Senior SERVE – Discussion about the building that houses the senior van

Connie Olson, President of Rye Senior SERVE Board of Directors, spoke with the Board about the trolley barn located at 37 Central Road, which has housed the senior van since 2015. She noted that the van was purchased in 2006. Before the van was stored at the trolley barn, it was parked in the parking lot of the Town Hall, taking a severe beating from severe New England weather. Senior SERVE approached the Selectmen about using the old trolley barn for the van and they agreed. Senior SERVE volunteers moved many greenhead fly traps, furniture and equipment out of the building to be stored at other properties. SERVE also paid to repair the automatic door opener and other locks within the building. Since that time, extensive bodywork has been done on the van. It is anticipated that with indoor garaging, the van will have several more years of life while SERVE saves for its replacement. In December, Selectman Winslow suggested selling the property to help defray the cost of the TD Bank property. The article to sell the property was placed on the warrant and was approved in March. The article to purchase the TD Bank property did not get approved. She asked if the defeat of the bank article renders the selling of 37 Central Road moot. She continued that Senior SERVE provides a valuable service to the Town and its senior residents. There are eleven volunteer drivers who drive seniors to the bank, grocery store and other places they may need to go to complete their errands. The van is also used once per month to go out to a restaurant of their choosing and to attend a show at the Seacoast Repertory Theater. This allows the seniors to be able to enjoy a night out without having to contend with parking situations and driving at night. In addition to the van, there are thirteen drivers who use their personal vehicles to take residents to appointments or on errands. She noted that the volunteers who work for Senior SERVE are all Rye residents, as well as the folks who are being served. The program developed out of a survey that was done in 2002 as part of a review for the Master Plan. The survey was responded to by senior residents whose concern was that they may have to leave their homes because they could no longer drive and they needed some help. A group of people who were working on the Master Plan developed what became Senior SERVE. The situation with the van being parked in the old trolley barn has been ideal for the drivers and has provided protection for the van. She asked that the Selectmen consider not selling 37 Central Road and allow the Senior SERVE to continue using the building for the van.

Chairman Jenness stated that she does not think anyone would dispute that Senior SERVE provides an irreplaceable service to a lot of people in the community. The warrant article itself is not related to the TD Bank. She pointed out that the wording “allowed to sell” and “must sell” makes a big difference and the property does not have to be sold right away. The Selectmen will need to take the issue under advisement to see if they can come up with a plan.

Ralph Hickson and John McDonough, members of the Board of Directors of Senior SERVE, also spoke to the Selectmen regarding the services they provide to the residents and the need for enclosed parking for the van.

Vice-Chair Winslow stated that the services Senior SERVE offers is a tremendous value to the Town. This is a great opportunity to support the senior residents. If the Town can obtain

\$250,000 to \$450,000 for the sale of the trolley barn, and in turn receive \$7,000 per year in property taxes, it makes it a tough financial decision. He asked if some of the proceeds from the sale of the trolley barn could be used to build an extension on the safety building or at the Congregational Church.

Town Administrator Magnant stated that he will talk to Town Counsel; however, his understanding is that the Town does not have an appropriation to build a garage. The Town would have to ask for an appropriation in 2019 to do that. He will speak with the town staff about possible sites and will speak with Attorney Donovan.

E. Chief Walsh – 2018 Beach Permit Applications

1. Standup Guys LLC aka: The Shack

- **Applicant: Joe Kelley**
- Will begin May 1st (same as 2017) and run through October 31st
- Hours – 8:00 a.m. to 7 p.m.
- Location – Wallis Road Extension
- Rentals of paddle boards and surfboards (no camps)
- May give a customer a demonstration on how to use the boards
- Paddle board tours are done on the river in Portsmouth.
- The business has been running the same for 8 years.
- Police Chief Walsh noted that an updated certification of insurance will be required from the owner by June 1st. He has not had any problems or issues with this business.

Motion by Phil Winslow to approve the Standup Guys LLC Application, with a change on the application of May 1st to October 31st and time change from 8:00 a.m. to 7:00 p.m. Seconded by Keriann Roman. All in favor.

2. Mission Portsmouth - Yoga

- **Applicant: Mindy Anderson**
- Monday – Friday, June 15th to October 15th
- Hours - 5:00 a.m. to 7:00 a.m. – Owner has agreed to start at 6:00 or 6:30 a.m. if Foss Beach is not available due to high tide.
- Location – Foss Beach & Wallis Road Extension (at high-tide)
- No music
- Police Chief Walsh noted that an updated insurance certificate will be required by June 14th.

Motion by Phil Winslow to approve the Mission Portsmouth Beach Permit Application as written, from June 15th to October 15th, with a certificate of insurance to be submitted by June 14th. Seconded by Keriann Roman. All in favor.

3. Carla Cole – Yoga

- **Applicant: Carla Cole**
- One day per week on Wednesdays – June 1st to October 1st
- Hours – 6:30 a.m. to 8:00 a.m.
- Location – Old Beach Road near Sunrise Path
- No music
- Chief Walsh noted that the applicant has requested to move her location if a spot should open up during the summer. This will be brought back before the Board for approval. Certificate of insurance is in place.
Selectman Roman noted that parking on Sunrise Path is Rye Permit parking only on the left side of the path. (Ms. Cole will need to make this clear to participants.)

Motion by Phil Winslow to approve the Carla Cole Beach Permit Application as written. Seconded by Keriann Roman. All in favor.

4. Rye Beach Market, LLC

- **Applicant: Robin**
- New application – Formerly known as Rye General Store which rented paddle boards in the summer.
- Daily from 9:00 a.m. to 4:00 p.m.
- Location – E Street
- Rentals of coolers, chairs, picnic blankets and small tables for beach use.
- Chief Walsh noted that the owner knows that no alcohol is permitted on the beach. He is confident that the owner will continue to support this town ordinance. There have been no issues or problems with this business in the past. The insurance certificate is in place.

Motion by Phil Winslow to approve the Rye Beach Market, LLC Beach Permit Application for the rental of coolers, chairs, small tables and picnic blankets, contingent upon no alcohol in the coolers. Seconded by Keriann Roman. All in favor.

5. Rye Beach Yoga, LLC

- **Applicant: Robin (his wife's business)**
- Daily from 6:00 a.m. to 9:00 a.m. – June 1st to October 31st
- Location – E Street
- Maximum of 20 participants
- No music
- Chief Walsh noted that a copy of the insurance binder is needed from the owner.

Motion by Phil Winslow to approve the Rye Beach Yoga, LLC Beach Permit Application, with the change of hours from 6:00 a.m. to 9:00 a.m., in lieu of 7:00 a.m. to 10:00 a.m., from June 1st to October 31st. Seconded by Keriann Roman. All in favor.

6. Kathryn Londoff of Gyrontonic Seacoast

- **Applicant: Kathryn Londoff**
- Sundays in June with low-tide from 7:00 a.m. to 8:15 a.m.
- Location – Foss Beach
- Exercise classes
- No music
- Chief Walsh noted the insurance certificate is in place.

Motion by Keriann Roman to approve the Beach Permit Application of Kathryn Londoff. Seconded by Phil Winslow. All in favor.

7. Cinnamon Rainbows Surf Co.

- **Applicant: Dave Cropper**
- From May 1st to September 15th
- Location –South of Jenness State Beach when it is high-tide in Hampton
- Camps will be a maximum of 25 participants
- Surfers and coaches carpool to location as much as possible. Participants are asked to meet at the bathhouse. Surfing takes place to the right of the bathhouse. Parking will be in the lot or across the street in the pay-to-park lot.
- Chief Walsh noted the insurance binder is in place.

Motion by Phil Winslow to approve the Beach Permit Application for Cinnamon Rainbows Surf Co. as presented, from May 1st to September 15th, with a maximum number of 25 participants

8. Magnolia Barrett – Yoga

- Chief Walsh noted that the application is incomplete and is not ready to present to the Board at this time.

9. Portsmouth Paddle Company

- Chief Walsh will be speaking with the owner about additional requests he has made on his application before presenting it to the Board.

10. Summer Sessions Surf Shop

- **Applicants: Tyler & Ryan McGill**
- Chief Walsh noted that a safety plan has been received from the owners with some improvements that will make things much safer for their camps. An engineering company has reviewed their operations; main building, camp and lesson locations. Summer Sessions will be sending information out to the campers explaining specifically about drop-offs and pick-ups. Participants are being told that they cannot double park or park along the side of Eel Pond. It is encouraged that Summer Sessions supply the equipment to eliminate congestion and safety issues. It is also encouraged that customers go to the main building (base), cross at the crosswalk on Perkins Road and walk down. Chief Walsh submitted photos from the engineering company which showed their recommendations for pick-up, drop-offs and traffic patterns near Sawyer's Beach. Summer Sessions will be giving this information to their customers to ensure compliance with traffic rules. Summer Sessions will also be adding a staff member, in a traffic vest, at the beginning of each camp session to help deter people from parking on the Eel Pond side of the road. Chief Walsh feels that the proposed safety improvements is moving in the right direction. He is encouraged by the fact that the business is willing to work with him and put these ideas into place to help make things safer.
- **Kids' Camp** – June 15th to September 1st – Monday through Friday from 9:30 a.m. to 11:30 a.m. and 12:00 p.m. to 2:00 p.m.
- Maximum of 35 participants with 12 instructors
- **Ladies' Night** – June 1st to October 1st – Wednesday from 5:30 p.m. to 6:30 p.m. and 7:00 p.m. to 8:00 p.m.
- Maximum of 35 participants with 12 instructors
- Location - between Brown's Cottages and Sawyer's Beach
- **Adult Night** – June 1st to October 1st – Tuesday from 6:00 p.m. to 7:00 p.m.
- Maximum of 35 participants with 12 instructors.
- Location – between Brown's Cottages and Sawyer's Beach
- **Stand Up Paddle (SUP) Yoga** – June 1st to October 1st – Monday, Wednesday and Friday from 7:00 a.m. to 8:30 a.m. and 6:00 p.m. to 7:30 p.m.
- Location – Bass Beach or Rye Harbor (depending upon the tide)
- Maximum of 15 participants
- **Lessons** – May 15th to October 15th – Daily from 9:00 a.m. to 5:00 p.m.
- Location – between the Brown's Cottages and Sawyer's Beach
- No more than 4 groups of lessons at one time per hour with a maximum of 3 participants per group - Maximum of 12 participants per hour overall.
- Certificate of insurance will be in place by May 15th.

Motion by Phil Winslow to approve the Summer Sessions Beach Permit Application as presented, with the dates and times as amended to include the Adult Night, with the insurance binder to be provided by May 15th. Seconded by Keriann Roman. All in favor.

F. Post-Issuance Tax Compliance Policies and Procedures

Town Administrator Magnant presented the Post-Issuance Tax Compliance Policies and Procedures from the Finance Director via the Town's Bond Counsel who are recommending that the Board adopt these policies and procedures regarding the process and ensuring that proper documentation is maintained by the Town.

Motion by Keriann Roman to approve the Post-Issuance Tax Compliance as presented with the addition of Finance Director as coordinator. Seconded by Phil Winslow. All in favor.

VI. CORRESPONDENCE

Note: Selectman Roman recused herself from the following discussion.

- A.** Email rec'd from Kristen Umlah re: Ordinance #3 Skateboard, Roller Skate, Bicycle, Pedestrian Regulations

Kristen Umlah, resident, noted that Ordinance #3 speaks to roller skates and skateboards; however, it does not speak to rollerblades. She asked if rollerblades are being considered the same as roller skates.

Chief Walsh confirmed that rollerblades would be included in the ordinance.

Ms. Umlah requested that rollerblading be pulled out of Ordinance #3 and be looked at as a physical activity, much like running and cycling, and put into the ordinance similar to a pedestrian with it being allowed in a single file on the left side of the roadway. She presented a list of communities in N.H. with similar and higher population than Rye that allow rollerblading.

Chief Walsh stated that the research he has done recommends that rollerblading be done on roads with even surfaces. Rye's roads are in need of repairs and are not on an even level. A lot of the roads slope on the sides to allow for water drainage. Another recommendation is that the rollerblading is not done in an area with traffic congestion. The other issue is people not wearing the proper safety equipment, such as helmets, elbow and knee pads. He pointed out that the Police Department has not had to write a lot of tickets for this over the years but it is necessary to have in place in order for the officers to be able to manage things in a safe way. He noted that the number of accidents in Town from rollerblading or skateboarding is zero, due to the fact that this rule is in place.

There was discussion on the safety issues of allowing rollerblading on the streets in Town.

Larry Rocha, 39 Perkins Road, stated that as a person who rollerblades a lot, he agrees with Chief Walsh that it can be dangerous, especially if a person does not know what they are doing. The other safety issue is the sand and rocks on the road because of the location of where they live.

Chairman Jenness stated that she has to defer to Chief Walsh's advice. She would be remiss if this was to be allowed and someone got hurt badly.

Vice-Chair Winslow stated that the presentation was very well thought out. The research on the other towns in the State that are allowing rollerblading is excellent. However, he shares the concerns about safety.

Ms. Umlah stated that the ordinance states that it is prohibited; however, the Chief of Police with advice and consent of the Selectmen may designate certain streets and roads on ways the use of skateboards and roller skates (rollerblades) may be permitted. She asked if there are roads where it is permitted.

Chief Walsh stated that the Board and the Chief have never forwarded anything to say what roads would be permitted. He reiterated that he would not make that recommendation because of the condition of the roads in Rye and the liability the Town would be taking on if it is allowed.

Vice-Chair Winslow commented that he shares Chief Walsh's concerns and could not vote for this change. If someone was to slip on sand and get hurt, they could sue the Town because they were allowed to rollerblade in that area. It would be the Town's responsibility to make sure the roads were maintained and swept to make sure this could be done safely. He does not think this is a cost the Town wants to bear right now.

Chairman Jenness stated that over the years the Town has gone out of its way to narrow the travel lanes on the roads, as a traffic calming measure. Each time a road was resurfaced, the width of the road has been cut. Still, the distance between the white line and the edge varies by six inches to two feet. It is not consistent which would make it somewhat unsafe for someone travelling on rollerblades at any speed. If all of the roads were newly resurfaced, with a good space on the side, that would be one thing but the edge of the roads are erratic. She cannot imagine it being safe.

The Selectmen thanked Ms. Umlah for meeting with them and discussing this issue.

Note: Selectman Roman was seated for the remainder of the meeting.

VII. NEW BUSINESS

- Vice-Chair Winslow noted that he was the Selectmen's Rep attending the Water District meetings last year and will continue for 2018.

VIII. OLD BUSINESS

A. Selectmen's Committee on Dogs at Large

The Selectmen reviewed the charge to the committee submitted by the Town Administrator. They also reviewed the list of names of residents who are interested in being on the committee that was submitted by Chief Walsh. The list of members was finalized with no more than 7, including Chief Walsh and Phil Winslow as the Selectmen's Representative.

Charge to the Dogs at Large Committee

- 1. To report back to the Board of Selectmen on how the current conditions effect the public safety and the public views and enjoyment of our recreational areas, town owned land and beaches.**
- 2. To assess the current and future impact of allowing dogs on town owned land and beaches without leashes as it pertains to public safety and enjoyment of our land by all, and to research successful ordinances and programs enacted by other municipalities that can possibly be implemented in Rye in an economical manner and to make recommendations to the Selectmen on ways to improve upon the current situation.**
- 3. To propose procedure, regulations, policies and/or requirements for the regulating of these activities if deemed necessary**

Members of the committee:

- Susan Shepcaro
- Mike Garvan
- Rich White
- Kevin Kobylinski
- Shawn Joyce
- Selectmen's Rep Phil Winslow
- Police Chief Kevin Walsh

Motion by Keriann Roman to accept the charge to the Dogs at Large Committee and the members as noted. Seconded by Priscilla Jenness.

Vote: 2-0-1 Abstained: Phil Winslow

B. Beach Committee Charge

Selectman Roman noted that this was tabled from the last meeting because she wanted to review the charge to see if it should be revised. After speaking with the Beach Committee Chair, she thinks the charge is fine the way it is and has no changes.

Motion by Phil Winslow to renew the charge to the Beach Committee. Seconded by Keriann Roman. All in favor.

C. Statement of Costs from CMA Engineers on Landfill Groundwater Monitoring

Chairman Jenness read a letter from Craig Musselman, CMA Engineers, regarding the groundwater monitoring services and costs for Rye's two solid waste landfills at Breakfast Hill Road and Grove Road. Attached to the letter was an agreement with scope of services for 2018 for the Selectmen's review. The total engineering fees for the task outlined are estimated to be \$5,000 for 2018 services currently required by the Groundwater Management Permit. The Selectmen agreed to add that if substantial additional costs are anticipated, CMA will notify the Town in writing in advance of performing additional duties. Sampling and analysis costs are estimated to be \$5,000 for 2018. If the Town conducts one more round of sampling for perfluorinated compounds at the Grove Road Landfill, the sampling analysis costs are estimated to be approximately an additional \$2,200. The Town is looking at an estimated total cost of \$12,200.

Motion by Phil Winslow to enter into the agreement with CMA Engineering for the groundwater monitoring at the Grove Road and Breakfast Hill Landfills, with the change to include advanced notification of any additional costs. Seconded by Keriann Roman. All in favor.

IX. OTHER BUSINESS

- The Selectmen agreed to add Shoals View Drive to the next meeting agenda for discussion with the Public Works Director.

ADJOURNMENT

Motion by Phil Winslow to adjourn at 10:06 p.m. Seconded by Keriann Roman. All in favor.

Respectfully Submitted,
Dyana F. Ledger

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4-9-18 Consent Item
E

Peter A. Crawford
171 Brackett Rd.
Rye, NH 03870

April 5, 2018

Ms. Priscilla V. Jenness
Ms. Keriann Roman
Mr. Phil Winslow
Rye Town Hall
10 Central Rd.
Rye, NH 03870



Dear Mr. Winslow, Ms. Jenness and Ms. Roman:

I request that this letter be added to the agenda for next Monday's meeting of the Board. I will be present to comment on this letter, if necessary during the Public comment period.

I am writing to request that you move forward with the painting of Town Hall and the associated clapboard repair and replacement at the earliest possible date. As I stated at the March 26, 2018 meeting, Article 9, which would have appropriated over \$3 million to tear down and rebuild Town Hall, received only 45 percent of the vote despite a concerted effort by the proponents, with repeated mailings, information sessions and signs throughout town. The ballot also reflected a 5-4 vote by the Budget Committee in favor, although that is misleading as an earlier vote was 6-5 against. The only reason for the shift was that two opponents of Article 9 were not present for the final vote. Sixty percent approval for Article 9 was needed. Nearly 99 percent of the voters on March 13, 2018 voted either for or against that article. Where would the additional votes to put a successor tear down article over the top come from? The answer is nowhere. Minds are made up. Tear down of Town Hall is dead for at least the next generation.

Are we then to allow the easily and relatively inexpensively addressed issues with Town Hall continue to fester and divide us? I hope not. The time to unite has arrived, and I hope that the Board of Selectmen will provide the leadership to take the necessary steps to address the issues with Town Hall, which may be solved for around \$500,000. Last year, Article 30, which I was one of the proponents of, would have provided \$500,000 to deal with the exterior, handicapped access, the windows, and energy efficiency issues, received approximately 45 percent of the vote, notwithstanding a complete lack of support, indeed active opposition, from the Board of Selectmen, only a single vote in support on the Budget Committee, and an absence of overt support from the Heritage Commission members, who supported their own Article 7 for a \$3.2 million full renovation that year. The \$500,000 was not a pie in the sky estimate pulled out of thin air. It was vetted by Mike Castagna who was one of the finalists for the owners' representative role on Town Hall in 2015. He has extensive experience managing large construction projects. The fallacy that the choice is between full renovation and tear

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down is a straw man argument advanced by the Article 9 proponents to confuse the voters. If the Town Hall is not expanded, the International Existing Building Code does not require structural steel reinforcement or a beefed up foundation, the two factors that drove the cost of that option out of sight.

This year, the operating budget passed with nearly 70 percent of the vote. As you may see by viewing the video of the December 26, 2017 Board of Selectmen meeting, starting at 90 minutes and 51 seconds elapsed, Selectman Musselman predicted that neither Article 9 nor Article 12 would pass, and was adamant that the Town be able to move forward with essential Town Hall repairs notwithstanding that. Neither of the other two Selectmen disagreed with this approach, and voted in favor of the budget change. It was clearly stated that \$15,000 for the painting and related work was in the budget and \$80,000 would come from the municipal buildings capital reserve, which at that point had \$83,000 in it. It is very misleading to suggest that this reserve would be depleted as Article 21 easily passed this year, adding an additional \$25,000 to the reserve.

There is a reason why the RSAs provide for the staggered election of Selectmen with only a minority of seats changing each year. Such elections provide continuity of government, sparing the citizens from a government that lurches spasmodically from decision to decision, wasting time and taxpayer money. We saw that in 2017, when unfortunately, the tear down proponents showed up in force at the January 3, 2017 BOS meeting and a straw poll seemed to indicate that they were in the majority. Apparently as a result, at the January 5, 2017 meeting, the Selectmen chose the tear down option, which became Article 6 that year, which got less than 22 percent of the vote. Once it became clear that there was no support for spending over \$3 million on Town Hall and that the chances of getting 60 percent of the electorate to support tear down was extremely remote, Selectman Musselman quickly reassumed his prior opposition to tearing down Town Hall and supported the more prudent, saleable and economical approach of incremental improvements. Unfortunately the defeat of Article 30 and "no means no," (see RSA 32:10, I(e)) meant that nothing could be done in 2017.

This year we have the option of moving forward, and money budgeted to do so. I take the statements made, and the support exhibited, during the December 26, 2017 BOS meeting to constitute a commitment to voters (and to the Budget Committee, see the minutes and video of the January 11, 2018 meeting (around 23:00 elapsed, or 6:54 p.m.)) that the Town Hall would, at long last, be painted if Article 9 failed. The possibility that a grant might be available is no reason to delay. There is more work, for example handicapped access, which needs to be done starting in 2019. If a grant is not used for the painting, the potential funding would remain available and the Town will have shown its commitment by paying for the painting out of its own pocket, increasing the likelihood of later grants being obtained. Please, let's move forward now.

Sincerely,



Peter A. Crawford

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4-9-18 Consent Item F



51 Pine Street
Rye, NH 03870
April 4, 2018

Dear Board of Selectmen:

Proposals to replace the town hall or substantially rebuild it have gone down to defeat for a number of years. During this period the outside of the building has been crying out for a coat of paint. At last week's selectman's meeting, one selectman called for putting off painting for another year assuming a 2019 warrant article will pass requiring the building to be replaced. The assumption the building will be replaced or substantially modified has become tired and this deferred maintenance has got to stop. Please, address the building's present state and just paint the place!

Respectfully submitted,

Tom Pearson
603-964-2276

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4-9-18 Consent Item 9



April 5, 2018

Dear Rye Board of Selectmen:

At the last Board of Selectmen meeting, the demolish-Town Hall crowd stacked the room and, because of this, their voices were much louder than is warranted based on last month's town election results. Since it seemed that some on the Board might be wavering about its commitment to paint Town Hall this year, I would like to respectfully remind everyone of these results.

Last month, 723 residents voted in favor of tearing down Town Hall. They needed 961 to win. That means that next year they would have to change the minds of 238 voters. The Save Town Hall campaign garnered 878 votes; they would have to lose 238 votes to lose next year. That would be a huge swing on an issue that has already been voted on multiple times. Minds have been made up and are unlikely to change.

So I ask the Board to look beyond the one-sided voices in the room, and even the wishes of town employees, and ask: is it likely that more than 230 residents will change their minds next year when this was by no means the first vote on the issue? I submit that it is not. If you agree, as I think you must, then please fulfill your promise to paint Town Hall with funds appropriated in the budget approved by 69% of voters. Then let's move forward and talk about ADA compliance and other building issues.

And please join me in remembering that, while the people who attend meetings are valuable, their voices should never outweigh the stated will of the voters.

Respectfully,

Frances Erlebacher
484 Brackett Road
Rye, NH 08370

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4-9-18 Consent Item
H

Paula Tarta
125 Cable Rd.
Rye, NH



Dear Selectman,

April 5, 2018

As a Rye resident I was dismayed to hear Ms. Roman's comments at the most recent selectman's sessions last week. Her statement to - table the painting of the Town Hall until next year, because the issue might be brought forward again for another vote and perhaps the results change was disappointing to hear.

This discussion of saving or demolishing Rye the town hall has now lingered here for years, with the voter's final decision to renovate the building clearly defined (after several "annual" votes with similar results on the subject). The decision apparently though does not seem to "fit" some in position as "selectman", who should instead be implementing the voting wishes.

I urge you to complete the town's majority voters mandate by performing the long overdue maintenance and upgrades to the building as soon as feasible. This beautiful part of New England with its historic surroundings needs attention, not descent from our elected officials so that we can move onto the other important issues involving our town still in need of your attention.

Respectfully,

Paula J. Tarta

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*BOS mtg
4/9/18
Read By Mr. Jesurum*

My name is Robert Jesurum. I live at 11 Harborview Drive in Rye.

I am here to talk about Attorney Donovan's latest filing, on your behalf, with the Rockingham Superior Court, regarding Sanders Poynt.

For the record, my name is spelled, J_E_S_U_R_U_M. In the titles of the town's submissions to the court, my name is always spelled correctly. However, in the body of your briefs, it is always misspelled. Why is that, I ask?

Now, let us review Attorney Donovan's latest brief.

Regarding Attorney Donovan's Point Number 1: "The beat goes on" to "further entangle the town in what is a private dispute." I appeared before the Select Board last summer, trying to convince you to take your constituents' side in this dispute and for you to oppose the Wentworth's plans to again fence off the beach. I was attempting to remind you of your duty to represent your constituency over the whims of one wealthy landowner. I have, and I will continue to try to "entangle" you, as you put it. Yet, despite my efforts of last summer, you continued to support the Wentworth. Fortunately the Court ruled against you and against the Wentworth....with its affirmation of open public access.

Then last fall, I appeared before the Planning Board which thanked me for my efforts. I was there to ask that Sanders Poynt be listed as one of Rye's public beach access points. Specifically, Sanders Poynt provides the only public access to Little Harbor Beach, land which is by law, owned by the public. The Planning Board seemed to have responded positively. I left the meeting thinking that Sanders Poynt was to be added to the list of public beach access points. They even requested and took notes of my suggested description of Sanders Poynt and Little Harbor Beach. However, not only did they take no action on the matter, but the subject was omitted from the minutes of their meeting. Why, I ask?

Also, during that Planning Board meeting, Ms. Jenness gave me a history lecture insisting that the town would have to correct the spelling of Sanders Poynt. Someone has gone to the trouble of painting an 'i' in place of the 'y' on the sign. If, as says

Donovan, a sign naming our public easement is such a "minor matter," why did the Town of Rye go to this effort? Rye is either a party to this dispute or not. The Town of Rye cannot have it both ways!

Regarding Donovan's Point Number 5: "[Jesurum] continues to further entangle the town in this matter by asserting for the first time that the Court should remind the town 'that it should continue its limited exercise of dominion over the prescriptive easement'." He adds "The town did not take a side in the easement dispute and was excused from the hearing."

Do you really believe that Town of Rye did not take sides? If so, why did it issue the building permit which enabled the Wentworth to shut off Sanders Poynt? Why on the day of the much-delayed court hearing did the Town of Rye reach its own settlement with the Wentworth? And after the court finally forced the Wentworth to restore access, why did the Town of Rye approve of plans which would have continued to fence off Little Harbor Beach? That is how the Town of Rye doesn't take sides? No, that is the way the Town of Rye pandered to wealth and ignored its constituents.

Regarding Donovans Point Number 6: Donovan writes that I "have been upset for more than 5 years because the town did not take [my] side in the prescriptive rights litigation." Of course, I am upset with the governments of my town and of my state. My town enabled closing off a public beach. My town and two different State Attorneys General refused to take any action to thwart the land grab of property which had always been open to the public. I had to risk my own wealth to fight on behalf of the public. You know, total strangers stop me in the street to express gratitude for what I did. Recently, one of those people said to me that it was a victory for democracy. I replied, "No, democracy failed here." The town government, my democracy, sided with private wealth against the public. What has saved this situation from the complicit actions of the Town of Rye was not democracy. It was our courts. The Town of Rye has been on the wrong side of this dispute since its beginning.

But after I spent my own money and my own time to protect public rights, the Town of Rye's brief says, "Plaintiff [Jesurum] also continues to seek his (quote) 'pound of flesh' (unquote) against the town by continuing to request the reward of attorney's fees

against the town." POUND OF FLESH? Do you or your attorney know the source of that contemptible quotation? I hope not. It is from Shakespeare's anti-Semitic play, "The Merchant of Venice." With all my efforts to defend public rights, do I deserve to be equated with Shylock? This is at least, deplorable ignorance. It is at most, blatant anti-Semitism. Shame on your attorney, and shame on you.

But let us get back to the matter at hand. This "minor matter" is not only about a sign or about the rights of the public to continue to use and to name an access point to public property.

It is a matter of court record that the Town of Rye had a long history of having maintained and regulated access to Sanders Poynt without the permission of the title holder. The town was as much in adverse possession as any member of the public. But by having allowed the Town of Rye to withdraw from the case, the court left the town in limbo. That serves neither the public nor the Wentworth very well.

The Wentworth was compelled by court decree to restore a public parking lot on their own property. Now, that project has been completed. But the new parking lot has already severely degraded. Is it fair to burden the Wentworth to a perpetual responsibility to maintain an area for the benefit of an "adverse" public? Is that fair to the Wentworth, and, more importantly, does it assure the long-term viability of Sanders Poynt?

By continuing to fight this case, the Wentworth provides clear evidence that it resents the verdict and cannot be trusted. If the Wentworth should not be burdened with this onerous responsibility, then to whom should it fall? The town did so before. Why refuse now? With this latest filing, the Town of Rye, I believe for the first time in this case, actually criticizes the Wentworth and states that the Sanders Poynt marker should be permanently restored. Bravo! You have come half-way. Why not advance now all the way and begin to affirm the Town of Rye's rights in this case, rights which had been waived by the issuance of the Building Permit and by the settlement with the Wentworth. But ever since my court victory, has not that settlement been voided?

Please cease your opposition to this so called "entanglement." If we have another hearing, please change your stance and begin to assert the Town of Rye's rights and, of

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course, its responsibilities to this wonderful space which has been won in perpetuity for public enjoyment. Please begin to take pride in this great victory for the public.

Thank you.

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Bos Mtg
4/9/18

April 9, 2018

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

RE: Rye Town Forest – Dogs Continuing to Run Wildlife and Trespassing on Posted Land

Dear Selectmen:

Please see the attached letter dated 12/1/17 to the BOS. We again ask that the BOS implement a temporary leash law in the Rye Town Forest along the Green Trail until the Town can figure out a permanent fix to the issue.

Starting 12/7/17, every week for 12 weeks, we emailed the Rye Conservation Commission (RCC) and the Rye PD pictures of dogs running at large on posted, private property as further proof of the extent of the situation. Some pictures included people trespassing on clearly marked, posted, private property looking for their dogs. Some weeks we only got a few dogs on camera, other weeks we got many. One week it was 14. In the 12-week period, the total was 39 dogs and 6 trespassers. We recently stopped emailing weekly pictures because it did not seem to have any affect. If you would like recent pictures, please let us know and we will provide them.

We are here tonight in front of the Selectmen because we have been trying to work with the RCC about this issue for the last two years and nothing has changed. In all respect, we believe that folks have placed their personal use over what is fair for wildlife, habitat, being a good neighbor and respecting private property rights. We understand that RCC leadership and its majority are personally against any requirement that dogs be leashed on the Green Trail as they like to walk their dogs there. However, it is not fair to continue to condone the impact dogs at large are having in the forest, especially the Green Trail. According to wildlife biologist at N.H. Fish and Game, Brendan Clifford, who was quoted in the Portsmouth Herald on 3/3/18 about the number of dogs running at large in the Rye Town Forest:

*"Repeated behavior like that will flush the wildlife out of the area or deter wildlife in that area."
"They're not a natural thing to be there, so an animal will react adversely," said Clifford, noting that in areas where there are dog parks, there typically isn't wildlife surrounding them. You're certainly not going to attract wildlife there. You're only going to lose it." As Clifford explains, when dogs chase after wildlife, they might be curious or think they're being playful, but that "adds stress to the animals there."*


In all respect to the RCC, the citizens of Rye did not agree to turn the Town Forest into the Seacoast's dog park. It is also clearly going against the conservation easement as well as the forest management plan. We respect that Selectman Winslow has commissioned a Dog Committee to provide recommendations about town-wide dog issues to the BOS sometime this fall. In the meantime, we again ask that the BOS gives us some much-needed relief from this well-documented issue and impose a temporary leash law in the Rye Town Forest along the Green Trail, the area where there is a high frequency of dogs at large running/disturbing wildlife through the forest and posted, private land. For the record, Sergeant Jeremy Hawkes,

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Conservation Officer for NH Fish & Game who visited our properties last fall, recommend a leash law to mitigate this ongoing issue.

We believe that we have been good neighbors and that the Town should be as well. The RCC has tried everything else but a temporary leash law in this sensitive area and we feel that it is only fair that something meaningful be done while we wait for whatever the Dog Committee comes back with months from now for permanent recommendations. For the record, we are not in support of a town-wide leash law. Nonetheless, we believe there needs to be leash laws in high impact, sensitive areas when there are too many dogs, too many occurrences of irresponsible dog owners not controlling their dogs and limited ability to enforce current laws.

Respectfully,



Shawn Joyce
PO Box 5
270 Washington Rd
Rye, NH 03870



David Tilton
390 Washington Rd
Rye, NH 03870

cc: Chief Kevin Walsh, Rye Police Department
Rye Conservation Commission
Charlie Moreno, Moreno Forestry Associates
Sergeant Jeremy Hawkes, NH Fish & Game Conservation Officer