

TOWN OF RYE – BOARD OF SELECTMEN
Thursday, December 20, 2018
9:00 a.m. – Rye Town Hall

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

Others Present: Town Administrator Michael Magnant, Finance Director and Assistant Town Administrator Becky Bergeron.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Priscilla Jenness called the meeting to order at 9:02 a.m. and lead the Pledge of Allegiance

II. 2019 Budget Work Session

A. Warrant Articles

- **Route 1 Sewer, 0 Lafayette Road, Map 10, Lot 6: Map 14, Lot 8, Map 14, Lot 9**

Attorney Tim Phoenix of Hoefle, Phoenix, Gormley and Roberts addressed the Board regarding the expansion of the City of Portsmouth Public Sewer System on Route 1 from the Portsmouth line to the corner of Washington Road. Mr. Phoenix pointed out that Ciborowski Associates owns several properties on the west side of Route 1 and Joe Falzone is doing a 20 unit project on the corner of Washington Road. Mr. Phoenix explained that even though the expansion would be at no cost to the tax payers of the Town of Rye, a warrant article on the ballot is required for tax payer's approval of the project. Mr. Phoenix presented the Board with a draft of the proposed warrant article.

The Rye Sewer Commission submitted their recommendation in favor of the project.

Bill Epperson, Chairman of the Planning Board, spoke in favor of the project. He pointed out that The Housing Partnership will also benefit from the project as they are expanding housing at the Rye Air Field property.

Chair Winslow suggested getting permission to do the expansion all the way to the North Hampton line so that in the future property owners beyond Washington Road will not have to do another warrant article for approval.

After further discussion, it was decided to put the article on the warrant as written.

Motion by Phil Winslow to recommend putting the article on the warrant as written. Seconded by Keriann Roman. All in favor.

ARTICLE __. To see if the Town will vote to raise and appropriate the sum of seven hundred thousand dollars (\$700,000) to replace the existing salt shed with a larger more efficient salt storage facility to allow all salt operations to be under cover, and authorize the withdrawal of eighty thousand dollars (\$80,000) from the Salt/Shed Storage Building Capital Reserve Fund created in 2005 for this purpose, and authorize the borrowing of up to six hundred twenty thousand dollars (\$620,000) through the issuance of not more than six hundred twenty thousand dollars (\$620,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended) and to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes, to determine the rate of interest thereon and the maturity and other terms thereof, and to take such actions or to pass any vote relative thereto as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for, obtain, accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project. (3/5) ballot vote required.)

Motion by Phil Winslow to recommend the article as presented. Seconded by Keriann Roman. All in favor.

ARTICLE __. To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000) for the reconstruction and paving of Shoals View Drive, a town-maintained road, between Parsons Road and Ocean Boulevard, and accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project. This appropriation is in addition to the operating budget. (Majority vote required)

Public Works Director Dennis McCarthy reminded the Board that this issue was put before the voters last year in the form of a bond, which required a 3/5 vote. The majority did approve it last year however it was not the 3/5 that was needed. There are three other roads that have never been paved and in the same condition as Shoals View Drive. The other roads may not have the traffic volume as Shoals View. The other roads include: Cole Noyes Avenue, Bass Drive/Davis Drive, and Pulpit Rock Drive.

Motion by Phil Winslow to recommend the article as presented. Seconded by Keriann Roman. All in favor.

ARTICLE __. To see if the Town will authorize the Selectmen to enter into a long-term lease/purchase agreement in the amount of five hundred thousand dollars (\$500,000) payable over a term of five (5) years for a new pumper/ladder truck for the Fire Department with the first payment due in 2020 and to raise and appropriate the sum of four hundred and ninety-two thousand dollars (\$492,000) for the down payment on the lease-purchase due in 2019 with \$123,000 to come from the Ambulance and Fire Vehicle Special Revenue Fund and to authorize the withdrawal of \$369,000 from the Fire and Ambulance Vehicle Capital Reserve Fund (total of \$492,000). The total cost of the pumper/ladder truck is \$992,000. This article is in addition to the operating budget. (3/5 vote required).

Finance Director Becky Bergeron told the Board that they had already recommended this article. What has changed is the amounts that the Fire Chief is recommending be withdrawn from the funds for the down payment. The balance in the Special Revenue Fund is approximately \$214,000 and the recommendation is to withdraw \$123,000. The balance in the Capital Reserve Fund is approximately \$467,000 and the recommendation is to withdraw \$369,000. There is no tax impact in 2019 for this purchase.

Fire Chief Mark Cotreau reminded the Board that this truck is not only to replace the ladder truck but is also to fill the need for a pumper truck. The cost of a Class A pumper is \$650,000.

Chief Cotreau stated that because the current ladder truck is a 1993, there is no resale value other than the market cost for the metal, which is around \$5,000 to \$7,000. There are no markets for old fire trucks.

Motion by Keriann Roman to recommend the article as presented. Seconded by Phil Winslow. All in favor.

ARTICLE ____. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling nine million seven hundred nineteen thousand three hundred forty-six dollars (\$9,719,346)? Should this article be defeated, the default budget shall be nine million one hundred fifty-two thousand ninety-one dollars (\$9,152,091) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.)

NOTE: This operating budget warrant article does not include appropriations in any other warrant articles.

Motion by Phil Winslow to recommend the article as presented. Seconded by Keriann Roman. All in favor.

ARTICLE ____. Shall the town vote to adopt the provisions of RSA 36-A:4-a, I. (a) to authorize the Conservation Commission to expend funds to purchase interests in land outside the boundaries of our municipality, subject to the approval of the local governing body?

This article is recommended by the Conservation Commission.

This article is referring to the Conservation Commission's acquisition of the parcel off of West Road, which goes into North Hampton. This article gives the Conservation Commission permission to purchase land outside of Rye. However, any other acquisitions outside the boundaries of Rye will still be subject to the same conditions as any other acquisition; as in holding public hearings and permission from the Board of Selectmen.

**Motion by Phil Winslow to recommend the article as presented. Seconded by Keriann Roman.
All in favor.**

ARTICLE __. To see if the Town will vote to amend Section 11 of the Beach Ordinance as follows: (Note: New language emboldened and italicized.)

Section 11. Dogs are not permitted on Town Beaches before 7:00 p.m. or after 9:00 a.m. from the Saturday before Memorial Day to the first Saturday after Labor Day. The only exception will be the area between Wallis Sands State Park and Odiorne State Park, where dogs and people are allowed between the hours of 6:00 a.m. and 12 midnight.

During this part of the year:

1. All dogs shall be otherwise under the control of its owner or other custodian.
2. The owner or custodian of any dog that defecates on Town of Rye beaches shall immediately remove such defecation from public property and dispose of it on their own property or otherwise properly dispose of same.
3. ***On Saturdays from 7:00 pm until 9:00 p.m. all dogs on town beaches shall be restrained by a leash no longer than 6 feet in length, to include a retractable leash. The only exception will be the area between Wallis Sands State Park and Odiorne State Park. This Subsection 3 shall expire on the first Sunday after Labor Day 2019.***

This article is recommended by the Dogs At Large Committee.

It was recommended that the wording in section 3 should read: This Subsection 3 shall be in place for one year and shall expire on the first Sunday after Labor Day 2019.

**Motion by Keriann Roman to recommend the article as amended. Seconded by Phil Winslow.
All in favor.**

ARTICLE __. To see if the Town will vote pursuant to RSA 41:11-a to ratify a lease agreement negotiated by the Board of Selectmen between the Town and Cellco Partnership d/b/a Verizon Wireless for lease of an area of 10,000 square feet of town owned Tax Map 23/Parcel 1 for use as a cell tower site and compound. The town owned parcel is ± 14 acres in size.

**Motion by Phil Winslow to recommend the article as presented. Seconded by Keriann Roman.
All in favor.**

ARTICLE __. To see if the Town will vote to retain, the ± 14 acres Tax Map 23/Parcel 1, which was acquired by tax deed in 1995 for the purposes of lease of a 10,000 square feet cell tower site to Cellco Partnership d/b/a Verizon Wireless and for open space preservation and further to authorize the Board of Selectmen to place a Conservation easement on the part of the site not used for a cell tower site. Vice-Chair Winslow recommended:

To see if the Town will vote to retain, the ±14 acres Tax Map 23/Parcel 1, which was acquired by the Town of Rye by tax deed in 1995 for the purposes of lease of a 10,000 square feet cell tower site to Cellco Partnership d/b/a Verizon Wireless and for open space preservation and further to authorize the Board of Selectmen to place a Conservation easement on the part of the site not used for a cell tower site.

Selectman Roman recommended:

To see if the Town will vote to retain and preserve, the ±14 acres Tax Map 23/Parcel 1, which was acquired by the Town of Rye by tax deed in 1995 for the purposes of lease of a 10,000 square feet cell tower site to Cellco Partnership d/b/a Verizon Wireless and for open space preservation and further to authorize the Board of Selectmen to place a Conservation easement on the part of the site not used for a cell tower site.

Selectman Roman recommended:

To see if the Town will vote to retain, pursuant to RSA 80:80 IV, the ±14 acres Tax Map 23/Parcel 1, which was acquired by the Town of Rye by tax deed in 1995 for the purposes of lease of a 10,000 square feet cell tower site to Cellco Partnership d/b/a Verizon Wireless and for open space preservation and further to authorize the Board of Selectmen to place a Conservation easement on the part of the site not used for a cell tower site.

Town Administrator Michael Magnant pointed out to the Board that the Town Attorney has suggested an alternate warrant article for this issue. It reads as follows:

ARTICLE ____. To see if the Town will vote to retain, the ±14 acres Tax Map 23/Parcel 1, which was acquired by tax deed in 1995, for the purposes of lease of a 10,000 square feet cell tower site to Cellco Partnership d/b/a Verizon Wireless and for open space preservation and further to authorize the Board of Selectmen to convey the parcel to the Conservation Commission for open space preservation subject to the cell tower lease.

After further discussion the Board agreed to recommend the **second** article with amendments as follows:

ARTICLE ____. To see if the Town will vote to retain, pursuant to RSA 80:80 IV, the ±14 acres Tax Map 23/Parcel 1, which was acquired by the Town of Rye by tax deed in 1995, for the purposes of lease of a 10,000 square feet cell tower site to Cellco Partnership d/b/a Verizon Wireless and for open space preservation and further to authorize the Board of Selectmen to convey the parcel to the Conservation Commission for open space preservation subject to the cell tower lease.

Motion by Keriann Roman to recommend the article as amended. Seconded by Phil Winslow. All in favor.

ARTICLE __. To see if the Town will vote pursuant to RSA 674:40, to approve the Board of Selectmen's layout as a town road of a \pm 75 feet long by 25 feet wide section of Starboard Way (which is currently a private way). This section of Starboard Way runs northerly from Parsons Road and includes the easterly half of the present 50 feet wide private right-of-way. The layout is intended to facilitate legal access to town owned Tax Map 23/Parcel 1 on which a cell tower site is proposed. (Majority vote required).

The Planning Board has approved this article.

Vice Chair Winslow suggested changing the wording to: The layout is necessary to allow legal access to town owned Tax Map 23/Parcel 1 on which a cell tower site is proposed.

Motion by Keriann Roman to recommend the article as amended. Seconded by Phil Winslow. All in favor.

If Article __ above is approved, to see if the Town will vote to raise and appropriate the sum of four thousand dollars (\$4000) for payment of any damages as required by RSA 231:15 which may be assessed as a result of the road layout approved by Article __. This article is in addition to the operating budget. (Majority vote required).

Selectman Roman suggested:

If Article __ above is approved, to see if the Town will vote to raise and appropriate the sum of up to four thousand dollars (\$4000) for payment of any damages sustained by each owner of land taken of such road as required by RSA 231:15 which may be assessed as a result of the road layout approved by Article __. This article is in addition to the operating budget. (Majority vote required).

Motion by Keriann Roman to recommend the article as amended. Seconded by Phil Winslow. All in favor.

ARTICLE __. To see if the Town will vote to discontinue the Ambulance Capital Reserve Fund established by Article 13 of the 1995 Town Meeting. Said funds with accumulated interest to date of withdrawal are to be transferred to the town's general fund. (Majority vote required)

The balance in the Fund at this time is \$11,714.00. There will be additional interest to the end of year.

If Article __ is adopted, to see if the Town will vote to raise and appropriate the sum of eleven thousand seven hundred fourteen and 37/100 dollars (\$11,714.37) to the Fire and Ambulance Vehicle Capital Reserve Fund, which was re-established under a change of purpose by Article 15 of the 2018 Town Meeting. Note: This is the amount transferred to the General Fund by Article __, so there is no net impact on the tax rate if Articles __ and __ are adopted. (Majority vote required).

Motion by Phil Winslow to recommend both the articles as presented. Seconded by Keriann Roman. All in favor.

The Board of Selectmen discussed the purposed town ordinances regarding “Control of Dogs in Town Forest Property and in Other Public Places. This ordinance will be referred back to the Dog at Large Committee.

B. GAP Coverage

Town Administrator, Michael Magnant, reminded the Board that they had asked him to research the possibility of the Town obtaining gap coverage. He reported that in his research the company that Selectman Roman came up with was not interested. A lot of the other companies he talked with felt that it was a conflict as they work with the self service providers for local government. He also talked with a consultant that is working with the planning board and another who is a consultant out of Massachusetts. Both of them said to plan on approximately \$8,000, however, both of them did not feel they had the time to put anything in writing.

Selectmen Roman suggested that there may be grants available for this.

Mr. Magnant asked Police Chief Walsh if there was anything available through Emergency Management.

Chief Walsh stated that he has an upcoming meeting with Emergency Management and would discuss this with them.

Vice Chair Winslow stated that this is an important issue, to support infrastructure and safety, and he would support this in the budget.

Mr. Magnant recommended that the \$8,000 be charged to the consultant line in the Executive Budget. Currently, there is a \$3,000 appropriation in that line. Any overage can be absorbed within the budget as already purposed.

Vice-Chair Winslow agreed, however he asked that at the next Selectmen’s meeting this issue be disclosed in the interest of transparency.

- **Other Business**

There was a last minute sign request, from the Rye Congregational Church for their Christmas Eve Services.

Motion by Keriann Roman to approve the Congregational Church sign request. Seconded by Phil Winslow. All in favor.

C. Encumbrances

Finance Director Becky Bergeron presented the lists of encumbrances to the Board of Selectmen.

Motion by Phil Winslow to approve encumbrances in the amount of \$519,617.78 for the General Fund. Seconded by Keriann Roman. All in favor.

Motion by Keriann Roman to approve encumbrances in the amount of \$48,263.00 for the Sewer Fund. Seconded by Phil Winslow. All in favor.

Motion by Keriann Roman to approve encumbrances in the amount of \$7,503.00 for the Recreation Revolving Fund. Seconded by Phil Winslow. All in favor.

D. Fees

- **Public Works:**

Driveway Permits	\$75.00
Excavation Permits	\$100.00
Paving Permits	\$50.00
After the Fact Fee	Double the Original Fee

Motion by Phil Winslow to approve the Driveway Permits to \$75.00, Excavation Permit, within the town right-of-way, to \$100.00, and the Paving Permits to \$50, with the ‘After the Fact’ fee double the original permit fee. Seconded by Keriann Roman. All in favor.

- **Transfer Station:**

<u>Tires</u>	Currently:	Recommendation
Autos	\$ 3.00	\$ 5.00
Light Truck	\$ 5.00	\$15.00
Large Truck	\$10.00	\$25.00

<u>Bulks Items</u>	Currently:	Recommendation:
Couches	\$15.00 - \$30.00	\$20.00
Recliner	\$ 7.00	\$10.00
Furniture	Min. \$ 7.00	Min. \$10.00
Mattress	\$ 6.00 - \$12.00	\$15.00
Box Spring	\$ 6.00 - \$12.00	\$15.00
Microwave	\$ 5.00	\$10.00
Toilets, tubs	Min. \$ 5.00	Min. \$ 5.00

Scrap Metal

	Currently:	Recommendation:
Freezer, Refrigerator	\$15.00	\$20.00
White Goods	\$ 9.00	\$10.00
Air Conditioners	\$15.00	\$20.00
Water Tanks	\$ 8.00	\$10.00

Asphalt Shingles/Sheetrock

	Currently:	Recommendation:
Small Pickup load	\$60.00	\$ 75.00
Large Pickup load	\$80.00	\$ 90.00
1 ton truck load	Min. \$90.00	Min. \$100.00

Construction Debris/Demo

	Currently:	Recommendation:
Small Pickup load	Min. \$50.00	Min. \$ 75.00
Large Pickup load	Min. \$60.00	Min. \$ 90.00
1 ton truck load	Min. \$70.00	Min. \$100.00

Electronics

	Currently:	Recommendation:
Television	Min. \$ 7.00	Min. \$10.00
Fax & Copiers	Min. \$15.00	Min. \$15.00
Monitor	Min. \$ 7.00	Min. \$10.00
CPU	Min. \$ 7.00	Min. \$10.00
VCR	Min. \$ 2.00	Min. \$ 5.00

All minimum charges should be \$5.00.

The Board of Selectmen will hold a Public Hearing prior to the town-wide fee changes. At which time a date certain will be set for all fee changes.

Motion by Phil Winslow to accept the Transfer Station fees as recommended. Seconded by Keriann Roman. All in favor.

ADJOURNMENT

Motion by Keriann Roman to adjourn 11:41 a.m. Seconded by Phil Winslow. All in favor.

Respectfully Submitted,
Dyana F. Ledger