

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

**MONDAY, JANUARY 22, 2018**

**6:00 p.m. – Rye Town Hall**

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

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

**6:00 p.m.**

**I. CALL TO ORDER**

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

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

**At 6:25 p.m., Priscilla Jenness made a motion to go into Non-Public Session per RSA 91-A: 3, II (d) Acquisition. Seconded by Phil Winslow. Roll Call: Musselman – Yes, Jenness – Yes, Winslow – Yes.**

**At 6:50 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Priscilla Jenness. Roll Call: Musselman – Yes, Jenness – Yes, Winslow – Yes.**

**6:30 p.m. RECONVENE PUBLIC MEETING**

**III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairman Musselman reconvened the public meeting at 7:00 p.m. and led the Pledge of Allegiance.

**IV. ANNOUNCEMENTS**

- The Deliberative Session will be held on Saturday, February 3, 2018, 9:00 a.m., Rye Junior High School Gymnasium.

- The Board of Selectmen wished Town Administrator Michael Magnant a happy birthday.

**Motion by Priscilla Jenness to seal the minutes of the non-public session just concluded. Seconded by Phil Winslow. All in favor.**

**V. PUBLIC COMMENT** – (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to 5 minutes each person.)

**David Tilton, 390 Washington Rd**, spoke in support of the proposed leash law in the Town of Rye. He noted dog issues that he has experienced on his property on Washington Road.

**Peter Crawford, 171 Brackett Rd**, spoke in support of the sale of the old trolley barn. He suggested adding language in the warrant article to require the property to be sold at a minimum price. He also spoke about the dog issues in town. He supports the idea of a dog ordinance similar to the ordinance in Lower Merion Township, PA, which was discussed at the January 16<sup>th</sup> Selectmen's meeting. The ordinance allows dog owners to apply for a dog tag that would allow the dog to not be on a leash. The "free dog permit" could be rescinded by the town if the dog owner is not able to keep the dog under control.

**Mike Brown, 1134 Ocean Blvd**, stated his support for the leash law. He expressed some concerns on the enforcement of the law.

**Richard Seery, 420 Wallis Rd**, suggested a leash requirement for some parts of town with existing rules and regulations elsewhere. He does not think it is right for the Selectmen to impose a leash law. The enjoyment and freedom that everyone experiences is jaded by unfortunate experiences that some people have. He encouraged the Selectmen to keep an open mind.

**Melvin Low, 650 Washington Rd**, stated that he is not in favor of the leash law.

**Lindsay Gray, 9 Acorn Acres**, spoke against the proposed leash law. She also pointed out some alternatives.

**Eileen Eberhart, Sea Rd**, spoke about the leash law changing the rural character of Rye.

**Mike Garvan, 220 Washington Rd, Rye Conservation Commission Member**, spoke about the Conservation Commission's campaign to educate the public about having dogs under control, especially with regard to the town forest. He also explained that the Commission has voted to have dogs leashed for the first 150 feet onto the town forest trails, after that the dogs may go off leash if they are under the owner's control. He stated that there are many conservation areas that are open to the public with established trails. There have been no complaints for these areas and

he would hate to have the dogs be prohibited. He encouraged the Selectmen to give the Conservation Commission and participating citizens a chance to address this issue for the town forest before establishing a leash law.

**Brad Fulkerson, Washington Rd, Beach Committee Member**, spoke against having a “blanket” leash law.

**Mark Epply, 267 Brackett Rd**, encouraged the Selectmen to look at some of the alternatives to a “blanket” leash law.

**Patricia Weathersby, 26 Neptune Drive**, noted some alternatives that could be considered prior to a “blanket” leash law.

**Larry Rocha, 39 Perkins Rd, Beach Committee Member**, expressed concerns about dog owners not being in control of their dogs. He also expressed concerns about enforcing the leash law.

**Lori Carbajal, Beach Committee Member**, noted the issues with people from other communities bringing their dogs to Rye.

**Deidre Smyrnos, 92 Clark Rd**, expressed concerns on dog waste being left behind. She noted that some people who come to Rye to enjoy the open land with their dogs are extremely respectful. People should be encouraged to use the land as safely as they can.

**Jean Low, 650 Washington Rd**, agreed with Mrs. Smyrnos about people from other communities being respectful of Rye's land and beaches. She hopes that Rye will not ban out of town people from coming to Rye.

**Susan Shepcaro, 45 Recreation Rd, Conservation Commission Member**, spoke in support of the 150 feet leash required zone. She feels that the Conservation Commission needs more time to educate more people about the dog issues and how to manage them in Rye. She is not in favor of a town wide leash law.

**Steven Borne, representing Rye Civic League**, noted that the Rye Civic League will be holding a presentation on January 31<sup>st</sup> to go over the warrant articles and the 2018 proposed budget. Candidates Night will be held on February 22<sup>nd</sup>.

**Steven Borne, 431 Wallis Rd, as a resident**, suggested holding a listening circle to get the residents' input to come up with some compromises for the dog issue in town. In regards to the septic inspections, he noted that it is coming up on two years. He would like to see a list posted of residents who have not inspected their systems. He requested that the testing data that was presented at the January 8<sup>th</sup> meeting be posted on the town's website. He also asked if the videos of the meetings could be linked to the meeting minutes when they are posted.

**Tom King, 535 Wallis Rd**, agreed that the town wide leash law is a drastic measure for the town's solution.

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

- **No Consent Agenda Items.**

**VII. DISCUSSION ITEMS**

**A. Meeting Minutes**

**1. Meeting, Monday, January 8, 2018, 6:00 p.m., Town Hall**

The following corrections were noted:

- Page 3, last bold sentence should read: **Motion by Priscilla Jenness to approve the minutes of December 26, 2017 as amended.**
- Page 5, 5<sup>th</sup> paragraph from bottom, 3<sup>rd</sup> sentence from bottom should read: **During this past year, another police department had to be called in to help with a burglary call when Rye officers were busy handling two dog bite incidents at the same time.**
- Page 5, under Working Agreement, it should be noted that **Craig Musselman recused himself from the discussion.** It should also be noted that **Craig Musselman recused himself from the vote on the town administrator working agreement.**
- Page 5, under working agreement, sentence should read: **Vice-Chair Jenness reviewed the working agreement, which is a period of four years with the details remaining the same for the permanent part-time position.**
- Page 6, 4<sup>th</sup> paragraph from bottom, last sentence should read: **From the standpoint of life, liberty and the pursuit of happiness for people with their dogs, this is the other balancing objective and has to be considered.**
- Page 7, under Item B, it should be noted: **Craig Musselman, from CMA Engineers, representing the Town of Rye.**
- Page 7, under Item C, 3<sup>rd</sup> sentence should read: **Based on the sample results that were received, there are low levels of perflourinated compounds in Berry's Brook. However, there was no indication of a threat to public health and safety from the concentration levels in Rye.**
- Page 8, 4<sup>th</sup> paragraph from bottom, last sentence should read: **This is setting a precedent for town employees to be looking at something similar.**
- Page 10, 1<sup>st</sup> warrant article, it should be noted: the amount of the article is **six hundred twenty-four thousand eight hundred dollars (\$624,800).**

- Page 10, 1<sup>st</sup> paragraph, 2<sup>nd</sup> to last sentence and last sentence should read: **This appropriation includes related purchase costs, first year operating budget and potential renovation expenditures. This appropriation is in addition to the operating budget.**
- Page 11, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> sentence should read: **The article will also be reviewed by bond counsel.**
- Page 11, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> sentence should read: **He does not think the taxpayers are going to vote for three million dollars when they voted down three million and four million dollars every which way they had an opportunity to.**
- Page 11, 5<sup>th</sup> paragraph, last sentence should read: **It would cover both bases.**

**Motion by Phil Winslow to approve the minutes of January 8, 2018 as amended. Seconded by Priscilla Jenness. All in favor.**

2. Non-Public Session, Monday, January 8, 2018 (1) per RSA 91-A:3, II (a)  
Personnel

- **It should be noted that Craig Musselman recused himself from the non-public discussion.**

**Motion by Priscilla Jenness to approve the non-public minutes of January 8, 2018 as amended. Seconded by Phil Winslow. All in favor.**

**B. Outside Detail Rate Increase**

**Police Chief Kevin Walsh** presented his memo to the Selectmen recommending an increase in the police detail rate from \$67.00 to \$69.00.

**Motion by Phil Winslow to approve the outside detail rate increase from \$67.00 to \$69.00 per hour. Seconded by Priscilla Jenness. All in favor.**

**C. Dennis McCarthy, Public Works Director – Salt Shed Storage Facility Bid Results**

**Dennis McCarthy, Public Works Director**, submitted the bid results for the construction of the salt shed storage facility. Hoyle, Tanner & Associates, the engineers for the project, are reviewing the bids and will be making a recommendation within the next few days.

**D.** Selectmen, please determine who will speak to the various warrant articles for consideration at the Deliberative Session.

- Article 6 – Priscilla Jenness
- Article 7 – Craig Musselman
- Article 8 – Craig Musselman
- Article 9 – Craig Musselman
- Article 11 – Priscilla Jenness
- Article 12 – Phil Winslow
- Article 13 – Priscilla Jenness
- Article 14 – Phil Winslow
- Article 15 – Phil Winslow
- Article 16 – Phil Winslow
- Article 17 – Craig Musselman
- Article 18 – Priscilla Jenness
- Article 19 – Priscilla Jenness
- Article 20 – Priscilla Jenness
- Article 21 – Phil Winslow
- Article 22 – Priscilla Jenness
- Article 23 – Priscilla Jenness
- Article 24 – Craig Musselman
- Article 25 – (To be determined)
- Article 26 – Priscilla Jenness
- Article 27 – Phil Winslow
- Article 28 – Phil Winslow
- Article 36 – Priscilla Jenness

**VIII. CORRESPONDENCE**

- A letter was received from **Patricia Weathersby, Neptune Drive**, addressing ideas that may help to solve the dog issue without imposing an overall leash law.  
(Mrs. Weathersby reviewed some of those ideas during public comment.)
- A letter was received from **Suzanne McFarland, 1324 Ocean Blvd**, opposing a leash law.
- A letter was received from **Jay McFarland, 1324 Ocean Blvd**, opposing a leash law. He also suggested adding a bathroom (port-a-potty) near the beach access point at Concord Point.
- **Frank McDermott** sent a letter to the Selectmen supporting a leash law in Rye.

## **IX. SELECTMEN'S 2018 BUDGET WORK SESSION**

### **A. Warrant Articles**

#### **ARTICLE 25: Control of Dogs on Town Property**

Vice-Chair Jenness stated that if this was done in a quieter way, than to suggest a change, they would not have had the group of people before them tonight. When it looks as though there might be a leash law, people come out to debate the topic. She thinks that they have heard suggestions that they have not heard before. It would be nice if the leash law could be somewhere in the middle. There could be certain plots of land where the dogs would need to be leashed and some where they could be free. She continued that they have heard mixed messages as well. Residents spoke about the issues of other people coming from other communities and other residents did not feel that was a problem at all. No matter what is discussed, there will be some controversy. While she may not have a specific solution, it may not be time to test a complete ordinance.

Selectman Winslow agreed. He stated that it is a multi-dimensional problem. There is an issue of safety, enforcement and individual rights. Those somehow have to be balanced. They have to be cautious about ensuring the fact that what is done is enforceable. They don't want to stretch the police department out so they spend ninety percent of their time on dog issues. He likes the proposal that was taken from Lower Merion, PA. This would involve people taking a course on their responsibilities, agreeing with those responsibilities and applying for a tag with a cost associated. This could be made available to outsiders, possibly at a slightly higher cost. This would in turn help defray the costs of enforcement.

Chairman Musselman stated that they need a "Rye" solution to this. He has come to believe that it probably can't be "all free" or "all leashes". They need something that works. The ordinance in Lower Merion Township, PA, might give some ideas on how to start. He also thinks the ordinance that is proposed is "dead on arrival" at the Deliberative Session. Tonight, a lot of people came out. Ninety percent of what was heard was for some other alternative to address the situation, other than a leash law on all town land and beaches. He thinks the Board of Selectmen should work with people on all sides of this issue to come up with a compromised solution that will cut down on the number of dogs that are running free, that will preclude dogs from running free who continue to create incidences, provide more control on the enforcement capability and at the same time raise revenues to increase enforcement. He is not in favor of placing the warrant article. He noted that there is another warrant article by petition that says dogs would not be allowed on town property, in town woods and beaches; except Foss Beach. That is what the voters should deliberate this year. The Selectmen should seek a compromise solution that works for the responsible dog owners to have the opportunity to have their enjoyment they value so much.

Police Chief Walsh noted that Lower Merion, PA, has a leash law for the entire town. There are two parks where dogs are allowed to run unleashed and it is fenced in. He continued that he is proud to report that in 2017 there were zero burglaries reported. This shows where the officers are putting their efforts. However, if they are detached from that because of dealing with dog complaints, that will be less work going towards keeping the residents' homes safe.

**Sally King, 535 Wallis Rd, Conservation Commission Chair**, suggested forming a committee to continue to work on this issue. She believes they can come to a solution for the problem.

**Steven Borne, 431 Wallis Rd**, spoke on holding some listening sessions.

**Motion by Craig Musselman to not place ARTICLE 25. Seconded by Phil Winslow.**

Vice-Chair Jenness stated that anything that goes forward in the future should not be so complicated that it automatically encourages more police work. It must be frustrating to the police force the amount of time that each complaint takes.

**Vote: 3-0**

**Passed**

## **X. NEW BUSINESS**

Town Administrator Michael Magnant noted that the town's transcriptionist has notified the Planning Board and the ZBA that she will no longer be doing their minutes. He is sure those boards will be looking to the town for a resolution. The staff person that works with those boards has said that she does not have the time to do detailed minutes that the boards require. He is in the process of advertising for the position.

## **XI. OLD BUSINESS**

- **None**

## **XII. OTHER BUSINESS**

- **None**



**XIII. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (c) Reputation**

**At 8:28 p.m., Priscilla Jenness made a motion to go into Non-Public Session per RSA 91-A:3, II (c) Reputation. Seconded by Phil Winslow. Roll Call: Musselman – Yes, Jenness – Yes, Winslow – Yes.**

**At 9:15 p.m., Phil Winslow made a motion to come out of Non-Public Session. Seconded by Priscilla Jenness. Roll Call: Musselman – Yes, Jenness – Yes, Winslow – Yes.**

**Motion by Priscilla Jenness to seal the minutes of the non-public session just concluded. Seconded by Phil Winslow. All in favor.**

**ADJOURNMENT**

**Motion by Phil Winslow to adjourn at 9:15 p.m. Seconded by Craig Musselman. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger

DRAFT MINUTES of the Board of Selectmen's Meeting 1/22/18  
See minutes of 2/12/18 for approvals/corrections

Patricia M. Weathersby  
26 Neptune Dr.  
Rye, NH 03870

Craig N. Musselman, Chairman  
Rye Board of Selectmen  
10 Central Rd.  
Rye, NH 03870

Re: Proposed warrant article concerning restraint of dogs

January 22, 2018

Dear Mr. Musselman and Members of the Selectboard:

I understand the Board of Selectmen is considering recommending a warrant article requiring all dogs to be leashed when on Rye beaches and in the town forest. I would like to offer some suggestions that I believe should be tried prior to taking such a drastic step.

From what I have heard and read, it seems the concerns about unleashed dogs stem primarily from the following:

- Dogs not under control of person walking them ("attendant");
- Non-residents bringing dogs to town beaches and trails;
- Attendants walking multiple dogs; and
- Attendants walking dogs that they do not own.
- Dogs being aggressive with other dogs or wildlife

Addressing these root issues in a more targeted manner than an all-out unrestrained dog ban would not only be prudent but would also not penalize those of us who are responsible dog owners. Therefore, I offer the following suggestions for alternative warrant article restrictions:

1. Attendants may walk no more than two unleashed dogs at a time. (This reduces those instances where a person brings a carload of dogs to the beach or trails.)
2. All attendants of an unleashed dog must be 13 years of age or older and be physically capable of restraining their dog. (Ensuring that the attendant is capable of restraining dog)
3. An attendant must be the dog's owner or the owner's immediate family member. (Ensuring that the attendant is familiar with the dog and its temperament.)
4. Attendants must carry a leash with them in the event their dog requires restraint.
5. Dogs must be within view of their attendant at all times. (By keeping dog in view, owner can anticipate any issue and restrain dog if necessary)
6. Any dog that is aggressive and/or has a history of attacking another dog, a person, or wildlife must be kept on leash.

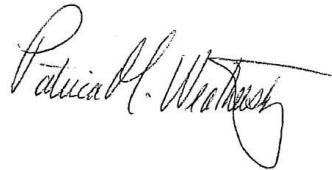
DRAFT MINUTES of the Board of Selectmen's Meeting 1/22/18  
See minutes of 2/12/18 for approvals/corrections

7. Only spayed or neutered dogs may be kept off-leash.
8. Dogs must be leashed in all town parking areas and playing fields/areas and may only be unleashed while on beach or trails (eliminating issues with vehicles and dogs in more confined spaces.)
9. Any unleashed dog on town property must be currently licensed by the Town of Rye. (This would reduce the number of out-of-town dogs and ensure that any unleashed dog is properly vaccinated.) and/or
10. Extend permit parking year-round and include town lots at Rye Recreation Area and Parsons Field (reducing number of non-residents using areas.)

I appreciate your consideration of these alternatives to an all-out ban on unleashed dogs. No doubt others in town will have additional suggestions that will eliminate, or at least greatly alleviate any issues with dogs on town property. (Perhaps a committee should be established to examine the issue and formulate suggestions?) I have been walking my dog on Rye's beaches and woods for years and while I have run into some problems, I believe 99% of dogs and their owners do not cause any issue. Visiting one of Rye's outdoor areas with a pet off leash is a special treat for everyone. The exercise is good for the dog and the owner, and contributes to a sense of wellbeing and community. I ask that experience not be restricted unnecessarily but rather a more targeted approach taken.

If you would like to discuss any of these issues further, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia M. Weathersby". The signature is fluid and cursive, with a large loop at the end.

Patricia M. Weathersby

DRAFT MINUTES of the Board of Selectmen's Meeting 1/22/18  
See minutes of 2/12/18 for approvals/corrections

Town of Rye Selectmen  
10 Central Road  
Rye, NH 03870

Phil Winslow  
Craig Musselman  
Priscilla Jenness

I request this letter be read at the selectmen's meeting tonight.

January 22, 2018

Subject: Leashing of dogs in the town of Rye

Since 1983 (35 years), I have walked Pirates Cove/Wallis Sands/Parsons Creek beach. Since 2003 (15 years), I have walked this beach 6 out of 7 days a week, year round. I have walked with dogs and without.

As a beach resident of this town I am adamantly opposed to a leash law. Most of us who live on the beach have small lots and need the space. Our dogs need to run and exercise if they are to stay quiet and relaxed during the day. This is especially true in the summer months and there are already good restrictions in place. People need to be aware that without a dogs daily exercise they will and can bark all day long on people's decks, frustrated by inactivity.

I can state confidently that we do not have problems on our beach. I look out on the beach every day and I am there on the beach 6 out of 7 days a week all year round. The dog people here police our own. Education is the key.

Sincerely,  
Suzanne McFarland  
1324 Ocean Blvd  
Rye, NH

DRAFT MINUTES of the Board of Selectmen's Meeting 1/22/18  
See minutes of 2/12/18 for approvals/corrections

**Janice Ireland**

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**From:** Jay McFarland <jmcfarland@hamptonford.com>  
**Sent:** Monday, January 22, 2018 1:11 PM  
**To:** Janice Ireland  
**Subject:** Dogs in town

Janice, if you could please share this with the Priscilla, Craig and Phil,

I am not in favor or requiring leashes for dogs in town. Having spent the better part of 30 years living on Wallis Sands Beach and having dogs a part of my life many years I feel I have a fair perspective on the subject. There are few things in life that come without a price, in this case the price is getting the occasional upset resident complain about a situation involving a dog. That should not outweigh the thousands of hours of enjoyment people get from walking their pets on the beach. I have seen it for many year, the beach is busy being enjoyed until the dogs need to come off the beach during the summer, at which time the beach is nearly empty until 10 or 11 in the morning. During the colder months it is often only people with dogs making use of the beach. I am very confident a lot of this will change should leashes are required.

In some cases this may be the only real exercise the owner of the pet gets that day.

As for issues on the beach, I don't recall a single serious incident that I have witnessed. I am sure they come up and when they do I am sure they are a major hassle for Chief Walsh but if that is the worst of it is it really all that bad. In this day and age when we need people to get out more we are looking at making Rye a less outdoor friendly town?

I truly think this is taking the easy way out on a problem and that with some creativity and effort it could be handled.

While I am on the subject of the beach, the town should add a port o potty near the beach access of "Concord Point". I see it all too often where people are using the beach or ocean as their bathroom. ( and I work 50+ hours per week) They have no alternative in the area and if they are at the beach for more than a couple of hours nature takes over.

Thank you for taking the time to read this, I appreciate all the time and energy you give to the town.

Jay McFarland  
1324 Ocean Blvd

Hampton Ford Hyundai  
603 379-1235 direct  
603 436-2994 home

Sent from Mail for Windows 10

DRAFT MINUTES of the Board of Selectmen's Meeting 1/22/18  
See minutes of 2/12/18 for approvals/corrections

**Janice Ireland**

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**From:** Frank McDermott <mcdermott.frank@comcast.net>  
**Sent:** Monday, January 22, 2018 3:17 PM  
**To:** Janice Ireland  
**Cc:** Kevin Walsh; Brenda McDermott  
**Subject:** Dog Leash Law

Would you please request that the Selectmen read this letter into the record at their meeting tonight, January 22nd.

Dear Members of the Board of Selectmen:

We understand that the issue of establishing a leash law for dogs on public property in Rye will be discussed at the meeting tonight. As dog owners ourselves, we fully appreciate the desire of many other dog owners to let their dogs run off leash. The current law, however, allows dogs to run free only if they are "under control."

We would totally agree that there would be no need for a leash law if all dogs were under the control of their owners; however, a substantial number of dogs that are on the beach on any given day are neither leashed nor are they under control. A dog that is not under control poses a safety hazard to persons and other animals, as well as a health hazard where a dog defecates on the beach and the owner who is not near the dog has no idea where the waste is located and therefore does not clean it up.

As the Chief of Police said at a Selectmen's meeting earlier this month, many of the dogs on Jenness Beach are from neighboring towns. The reason for this is that these other towns have leash laws. In fact, the State of New Hampshire totally prohibits dogs from its beaches even if they are leashed. Thus, to enact a leash law in Rye would not make our town an outlier but would bring it into line with many other communities in our state.

The Chief of Police indicated that there have been times when his patrolmen are unable to respond to much more serious incidents because they are occupied in resolving problems with unrestrained dogs. Based on his experience, he has recommended a leash law in Rye. The Town of Rye should follow his recommendation by, at the very least, drafting a warrant article proposing a leash law on all public property in Rye and letting the townspeople vote this proposal up or down.

We are not seeking in any way to prohibit dogs from being on public property in Rye. We agree that dogs should be allowed on the beaches at the times that are currently specified, but we do propose that they should be leashed. We thank you for listening to our thoughts and concerns. We would have presented this argument in person but we will be out of town tonight.

Sincerely,  
Brenda and Frank McDermott  
30 F Street