

TOWN OF RYE – BOARD OF SELECTMEN
Tuesday, May 29, 2018
6:00 p.m. – Rye Town Hall

Present: Acting Chair Phil Winslow and Selectman Keriann Roman

Not Present: Selectman Priscilla Jenness

Others Present: Town Administrator Michael Magnant

6:00 p.m.

I. CALL TO ORDER

Acting Chair Winslow 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 (c) Reputation
(3) per RSA 91-A:3, II (d) Acquisition**

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

The Board came out of Non-Public Session at 6:39 p.m.

6:30 p.m.

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Acting Chair Winslow called the meeting to order at 6:41 p.m. and led the Pledge of Allegiance.

**Motion by Keriann Roman to seal the minutes of the Non-Public Meeting per RSA 91-A:3; for if information was released it could jeopardize the decision. Seconded by Phil Winslow.
All in favor.**

IV. ANNOUNCEMENTS

- The Rye Heritage Commission is holding a fundraising cruise aboard the Thomas Loughton Steamship to the Isles of Shoals on Monday, June 18th, 6:00 to 9:00 p.m. Anyone who is interested in purchasing tickets may contact Janice Ireland in the Selectmen's Office or log on to the Heritage Commission's Facebook Page.

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.)

Lori Carbajal, 18 Tower Ave, stated that she would like to comment on the letter to the Selectmen from Larry Rocha in regards to beach grass planted in the area of F Street to G Street along the beach, which is a public area. If there are any costs to be incurred, the owners should bare that cost. She noted that there typically are plantings in dune areas; however, the area in question is not a dune area. It is maintained by the Town and graded after every storm. It is a beach and recreation area for the public to use. The fact that these people decided to plant seagrass, the length of F Street to G Street about 20ft out, remove sand and put in top soil to adhere with the grass, takes away public access for Rye taxpayers to use that space. There is literally no space at high tide. If every homeowner along that strip was to do the same thing, there would be no beach.

Peter Crawford, 171 Brackett Road, stated that he would like to comment about the right-to-know law. He was pleased to see that there were no non-public sessions for the first couple of months for the Board of Selectmen. It always seemed like there were more sessions than what there should have been. In the past, there was a suspicion that there may be some things discussed in those that should not have been. He hopes the Selectmen will be cognizant of the public's perception of a lot of non-public sessions. In regards to the sealing of the non-public minutes, he noticed that this time there was a reason given for sealing the minutes, which he feels is a proper interpretation of the statute. He noted that the statute also provides for unsealing once the need for non-disclosure has passed. That would be particularly in the case of acquisitions. In the past, he has gotten some minutes unsealed by request; however, he thinks it should really be more automatic. There should be a date established that the minutes are unsealed or are reviewed again so the public can have access.

VI. 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 to publicize the Independence Day Ceremony from Wednesday, June 27th until Wednesday, July 4th.
- B. Letter rec'd from Friends at Pulpit Rock Tower, Inc. requesting the BOS write a letter of support for their License Plate Grant Application.

Acting Chair Winslow stated that he would like to take item B off the consent agenda items for discussion. He thinks it is important that the Selectmen write a letter in support.

Selectman Roman agreed.

Town Administrator Michael Magnant agreed to write the letter of support.

Motion by Keriann Roman to approve the sign request from the Recreation Director for the Independence Day Ceremony. Seconded by Phil Winslow. All in favor.

Motion by Keriann Roman to authorize a letter of support for Friends of Pulpit Rock Tower. Seconded by Phil Winslow. All in favor.

Note: *The Discussion Items were taken out of posted agenda order. (As shown in minutes)*

VII. DISCUSSION ITEMS

A. Dr. Tom Sherman – Seacoast Cancer Cluster Investigation Commission Update

Dr. Tom Sherman gave an update to the Board on the work of the Seacoast Cancer Cluster Investigation Commission. The commission was formed through Representative Mindi Messmer based on a recommendation from the Governor's Cancer Cluster Task Force to have their work continue. Representatives on the commission from Rye include Dr. Sherman, Julie Tucker (Governor's appointee), Tom Mack and Representative Messmer. The commission has heard testimony from parents of effected children, seacoast residents, NH Department of Health and Human Services, NH Department of Environmental Services, NH Fish and Game, US EPA and the Coakley Landfill Group. NH DHHS confirmed early on in the meetings that there is a cancer cluster. It was decided by the commission to focus currently on Coakley. The other sites of concern are the Seabrook Nuclear Power Station, Portsmouth Naval Shipyard, Schiller Power Plant and Pease. The commission is focusing on the issues presented by the landfill, such as the nature of the contamination and how to remediate contaminated water. The headwaters for the Berry's Brook Watershed is at the top of the landfill. Testing in this area has shown very high levels of contaminants. A plan for addressing concerns at the landfill, at this time, would be a pump and treat system versus natural attenuation. The other part of the plan includes continued testing and a bedrock study, to help understand the fractures in the rock to see where the flow is going. The contaminants from Coakley are not at the levels that EPA would require remediation, which is 70 parts per trillion for the drinking water. Dr. Sherman spoke to the Selectmen in regards to a short-term remediation of known leaks, with a pump and treat system, to prevent further contamination of the environment.

Julie Tucker, a member of the commission, was also present to answer questions from the Board.

B. Julie LaBranche, Rockingham Planning Commission – High Water Mark Initiative

Julie LaBranche, Rockingham Planning Commission, spoke to the Selectmen in regards to the NH Coastal Program, which is offered to local entities and municipalities under the umbrella of coastal resiliency. The program looks at how to build coastal resiliency by the evaluation of flooding in the community and gives recommendations on adaptation and mitigation. As part of the program, The Rockingham Planning Commission (RPC) will be conducting the High Water Mark Initiative, which is modeled after FEMA's program of the same name, where they have gone around the country and actually benchmarked the flood water elevations in communities. The idea of the grant is for RPC to work with Portsmouth, Rye, Hampton and Seabrook to benchmark the flood elevations, post a series of signs within the communities and to provide tools to help with the challenges of sea-level rise. The high water markers (signs) will be posted in strategic locations that will be highly visible to the public. The idea is to help raise awareness about flood risk in the community, as a result of sea-level rise. RPC will also be giving a number of presentations to planning boards, conservation commissions and select boards to discuss some of the issues, concerns and challenges with flooding. Two benchmark signs are being proposed for Rye. The first one will be located at Odiorne State Park at the kiosk in the parking area. The second sign location is to be determined. The signs will be posted the week of June 18th with a launch event during the last week of June.

C. Paula Tssetsilas, School Board Member – New Resident Household Composition Tracking

Paula Tssetsilas, School Board Member, spoke to the Selectmen in regards to tracking information on the number of students and potential students moving in to town to help with predicting future student population for the schools. Last year, the School Use Feasibility Committee was formed to look at the use of the schools throughout the community. One of the recommendations out of that committee was to try and get a better understanding of the student population. The School Board has come up with an idea of asking new residents to fill out a card regarding information on potential students in their household. This card would be given to the resident as they are registering their vehicle at the Town Clerk's Office. The School Board is asking the Selectmen to allow them to work with the Town Clerk to execute this on an on-going basis with all costs absorbed by the Rye School Board.

The Selectmen did not have any issues with the proposal and agreed that it would be beneficial information for the Town.

Motion by Keriann Roman to work with the Rye School Board and the Town Clerk's Office to disseminate the postcard to new residents. Seconded by Phil Winslow. All in favor.

D. Meeting Minutes

1. Meeting, Monday, May 14, 2018, 6:00 p.m., Town Hall

The following corrections were noted:

- Page 5, it should be noted under approval of the non-public session (2) that Keriann Roma should be spelled **Keriann Roman**.
- Page 12, 2nd to last paragraph, 2nd sentence should read: **There is a big mound of ledge in the middle of the road, and because the plow trucks came down that road, he has rarely been able to park his truck in that part of his yard.**
- Page 13, under item K, the motion should read: **Motion by Keriann Roman to approve Utility Pole License 63-0677 for Pole Number 15/343A.**

Motion by Keriann Roman to approve the minutes of May 14, 2018 as amended. Seconded by Phil Winslow. All in favor.

2. Non-Public Session, Monday, May 14, 2018 (1) per RSA 91-A:3, II (b) Hiring

Motion by Phil Winslow to approve the minutes of the Non-Public Session as written. Seconded by Keriann Roman. All in favor.

Motion by Keriann Roman to unseal the minutes of the Non-Public Session of May 14, 2018, as they are related to the next agenda item. Seconded by Phil Winslow.

E. Hiring of Toni Suslowicz for the Assistant Town Clerk/Tax Collector Position

Town Administrator Michael Magnant noted that the Selectmen have had the opportunity to meet Ms. Suslowicz and review her background. She has an Associate's Degree as an administrative assistant and is currently working at Mass Eye and Ear and has ten years as an administrative assistant. Both the Town Clerk and Deputy Town Clerk have interviewed Ms. Suslowicz. She is ready to start working for the Town on June 4th.

Motion by Keriann Roman to hire Toni Suslowicz for the Assistant Town Clerk/Tax Collector Position. Seconded by Phil Winslow. All in favor.

F. Town Hall Painting RFP Award

- JG Fanning
Portsmouth, NH \$40,350 – Painting \$55.00 per sf - carpentry
- CertaPro Painters
Manchester, NH \$49,190 – Painting \$73.00 per sf – carpentry

- BHD Company
Pelham, NH \$66,280 – Painting \$65.00 per sf – carpentry
- Clark Painting
Westbrook, ME \$53,200 – Painting \$15.00 per sf – carpentry

The recommendation is to award the bid to JG Painting who is the low bidder. The company completed painting on a historic building in York, ME and received excellent references.

Town Administrator Magnant confirmed that he has spoken with several of the company's references, including one from Rye, and people only had good things to say about them. JG Painting will be able to start the work in the fall.

Acting Chair Winslow noted that the fall will be a good time because the town has hired a company to complete a structural survey of the building. The recommendation from the firm was to wait on the painting of the building until the report was completed, which should be the end of August.

Motion by Keriann Roman to hire JG Painting in the amount of \$40,350 for painting and \$55.00 per square foot for carpentry. Seconded by Phil Winslow. All in favor.

G. Dennis McCarthy, Public Works Director – Fuel Costs Bid Results

- Atlantic Fuels
Rye, NH \$0.08 over rack – diesel (low bid)
- Hanscom's
Portsmouth, NH \$2.46 per gal. - #2 heating oil (low bid)
 \$2.64 per gal. - #2 blended (low bid)

The Selectmen received a memo from Dennis McCarthy, Public Works Director, recommending that the fuel bids be awarded to Atlantic Fuels for diesel, as they are the lowest bidder, and Hanscom's, for their low bid for heating oil. No motion was needed as the awards are going to the low bidders.

H. Proposed Charrette and “No Means No” – RSA 32:10 I (e) Prohibition

Acting Chair Winslow noted that Town Administrator Magnant contacted a number of attorneys, as well as the NH Municipal Association, in regards to the proposal from Steve Borne and Paula Tsatsilas to move forward with a charrette. The representative from the NH Municipal Association could not give a definitive answer but she is leaning towards the principal that “No Means No” would prevent the select board to direct town employees to spend time and resources

on a project. Speaking to Mrs. Tsetsilas, he asked if this is something they could move forward with without the town's support.

Mrs. Tsetsilas commented that to make the charrette successful they would need access to employees, at least for access to the buildings. If that is going to work against the interpretation of the RSA, it could affect the process.

Town Administrator Magnant stated that he has been thinking about this in terms of supplying information for the charrette, such as reports. If there were right-to-know requests under RSA 91-A, the information could be put up on the website and be downloaded. In terms of walking around the buildings, he is sure they could probably get some volunteers to conduct the tours.

Selectman Roman stated that they will have to be conscious of not using employee time when things come up. They will just have to figure out if there is a way it can be done.

Town Administrator Magnant commented that if they wanted employees to participate in the charrette that might be stepping over the line.

Mrs. Tsetsilas stated that Mr. Borne is the contact person with Plan N.H. She will defer this to him to get the recommendation from them as to how to move forward. She suggested that they continue with the set date for the Plan N.H. discussion and learn more about the process. That is an important first step, whether or not this happens in the future. In the meantime, Mr. Borne can get an answer from Plan N.H.

The Selectmen agreed.

Acting Chair Winslow opened to the public for comments.

Peter Crawford, 171 Brackett Road, stated that if he heard it correctly, the objection was to the selectmen directing the employee to participate. If they were to do so as a volunteer, he would assume that would be okay.

Selectman Roman stated that they could not do this on town time; however, being a town employee does not preclude them from participating.

Town Administrator Magnant stated that the last he knew, employers could not ask their employees to volunteer. They have to be compensated. If it is work related, the employer cannot have an employee volunteer. It would be different if it was a town resident.

Selectman Roman stated that she agrees that it should not be someone who is not a town resident. That would get into whether the selectmen are encouraging it or not. It would have to be a town resident.

Victor Azzi, Old Ocean Blvd, stated that from his experience with Plan N.H. he knows that they will not be looking for the time of the staff. They will be looking for the products that already exist within the files, such as a copy of the Rye Master Plan or information on work that has been done on the town hall.

Mrs. Tsetsilas noted that the discussion with Plan N.H. is scheduled for Wednesday, June 13th, 3:00 p.m. at the Library. The meeting will be open to the public and all residents are encouraged to attend.

VIII. CORRESPONDENCE

- A.** Email rec'd from Larry Rocha, Beach Committee Chair re: Dune Grass being planted on the beach in front of a beach front home.

Acting Chair Winslow noted that an email was received from Larry Rocha, Beach Committee Chair, in regards to seagrass being planted on the beach by two residents. He continued that he walked the area and there are seventeen plugs of seagrass going from the ocean to the people's residences with thirty or forty plugs going across the beach. Also, one of the properties has three lawn chairs in front, which look like they have been there for quite a while. His concern would be the legal ramifications in asking people to cease and desist or to remove the seagrass. He thinks it is inappropriate for these residents to do this. It is obviously a very visible means of forcing people away from their property on the sand.

Town Administrator Magnant stated that the building inspector has already filed a complaint with NH DES. In regards to any enforcement by the Town, he strongly suggests that this be referred to Town Counsel.

The Selectmen agreed.

Lori Carbajal, 18 Tower Ave, stated that dune grass cannot be closer than 100ft of mean high tide, according to the UNH planting program. She has looked at the deeds and it says that this particular property owner owns 6,520sf in front of the house.

Larry Rocha, 39 Perkins Road, stated that planting this grass will prohibit people from walking at high tide. This is why he wrote the letter to the Board.

Acting Chair Winslow noted they will turn this over to Attorney Donovan and obtain advice from him.

IX. NEW BUSINESS

- **None**

X. OLD BUSINESS

- None

XI. OTHER BUSINESS

- None

ADJOURNMENT

Motion by Keriann Roman to adjourn at 8:25 p.m. Seconded by Phil Winslow. All in favor.

Respectfully Submitted,
Dyana F. Ledger

DRAFT MEETING of the Board of Selectmen's Meeting 5/29/18
See meeting of 6/11/18 for approvals/corrections

5-29-18 Consent Item B

Friends of Pulpit Rock Tower, Inc.
c/o Patricia Weathersby, President
26 Neptune Drive
Rye, NH 03870
(603) 957-1430
friendsofpulpitrocktower@hotmail.com



May 15, 2018

Priscilla Jenness, Chairman
Rye Board of Selectmen
10 Central Road
Rye, NH 03870

Re: Conservation/Heritage License Plate Grant Application

Dear Ms. Jenness and Members of the Rye Board of Selectmen:

The Friends of Pulpit Rock Tower, Inc. is applying for a grant from the State of New Hampshire Conservation License Plate Fund to make repairs to historic Pulpit Rock Tower. Our application seeks funds to complete the last major phase of our efforts to restore the tower - repairing and conserving its concrete exterior. In several locations, the now 75- year- old concrete is spalling due to water and salt infiltration and freeze/thaw cycles. While the tower has been determined to be extremely sound, if the spalling is not addressed, spalled sections of concrete will grow, and sections of concrete will fall off the tower. We could receive as much as \$10,000 in grant funds, which would address much of the financial cost of this work.

A critical part of the grant application is its support from members of the community. **Therefore, I am writing to request that you support of our grant application by writing a brief letter backing our efforts that we could include with our grant application.** I have attached letters we received in 2010 when we applied for and received a grant that allowed us to put on a new roof, should you wish to get ideas. I would greatly appreciate if you could return any letter of support to me in the enclosed envelope or by email (address above) by **June 5, 2018.**

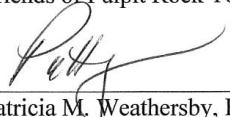
We have done much restoration work at the tower including the new roof mentioned above, new custom mahogany windows, replacing railings inside and out, painting, flooring and many other efforts. Members of our group would be happy to discuss our restoration efforts with the Heritage Commission further or to show you during a tour of Pulpit Rock Tower at your convenience. More information can also be found on our facebook page <https://www.facebook.com/foprt/> or website www.friendsofpulpitrocktower.org The Tower will also be open for tours on Memorial Day, May 28th from 10AM to 2PM should you wish to stop by.

DRAFT MEEETING of the Board of Selectmen's Meeting 5/29/18
See meeting of 6/11/18 for approvals/corrections

Thank you for your support of our efforts to restore this historic WWII structure. Please contact me at any time if I can answer any questions or assist in any manner.

Yours truly,

Friends of Pulpit Rock Tower, Inc.



Patricia M. Weathersby, Pres.

Enclosures

DRAFT MEETING of the Board of Selectmen's Meeting 5/29/18
See meeting of 6/11/18 for approvals/corrections

5-29-18 Disc Ham E

TO: Rye Select Board

DATE: May 24, 2018

BACKGROUND

In its final report, the SUFC suggested that the School Board consider additional approaches to predict future student population aside from live births. A variety of methodologies have been discussed from an annual census to annual calls to local pre-schools.

On the suggestion of SUFC member and former selectman, Craig Musselman, the School Board would like to work with the Town Clerk's office to gather data about the household composition of new Rye residents. It will be interesting to learn how many families move into town and the average age of their children. Over time, some patterns might be drawn. This will allow for better long-term strategic planning for the Rye School District.

I have met with Donna DeCotis from the Town Clerk's office and have learned that new residents MUST appear in person when registering their vehicles. Donna and her office are willing to politely ask new residents to complete a simple questionnaire while their vehicle registration is processed. Once completed, the questionnaire can be returned in the drop box located to the left of the clerk's window. For those who might wish to complete the questionnaire at a later time, a pre-paid postal indicia will be printed on the card.

All costs (postcard printing and postage) will be paid by the Rye School District.

PROPOSED QUESTIONNAIRE (to be printed on postcard stock)

For draft layout, click [here](#)

Welcome New Rye Resident!

We are glad that you have decided to make Rye your new home and know that you will enjoy all it has to offer.

For long-term planning purposes, the Town's Select Board is working with the Rye School Board to improve K-8 student population projections. It would be greatly appreciated if you could take a minute to complete this card and return it in the drop-box next to the Town Clerk's window.

My household has the following number of children:

DRAFT MEEETING of the Board of Selectmen's Meeting 5/29/18
See meeting of 6/11/18 for approvals/corrections

Age	# of Children	Plan to Attend Public School (Y/N)
Newborn to Preschool		
Kindergarten to Grade 5		
Grade 6 to Grade 8		
Grade 9 to 12		

*If you moved during the summer, please choose the grade your child will be entering in the fall.

Check here if your household has no children newborn-Grade 12 _____

Date: _____

THANK YOU!

NEXT STEPS

If the Select Board approves this initiative, the Rye School District will provide the Town Clerk with postcards and a sample dialogue "script" in June.

Thank you for your consideration. Respectfully submitted,

-Paula Tsetsilas on behalf of the Rye District School Board

DRAFT MEETING of the Board of Selectmen's Meeting 5/29/18
See meeting of 6/11/18 for approvals/corrections

5-29-18 Corrus 4

May 20, 2018

Board of Selectmen,

One of the members of the Rye Beach Committee noticed that the owners of a beach front house at F street (left of access) and the owners next door (north at G street) planted some kind of dune grass on the beach in front of their homes. The Rye Beach Committee believe this is an attempt to privatize the area of sand in front of their homes. This planting of dune grass might be an attempt to protect their property from storm surf, but the committee adamantly agree this should not be allowed on the sand on the beach. If the dune grass is an attempt to protect their property from storm surf it should be done directly in front of their homes (on the ocean side) with dunes with the dune grass planted in those dunes and not on the beach where beach goers can walk and play on the beach.

Last year one beach front owner roped in a portion of the beach in front of their home with chairs and other item to prevent other beach goers from using that space. This was reported to Chief Walsh and he talked to the home owners and found out it was because they were having a party and wanted to make sure their guest had some room on the beach. These ropes were removed right after the party. The issue of dune grass is a completely different story. For several reasons:

- This dune grass is of unknown origin and could impact the ecosystem not to mention will spread like wildfire once it is rooted. The area is sizable. The planted area is the length of two large homes with width of approximately 20'.
- The Rye Beach Committee believe the owners have no right encroaching on public access. Especially with something, like dune grass, that would be a permanent blocking of a walkway and a place to enjoy the beach especially at high tide.
- Will this lead to others trying to privatize the beach access in front of their homes? This tactic has been used at several beach access points.

The Rye Beach Committee vehemently oppose the planting of dune grass, or any other means of restricting the general public's access to enjoying the beaches in Rye, NH. We believe the town needs to take immediate action to prevent the dune grass from spreading and before the dune grass takes more permanent rooting.



Respectfully Submitted,

Larry J. Rocha

Larry Rocha, Rye Beach Committee Chairman

Lori Carbajal, Steve Hillman, Keper Connell and Brad Fulkerson