TOWN OF RYE – BOARD OF SELECTMEN Tuesday, May 28, 2019 6:30 p.m. – Rye Town Hall

Present: Chair Phil Winslow, Vice-Chair Keriann Roman, Selectman Bill Epperson

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

<u>6:30 p.m.</u>

I. CALL TO ORDER

Chair Winslow Called the meeting to order at 6:30 p.m.

II. NON-PUBLIC SESSION (1) per RSA 91-A:3, II (b) Hiring

At 6:30 p.m., Keriann Roman made a motion to go into Non-Public Session per RSA 91-A:3 II (b) Hiring. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Roman – Yes, Epperson - Yes

At 6:36 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Phil Winslow. Roll Call: Winslow – Yes, Roman – Yes, Epperson - Yes.

6:45 p.m. RECONVENE AND PLEDGE OF ALLEGIANCE

III. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Winslow called the meeting to order at 6:55 p.m. and led the Pledge of Allegiance

IV. ANNOUNCEMENTS

- Chair Winslow announced that the Plan NH Charette will be held Friday, May 31st. The listening sessions will be from 3:30 to 5:00 and from 6:30 to 8:00 at the Rye Junior High.
- Chair Winslow also announced that there will be an information session given by the Environmental Protection Agency, EPA, regarding the Coakley Landfill, on June 5th, from 6:00 to 8:00 p.m. at the Bethany Church.
- Chair Winslow thanked Lee Arthur for leading the Memorial Day Services and Bill Epperson the Master of Ceremony.
- The Jenness Beach new bathhouse ribbon cutting ceremony will be held, Friday, June 14th at 1:30.

- V. **PUBLIC COMMENT** (at the beginning of the meeting, for any comment by any Rye resident on any topic. Requested time limit, up to 5 minutes each person.)
 - Karen Allen, Rye Public Library Trustee, presented the Board with an update of events at the library.
 - Librarian, Lisa Houde, published a book last summer called Surveying LBGTQ Teens. This spring it received a glowing review from the School Library Journal.
 - $\circ~$ The library has a new head of youth services. Jess Ryan will be starting full-time on June $17^{\rm th}.$
 - Lisa Houde is moving to adult services and will be taking on the position of collection management, inter-library loan and circulation manager, as well as continuing as the assistant director of the Library.
 - The recent Friends Program hosted Portsmouth River Pilot Dick Hoyt. The Library plans to ask Mr. Hoyt back in 2020 for another program.
 - Wednesday, May 29th, from 6:30 to 7:30 p.m., there will be a program held called Wild History, 350 Years of New Hampshire Wildlife.
 - Kathleen McCabe, 135 Brackett, expressed concerns that there is still no application agreement in place for the cell tower on Port Way. The current shot clock extension expires on June 30, 2019. She wants to make sure that the Board has requested an extension and that Verizon grants the extension. The process does not seem to be moving forward very quickly.
 - Steven Borne, 431 Wallis Road and Member of the Civic League, noted that the plans and preparations for Friday's Plan New Hampshire Charette are done and he feels the program should go off well. He is hoping that the Board will plan a discussion of the results in a couple of weeks. Mr. Borne recommended that with Mr. Magnant's retirement that it is time to think about restructuring the Town's leadership and to bring in real planning leadership, as well as town administration. He suggested that there should be a public discussion around what is the best model that more closely fits the needs of Rye moving forward. He noted that the Board will be discussing IT Services. He recommended that the Board pull from the community experts to have them guide the Town in what would be most cost effective based on the Town's needs.
 - VI. CONSENT AGENDA ITEMS (to be discussed at the meeting only if pulled off the consent agenda by one of the three Selectmen.)
 - **A.** Letter rec'd from Town Administrator Michael Magnant informing the Board of Selectmen of his retirement effective July 31, 2019.
 - **B.** Email rec'd from Rob Vose requesting the speed limit on Locke Road and Old Beach Road be reduced to 15-20 MPH.
 - **C.** Chief Walsh Event Permit Application: Special Surfers/Epilepsy Foundation, Thursdays, 7/25/19 & 8/1/19, 4:30-7:30 p.m.

- **D.** Letter rec'd from residents of Ocean Blvd. requesting the Town and the State perform a comprehensive review of all public parking along Route 1A.
- E. Appointment: Rockingham Planning Commission Representative 3-year term to 4/01/2022
 - 1. Jaci Grote: Requests appointment as a member, letter rec'd 5/24/19
 - 2. Recommendation letter rec'd 5/24/19 from Rye Planning Board

Chair Winslow asked to discuss items A, B, C, and D. Motion by Phil Winslow to accept consent agenda item E as written. Seconded by Keriann Roman. All in Favor.

A. Letter rec'd from Town Administrator Michael Magnant informing the Board of Selectmen of his retirement effective July 31, 2019.

Chair Winslow thanked Mike for his 10 years of support and leadership to the Town. Behind the scenes, he is the man that pulls things together. Chair Winslow stated that the Board is going to miss Mike and wish him the very best in his retirement.

B. Email rec'd from Rob Vose requesting the speed limit on Locke Road and Old Beach Road be reduced to 15-20 MPH.

Note: *Vice-Chair Roman recused herself from this discussion.*

Chair Winslow asked Police Chief Walsh to get back to Mr. Vose with a response to this request.

Chief Walsh stated that with other areas in the Town, where citizens have complained about the speed of vehicles, the Sargent has been assigned to speak with the residents about the days and times of the problem so that they can target those times and areas more effectively. He stated that he would speak to Mr. Vose.

Selectman Epperson noted that this area is a 35 MPH zone and that seems a little high.

Chief Walsh agreed, especially during the summer with the congestion. However, by leaving it as such, under the speed rules, an officer can write someone a ticket for doing 25, if the officer can show that it is an unreasonable speed at the particular time of day. It gives the officer the discretion to write a ticket for a speed under the posted speed limit, but due to the conditions, it was too fast.

C. Chief Walsh – Event Permit Application: Special Surfers/Epilepsy Foundation, Thursdays, 7/25/19 & 8/1/19, 4:30-7:30 p.m.

Chair Winslow noted that on the application it says that there will be an ambulance on-site. He asked if there will be a charge for the ambulance.

Chief Walsh stated there will not be a need for the ambulance at the event. There are twenty participants broken into two groups to start an hour apart. There will be two to four trained lifeguards and CPR

volunteers to ensure safety. He also reported that there will be no conflict with other activities on the beach that day.

Vice-Chair Roman noted that the Special Surf's certificate for liability insurance expires in July. She asked that the certificate be updated prior to the event. Also, the Epilepsy Foundation certificate of insurance refers to a written contract or agreement. It does not state a permit. She asked that the word <u>permit</u> be included in the insurance certificate language.

Motion by Phil Winslow to accept consent item C with the requests as outlined by Vice-Chair Roman. Seconded by Keriann Roman. All in Favor.

D. Letter rec'd from residents of Ocean Blvd. requesting the Town and the State perform a comprehensive review of all public parking along Route 1A.

Chair Winslow noted that this was done in 2014. He questioned the need for this at this time. He suggested that the Board continue to work on the current ongoing issues.

Vice-Chair Roman pointed out that this stems from the warrant article regarding restricting large RV's from parking on Route 1A. At the discussion with the State, the commissioner of DOT said that they would not allow, or be in favor, of the Town restricting RV parking entirely because they have to go somewhere. The Beach Committee discussed other possible areas where it would be safer for the RVs to park. She added that the residents that live in those areas are concerned that they're now going to get all the RVs parking in their area. Ms. Roman stated that she feels the Board needs to make sure that they look at this situation with the State to make sure that they don't create a bigger problem with the RV parking. She feels that there is no need to do another study, however, the Board needs to work with the State to ensure that they don't create that situation.

Chair Winslow recommended that the Board continues to work the plan that they have already talked to the State about and are already working on. If it creates this situation then the Board will need to revisit it.

VII. DISCUSSION ITEMS

A. Paula Leed, 40 Old Beach Road, requests permission for Greg Bauer to access the beach with equipment to clean up the beach in front of her property.

Chair Winslow explained that he called Mr. Bauer to find out the details. Mr. Bauer indicated that the project would take about four hours. The concern is that he must get approval from the DES. If the approval comes in from Eben Lewis of DES, this needs to be done as soon as possible because of the summer season approaching. Chair Winslow recommended that the Board approve the request. If the approval comes in from Eben Lewis, the work could be done this week, one morning from 8 to 12.

Selectman Epperson asked what about the cleanup that is proposed.

Chair Winslow explained that during the winter, the sand gets pushed up against the retaining wall. Mr. Bauer pulls the sand back down and regrades it.

Motion by Keriann Roman to approve the request but it be limited to redistributing the sand. It is also contingent upon DES approval and the work being done during the week, between 8 a.m. and 12 noon, and any area that is disturbed by the project be put back into its original condition. Seconded by Phil Winslow. All in Favor.

B. Senator Tom Sherman – Discussion on any issues Rye is facing <u>20 Minutes</u>

Senator Sherman reported that the final result of SB306 will not be known until the end of session tomorrow afternoon. If it's going to be incorporated, it will be incorporated in HB2, which is in the hands of the Finance Committee. He should have the results when he looks at the budget. Selectman Epperson asked if it will be a line item.

Senator Sherman explained that it will be a line item in the budget which is HB1. HB2 is the enabling legislation that puts the money to work. He added that SB306 was a \$400,000 allocation. SB306 was a bill that had strong bipartisan support in the Senate. This bill creates a housing board of appeals. The original hearing talked about the need for affordable and workforce housing. This bill would make it easier to bring that forward, especially for the low-cost and non-profit developers that are doing this kind of work across the State. The concern is what effect it will have on local control. Currently, if there is a dispute, the resolution goes to Superior Court. This bill would make a resolution before that. A three-member board of appeals, appointed by the Supreme Court, would hear the issues. Senator Sherman stated that he saw some red flags and voted against it when it went to the Senate. They tried to amend the bill by proposing a five-member affordable housing board of appeals. The vote on the amendment was 3 to 21 against. The bill itself moved forward. If it makes it through the Senate, it will become a line item in the budget. The Senator explained that while he may vote for the budget, he is still not in favor of this bill. He stated that he may introduce a floor amendment to take the line item out of the budget but that would be his only recourse. The hope is that when it gets back to the House, they will see it and pull it out. Senator Sherman asked for the support of the Board on this issue.

Selectman Epperson stressed that he is astounded that the bill has gotten as far as it has. He stated that he does not believe the public realizes the scope and width of the pitfalls of this particular bill as to how it relates to Rye and the other towns in the area. He asked about the geneses and who was behind it.

Senator Sherman reported that the prime sponsor was Bob Guider from the Plymouth District. In the House there is a chance to have it taken out. The other chance is with the Governor. Mr. Sherman stated that he has received several emails from individuals that have direct access to the Governor who plan to talk to him about it. He pointed out that none of the budgets are created without having discussion directly with the Governor and the Senate President.

Chair Winslow asked Senator Sherman if he has spoken to Jaci Grote or Kate Murray to see what their position is.

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Senator Sherman stated that it may be a go idea to talk to Kate because she is in the Finance Committee. However, if he sees it in the budget, he will be talking to the head of finance on the House side.

Selectman Epperson explained that over the last ten years, the Planning Board has seen some extremely controversial developments, proposed by a number of different builders, that were not in the best interest of Rye. If the Planning Board denies the application, the builders have the right to take it to Superior Court. The issue is that if this appointed board met on the application, there are really no red flags that can be pointed to as far as the ordinances, as well as wetland set-backs, protection of vernal pool, and other issues that may have been the deciding factors in the denial. The appointed board would take a simple look to see if it violates any ordinance and move it forward without consideration or regard to any of the other issues involved. The appeal to this board is the Supreme Court and all the findings of the board are discoverable. So, the Supreme Court could look at the decision of the board and decide not to hear the case.

Senator Sherman reported that Representative Cushing's Bill HB494 (Senator Sherman was the cosponsor of this bill), the Coakley Cleanup, declared Coakley an eminent threat. This is defined in the statute and compels DES to stop all known migration of contamination off-site. Senator Sherman's biggest concern is Berry's Brook. The goal of this bill is to have them design a way to interrupt the flow, filter it and release it once it is clean. The bill will be heard Thursday. Senator Martha Fuller-Clark has an amendment with a November 1st timeline of what the intervention would be. Early next year, the cost of the proposed intervention will be submitted. The CLG will be baring the costs. Senate Sherman stated that he is now the vice-chair of the Drinking Water Advisory Commission, which handles all the funding that comes out of the MTBE settlement. The settlement is somewhere around two hundred million dollars, which is not going to be enough. East Kingston, Brentwood and Stratham have detected PFAS and they are all on wells.

Senator Sherman reported that SB257 will be going to the Governor's desk. This is an important bill for the firefighters, as it will regulate the sale and use of firefighting foam. Triple F foam will no longer be sold in the State, except in the situations where it is required (PAA settings; Pease and Manchester). If it has to be used, the area will become a hazmat site.

SB79 addresses the rising cost of solid waste. This bill requires documentation of what transfer stations are taking in and what is being sent out by weight. Towns that do not have scales have been exempt. SB79 was tabled but was added on to a House bill. The DES is trying to capture the volume of waste that the State is generating in order to start planning for the future. The Municipal Association is involved in this bill.

Rye does not currently use the Local Transportation Improvement fee. This is a fee added to car registrations. Currently, it is \$5.00. At the request of the New Hampshire Municipal Association, it will be increased to \$10.00. This is enabling, not mandatory. It is used by towns that are not getting enough back from the Rooms and Meals tax to handle the increased transportation costs. The fee comes back to the municipality 100%.

The last bill that is important along the seacoast comes out of Hampton. It is a \$2.00 occupancy fee for any lodging environment. This bill will go before the Senate on Thursday. It has already passed the 6

DRAFT MINUTES of the Board of Selectmen's Meeting 5/28/19 See meeting of 6/24/19 for approvals/corrections

House. The targeted money has to be used for tourism related costs to the town. After it passes the Senate with the amendments, it will be sent back to the House for them to concur.

Chair Winslow gave Senator Sherman a copy of the minutes from the meeting with the State regarding State help along the beaches. He informed the Senator that the Town has not yet received a response back from the State. Chair Winslow also briefed Senator Sherman on the progress of the Rye Harbor dredging issue. He reported that a letter went out to Senator Shaheen. A portion of the dredging will be from the State and there is a need for funding.

Senator Sherman stated that he received a copy of the letter that went out to Senator Shaheen. He added that the bill is HB25. Mike Egger from Hampton is part of the process and is making sure that the funds are part of the capital budget. Senator Sherman's understanding of the issue is that the State's portion of the funding is covered. The plan is to do Hampton Harbor first and Rye in the fall of 2021. He added that Senator Shaheen's office is putting pressure on the Army Core to commit to the project. Senator Sherman promised to follow up on this issue. Senator Sherman stated that he will report back to the Board in early July.

Vice-Chair Roman asked if Senator Sherman would contribute information to the Rye Newsletter.

Senator Sherman stated that his office has a monthly newsletter that could be linked to or information pulled from. He will send Selectman Roman a copy of the last issue for her review.

C. Energy Committee: Lighting audit and solar power <u>20 Minutes</u>

Danna Truslow, Chair of the Energy Committee, Tom Pfau and Howard Kalet updated the Board on current initiatives of the Energy Committee.

The Energy Committee was established in 2007 to assess the energy use of the Town, to evaluate energy conservation and emission reduction practices recommended by State and Federal agencies and to evaluate and recommend energy conservation measures for residents.

Some of the initiatives of the committee:

- Programs for homeowners on energy efficiency and solar power
- Support of the farmers market
- Energy and lighting audits for Town owned facilities
- Town-wide energy reports
- Obtaining a large energy block grant for the Town
- Created an energy chapter for the Town Master Plan in 2013 that calls for a 20% reduction of the carbon dioxide emissions below the 1990 level by 2025.
- Investigation and research on Solar Arrays on town properties

Howard Kalet, 90 Grove Road and Member of the Energy Committee, spoke about the solar piece to meet the 20% energy reduction. He reported that the easier projects have already been accomplished. The

largest project was the geothermal heating system for the town hall. He reported that approximately onethird of the total carbon dioxide emissions comes from electricity usage so that is the focus of the committee.

He highlighted a recent report done by the Energy Committee:

- The largest consumers of electricity:
 - Elementary School 25%
 - Junior High School
 22%
 - Rye Water District 17%
 - Public Safety Building 15%

Part of the concern is that the Library, the Rye Junior High and the Public Safety building are all in the Historic District. In order to use solar panels, which may be visible to the street, it would require the Board of Selectmen to work around the rules of the Historic District.

He reported that the committee was asked to look at the Breakfast Hill Landfill property for a possible site for a solar array. Putting it on a landfill is more complicated and more expensive. In addition, at Breakfast Hill there is no power line nearby that is large enough to support it.

The committee feels that much of the roof of the Elementary School Building could be used. The School Board's concern is that during heavy snow accumulation, they have to get on the roof with snow blowers to eliminate the weight of the snow. This is a structural limitation. There are ongoing discussions with the Water District. The district has a good deal of land. Where it is more difficult to develop around the well sites, there are other opportunities. There was discussion of potentially building a treatment plant. That property is located between the Garland Well site and the Transfer Station. It may be a suitable location for the solar arrays.

Chair Winslow stated that he was at the meeting at the Water District when the Energy Committee talked to the District. He stated that the only concern he heard was that there is a 400-foot protected radius around the wells.

Ms. Truslow explained that the 400-foot radius is very limiting as to what can be put on it. The Energy Committee has a call into DES about it; however, there are other municipalities that have solar arrays within the 400-foot radius. Durham is one. She is hoping to get a tour of Durham's project for the Energy Committee and the Water District to relieve some of the concerns.

Mr. Kalet summed up by stating that there are two ways to approach this project:

- To centralize a large array of solar cells
 - This could potentially be on Water District land.
 - The advantage is that it is a cheaper installation
 - There are no Historic District issues
 - The disadvantage is that the Town will have to pay for the distribution of that power to the other locations in Town

- Individual location model
 - Elementary School
 - Not in the Historic District
 - Good potential
 - Some structural limitations
 - Rye Junior High
 - Historic District regulations
 - Public Safety Building
 - Historic District regulations

Vice-Chair Roman explained that while the Board would be respectful of the Historic Commissions regulations in the District, as a municipality, the Town and the schools are not bound to their own zoning laws.

Chair Winslow pointed out that there are other options in the Historic District. The rule is that they cannot be visible from the road. If a ground array could be placed behind a building that was not visible from the road it would be allowed.

Mr. Kalet stated that the Energy Committee investigated the land behind the Safety Building. The area is a retention area where the excess snow is dumped. There are some concerns about putting cells out in that area. There is also a small piece of land off the side of the Junior High School but there are some restrictions at that location as well.

Mr. Pfau explained that there is a parcel off Lang Road; however, it is not Town owned land. He added that the committee had put together a proposal for the Junior High. The proposal looked at every square inch that they have available and it only came up with about 60% of their energy needs. Mr. Pfau stated that there is a good opportunity at the Transfer Station that could easily cover all their power needs.

Mr. Kalet explained that they could put in a 30-watt system that would support just the Transfer Station. The committee has a rough estimate for that proposal of about \$85,000. The payback would be about 12 to 13 years. A larger system at the Transfer Station would support other facilities in Town but there is a distribution cost.

Mr. McCarthy stated that the garage at the Transfer Station is past its life span but that should not be a reason to not do this project.

Mr. Kalet explained that the committee is requesting approval from the Board of Selectmen to go out for proposal for the Transfer Station, the Public Safety Building, the Junior High School and the Elementary School. The committee will continue with their discussions with the Rye Water District. The committee will be responsible to do the analysis and present those recommendations to the Board of Selectmen to review. The goal of the 20% reduction in energy use has been on the books for a long time. This plan is a way to make a true dent in that reduction. Where there can be some cost savings in the short term, this will not be a quick payback. Mr. Kalet also pointed out that there are different ways to pay for this. There are leasing programs, where the Town commits to electricity at a certain price. After so many years, the Town would have a right to buy.

Selectman Epperson asked if the committee has looked into wind as an energy source, by creating a windmill zone to provide energy for the public facilities.

Mr. Kalet stated that the Energy Committee was active in the discussion with the State regarding putting wind turbines out past the Isles of Shoals, where they cannot be seen. However, those discussions were in the past and there has not been any current discussion on that matter.

Chair Winslow reminded Mr. Kalet that the Energy Committee would have to talk to the School Board regarding their two buildings. He asked that they also talk to Mr. McCarthy, Chief Walsh and Chief Cotreau regarding their buildings.

Vice-Chair Roman stated that she would like to give support on moving forward on getting RFPs for the town buildings.

Town Administrator Magnant stated that the Board had this conversation in the past with the Energy Committee. An RFP was drafted, but the Energy Committee decided to shelve the project because there was a problem with net metering.

Mr. Kalet explained that the legislation had just changed since then. The committee feels very strongly that there is a need to go out and get the numbers now. The State has expanded the net metering. The committee is optimistic that something can be done with the Water District.

Tom Pfau, 15 Seaglass Lane and Member of the Energy Committee, reported on the lighting audit that the Energy Committee asked Eversource to perform on the municipal buildings. Eversource contracted with Energy Management Consultants to do an actual walk through of all the buildings to evaluate the lighting. They did the town hall, the public safety building, the transfer station, the library, and the schools. The report is extremely detailed. It shows every electrical fixture in the buildings and which ones need to be changed out for energy efficiency. The summary shows an estimate of \$12,000 per year in savings by replacing these outdated fixtures, just for the Town, not including the schools. The cost for the work is \$71,000 of which, Eversource will pay \$34,000. It is a three year payback that Eversource adds to the electric bills at zero percent interest. There is no federal incentive in this program. The money is coming from the utility companies.

Chair Winslow pointed out that there is about a 10% savings if the Town paid for the program upfront. If that was the case, it would have to wait until 2020 because it would have to be in the budget.

Mr. Pfau stated that a representative from Eversource has offered to come to a Selectmen's meeting to answer some of the Board's questions.

Town Administrator Magnant pointed out that the Town has participated in this program three different times in the past. All three times was through the Smart Start Program where they added the amount to the electric bills.

Mr. Pfau stated that the Energy Committee plans to meet with the School Board in June to encourage them to do the program. Their annual savings will be about \$16,000.

Motion by Phil Winslow to use the Eversource Smart Start program to implement the energy audit and to exclude the Town Hall, as long as the figures show a savings, prior to any commitment. Seconded by Keriann Roman. All in Favor.

D. Acting Assistant Town Administrator Appointment

Chair Winslow announced that with Mike Magnant retiring the Board has been looking at the options of filling the position of town administrator. It is important to have the position consistent with current operational procedures. The Board has talked to Ms. Bergeron, who is doing an exceptional job as the Assistant Town Administrator and Finance Director. She has accepted the position of acting town administrator. Mr. Magnant will be leaving July 31st. In the meantime, he will be helping with the transition.

Motion by Phil Winslow to appoint Becky Bergeron as the Acting Town Administrator between now and August 1. 2019. Seconded by Bill Epperson. All in Favor.

E. Dennis McCarthy, Public Works Director – Paving Bid Results

Mr. McCarthy presented the Board with a memo outlining the five bids. The low bidder was Bourassa Construction Company at \$74.24 per ton. Mr. McCarthy recommended awarding the bid to Bourassa based on prior work the company has done for the Town and they are the low bidder.

Mr. McCarthy reported that he also opened bids today for fuel oil. There were two bids; Atlantic Fuel and Hanscom's Truck Stop. Atlantic Fuel is the lowest bidder in all four categories; Number 2 Heating oil = 2.29; Blended Heating oil = 2.39; .08 over rack for Diesel; .14 over rack for gasoline. This bid is for all town buildings.

F. Perkins Road Follow Up

Vice-Chair Roman explained there are several items to be discussed with the Police Chief and Dennis McCarthy regarding the recommendations that came from the Perkins Road Safety Committee.

- Temporary bollards at the enter-section of Perkins Road and Ocean Blvd to make it a 90-degree angle to slow down the traffic turning onto Perkins Road.
 - Mr. McCarthy stated that the Public Works Department will be putting out barrels prior to the season. The State will take a look at the results for a permanent decision for next year.
- Placement of the "No Parking" and "No Stopping" signs on Perkins Road.
 - Mr. McCarthy reported that the department will be doing the signs as they do the painting of the boxes for the driveway's entrances before the season starts.
- 2281 Ocean Blvd parking lot placement of temporary bollards along the lot to define entrance and exit.

• Chief Walsh stated that Mr. McCarthy has measured out where the placements will be. After talking to Mrs. Leary and a couple of other business owners, he has made a couple of adjustments in order to accommodate the business operations. There will be an entrance and an exit on Perkins Road. Chief Walsh presented the Board with a map of the area with the changes outlined.

Town Administrator Magnant reported that Mrs. Leary has called the Town Hall and stated that she is not in favor of the changes as outlined by Chief Walsh. She asked that the Board postpone making a decision on this item tonight, as she is unable to attend this meeting. She would like to talk to the Board regarding this issue.

Vice-Chair Roman stated that she would like to wait on making the decision until the Board has a chance to talk to Mrs. Leary.

Chair Winslow asked Town Administrator Magnant to call Mrs. Leary and ask her to attend the next Board of Selectmen's meeting.

- Talking to Mrs. Leary regarding the parking lot. Asking her not to allow the cars to line up and posting a "Lot Full" sign.
 - Chief Walsh stated that Mrs. Leary is in agreement that when her lot is full, her staff will put up a "Lot Full" sign on the telephone pole on Ocean Blvd. Also, she has agreed that the cars will no longer park along Perkins Road as they wait to get into the lot.
- Putting a "Lot Full" sign at Jenness State Beach. (Keep moving, go north to Wallis Beach). Talking to the State, they said that if they could not staff it, they would try to get the Town a sign to put up.
 - Chief Walsh reported that he has talked to the new manager of the State parks. The manager is working on staffing for the season. The goal is to have staff managing the lot on Saturdays and Sundays. Also, Chief Walsh stated that he is planning to place the Town's message board just outside Jenness. The messages will address no alcohol, no fireworks and using the crosswalks. However, when the lot is full, he will be able to put up that message.
- Boxing out the Driveways
 - This is the responsibility of the Board of Selectmen. Chief Walsh will need an ordinance in order to enforce this. A public hearing will be scheduled in order to enact the change to the ordinance.

Ryan McGill, 21 Perkins Road, pointed out that the Board said they would allot six full spaces, which would be the same as Route One. The Tighe and Bond study said there are fifteen parking spots. If the Town takes away 6 from the 15 spots, the Town is losing 40% of the public parking on that street. He suggested that this will create an issue with all the streets asking for 40% less parking. Also, at the Perkins Safety Committee meetings, it was suggested that maybe the driveway boxing could be smaller.

Vice-Chair Roman stated that the Perkins Safety Committee and the Beach Committee have both looked at the issues and have come up with these recommendations. The Board of Selectmen have accepted those recommendations.

Chair Winslow stated that the Board has agreed to go with this plan. The Board has accepted Mr. McGill's comment. If anyone has something to add that would cause the Board not to go with the plan, they are welcome to speak.

Larry Rocha, 39 Perkins Road and Chair of the Rye Beach Committee, stated that the Tighe and Bond study said that there are 15 spaces. In reality, there are 21 spaces on Perkins Road.

Chief Walsh reported that there are three driveways involved in boxing off for sightline. This would require one space on each side of each driveway, or six spaces.

Ryan McGill pointed out that Hampton has no sightlines on their side streets. He suggested maybe making the sightlines shorter, in order to preserve some of the public access to the beaches.

Chair Winslow stated that the Board appreciates Mr. McGill's concerns. The proposal was made, the Board approved it and now they are working to implement it.

Tyler McGill, 22 Perkins Road, stated that his driveway is one that will be boxed off. He agreed that the sightlines are important; however, the sightlines on Ocean Blvd are based on the speed that the cars are traveling. At the Perkins Road Committee meeting, they agreed to sightlines but everyone in the group also agreed that they were not trying to eliminate or lose parking unnecessarily. Mr. McGill stated that he agrees that sightlines should be made, but a parking space on either side is something that could be adjusted. He added that it would be an oversight to not look at the road and the speed of the traffic to see if there is a way to mitigate the loss of public parking. The whole purpose of this exercise was safety.

Chair Winslow agreed that it is a safety issue and the Board depends on the opinion and expertise of the Police Chief and these are his recommendations. The Board has accepted his recommendation.

Chief Walsh pointed out that it would not take away the entire parking space, depending on the size of car. The box will be 10 feet on each side of the driveway. The owners of the properties have been consistent in their complaints regarding the ability to get out of their driveways. It is not only for other cars but also for pedestrians.

James Cassin, 17 Perkins Road, expressed concern about the striping being delayed due to the weather. He asked that Perkins Road get priority before the warm weather. He also disagreed with the Board for postponing part of the plan in order to talk to Mrs. Leary.

Chair Winslow stated that he appreciates Mr. Cassin's comments and will ask Mr. McCarthy about the striping. As far as Mrs. Leary is concerned, she has been very cooperative during this process and the Board wants to give her a chance to express her thoughts.

Mr. McCarthy pointed out that the department has the whole town to get ready for the summer season. There are the "No Parking" signs that have to be in place or the Police Department cannot enforce the ordinance. There are also the stop bars that have to be done. The three driveways are the least of the safety issues that the Town has because they have never had the boxes in the past. There is very little history of accidents in that area so it is one of the less unsafe areas in town. He reported that striping of the whole town takes about eight weeks, usually through June. This year the department is already a month behind, due to the weather. He promised that the job will get done.

G. Jenness Beach Bathhouse Lighting

Selectman Epperson reported that Johanna Lyons, State Park Planner for the NH Division of State Parks and Recreation, was before the Planning Board in 2017 for this project. The Board has a copy of the minutes of that meeting. Selectman Epperson characterized this as a misunderstanding. He explained there was a lot of discussion at the Planning Board regarding lighting and dark sky. Selectman Epperson read from those minutes as follows:

Vice-Chair Losik stated that she counted seven lights externally. She asked if there will be any other lights. She pointed out that on the neighbors' side there are two lights. She asked if the lights will be on all night.

Mr. Mansfield noted that the lights are on a timer so they can be controlled. The lights will provide low level illumination, which would be the equivalent of a 30-watt lightbulb.

Selectman Epperson stated that the 30-watt bulb was what the Planning Board thought would be on the building. However, Town Administrator Magnant was informed by Ms. Lyons that the 30-watt bulb statement was considered to be on the street lighting. Selectman Epperson pointed out that the lights are a safety hazard for cars traveling southbound on Ocean Blvd. The Board is going to try to get the State to change the bulb wattage on the building so that it is not so obtrusive.

Town Administrator Magnant stated that Ms. Lyons said that the lights that were installed were not the ones that she had specified. There had been a change during the construction. She is willing to put a timer on the lights, but she is not willing to lower the wattage or do something to shield the lights. Mr. Magnant stated that he will be writing a letter to the director, with a copy of the minutes from the Planning Board meeting, stating that there was misrepresentation to the Planning Board and ask to revisit that decision, if they don't do something about the lights.

Vice-Chair Roman asked if the Board could sign the letter.

Mr. Magnant agreed that it would be better coming from the Board of Selectmen.

H. Cell Tower Update

Selectman Epperson reported that the cell tower proposal for Port Way is on track, even though there is no formal application from Verizon to put it on Port Way. The shot clock expires on June 30, 2019. Verizon has expressed their willingness to extend that to accommodate their formal presentation to the 14

Planning Board. There is still an active application for 120 Brackett Road. Presently, there is no reason to pull that application because there is a formal application for Port Way. The bottom line is that the Board of Selectmen and the Town's Attorney, Michael Donovan, feel that Verizon is cooperating with the Town. They have spent the money on the engineering and legal fees. The Board is moving forward with the process. There is nothing out there, that the Board can see, that would be a showstopper at this time.

Vice-Chair Roman explained that if Verizon were planning to let the shot clock expire and not extend it, the Town does not have time to put together a written denial. They would have to take the Town to court. Verizon would only win, if they could prove that there is no other feasible alternative. With Port Way that argument is already off the table. The Board is expecting the application for Port Way sometime in June.

Town Administrator Magnant reported that he has been working with the town attorney and Verizon for months. There has never been any indication that Verizon is acting in bad faith. They have been nothing but cooperative.

I. Town IT Services

Finance Director and Assistant Town Administrator Bergeron reported that the Town's long-term IT vendor, Dennis O'Brien, has decided that it is time for him to end his relationship with the Town of Rye. Town management is using this as an opportunity to put together an RFP to get a comprehensive municipal wide IT infrastructure assessment and to contract with a vendor going forward. Mr. O'Brien has agreed to extend services to the Town, until and up through the transition, to help make it as seamless as possible and so there will be no loss to the Town. The plan is to have the RFP out by the end of the week with a deadline of July 1, 2019. The largest most important and most critical component will be the assessment of where the Town is right now. There are five departments all on different platforms and networked differently. It is important to assess where the Town stands now and then get a plan as to where it should be in the next three to five years. This will be municipal wide with everyone networked with the appropriate technology so that the Town can move forward. This should include everything from workstations, laptops, tablets, server size, location, and running wires. The size of the storage needed will be based on things like what is hosted in a cloud, or by other software vendors, verses what is hosted in house on the Town's server.

Vice-Chair Roman clarified that the RPF would be two parts. One that will ask for an assessment of where the Town is at and where it should be in three to five years. The second part will be what the vendor can do for the Town of Rye, if they provide it with IT services.

Steven Borne, 431 Wallis Road, stated that there are people in Town that do this kind of work for a living. He recommended that they get experts in this field, from the community, to guide the Town in how to most cost effectively meet the town's IT service needs. He suggested asking for a volunteer committee of these experts to step up to help the Board to figure this out.

Administrator Magnant stated that there are four or five companies that are providing excellent IT services to other towns. There is ongoing talk on the managers' list serve regarding these companies.

Mr. Borne stated that the Town would have to have someone design the architecture and then go out to the IT service providers to find a vendor.

Mr. Magnant stated that the Town will not get a comprehensive analysis of the architecture through the RFP but would probably get a thumb-nail sketch. He recommended setting up a date and time for the vendors to meet with the current IT person. He can describe to them, and actually show them, what the Town has from hardware and software so they have an understanding of what the Town's system is like.

Vice-Chair Roman stated that she heard Mr. Borne's recommendation. She explained that she looked at what the Energy Committee was able to do and there was no way the Board of Selectmen would have been able to do that. She added that this is not going to stop the Board from putting out the RFP for the IT vendor; however, she feels that the Town should have an ongoing IT Committee because of the constant changes. There could be a significant cost savings if this is handled right.

The Board agreed to discuss the Committee and a charge at the next Board meeting.

- **J.** Meeting Minutes
 - 1. Meeting, Friday, April 26, 2019, 1:30 p.m., Town Hall

Motion by Phil Winslow to accept the meeting minutes of April 26, 2019 as presented. Seconded by Keriann Roman. All in Favor.

2. Meeting, Monday, May 13, 2019, 5:30 p.m., Town Hall

Motion by Phil Winslow to accept the meeting minutes of May 13, 2019 as presented. Seconded by Keriann Roman. All in Favor.

3. Non-Public Session, Monday, May 13, 2019 (1) Per RSA 91-A:3, II (a) Personnel

Motion by Phil Winslow to accept the minutes of the Non-Public Session of May 13, 2019 per RSA 91-A:3, II (a) Personnel as presented. Seconded by Keriann Roman. All in Favor.

4. Non-Public Session, Monday, May 13, 2019 (2) Per RSA 91-A:3, II (d) Acquisition

The following correction was noted:

• Page 2, third paragraph from the bottom; the \$10,000 figure should be \$30,000.

Motion by Phil Winslow to accept the minutes of the Non-Public Session of May 13, 2019 per RSA 91-A:3, II (d) Acquisition as amended. Seconded by Keriann Roman. All in Favor.

5. Non-Public Session, Monday, May 13, 2019 (3) Per RSA 91-A:3, II (a) Personnel

Motion by Phil Winslow to accept the minutes of the Non-Public Session of May 13, 2019 per RSA 91-A:3, II (a) Personnel as presented. Seconded by Keriann Roman. All in Favor.

Motion by Keriann Roman to seal the minutes of the Non-Public Session of May 13, 2019 per RSA 91-A:3, II (c) reputation. Seconded by Phil Winslow. All in Favor.

6. Meeting, Monday, May 20, 2019, 8:00 a.m.

Motion by Phil Winslow to accept the meeting minutes of May 20, 2019 as presented. Seconded by Keriann Roman. All in Favor.

7. Non-Public Session, Monday 20, 2019 (1) Per RSA 9-A:3, II (b) Hiring

Motion by Phil Winslow to accept the minutes of the Non-Public Session of May 20, 2019 per RSA 91-A:3, II (b) Hiring as presented. Seconded by Keriann Roman. All in Favor.

VIII. CORRESPONDENCE

A. Email rec'd from Russell Miles, UNH Senior Lecturer re: UNH Paul Projects – Donation Request

Town Administrator Magnant stated that in the interest of transparency, when the request for project was initially posted, there was no mention of a donation request or any fee. However, the team did a great job and he could anticipate the Town using their services again. If the Board could support the program with a donation of \$500 it would be a good idea. The money could come out of the executive department head expenditure line item.

Motion by Phil Winslow to pay the UNH Paul School \$500 in recognition for the work they did for the Town. Seconded by Keriann Roman. All in Favor.

IX. NEW BUSINESS

Chair Winslow acknowledge a letter from an Elizabeth Norton who is 87 years old. She does not drive or have a car. She would like to be able to use the beach. She is asking the Board to issue a beach permit to her daughter in order to take her to the beach.

Vice-Chair Roman stated that she had no problem with this, but it would have to be for one year only and would have to be approved each year.

The Board agreed.

Motion by Keriann Roman to approve the request for a beach permit to be issued to Kathleen Bracken, who is Elizabeth Norton's daughter, for one year. Seconded by Phil Winslow. All in Favor.

Chair Winslow suggested that the Board give some thought to the \$5.00 surcharge on car registrations fees for the residents of Rye to help with transportation issues. He added that he did not want to have a lengthy discussion tonight but wanted to mention it so the Board could think about it.

Mr. Magnant stated that it would have to be a warrant article. If the Board wanted it on the agenda, he could do some research on this for the discussion.

Chief Walsh informed the Board that a construction company will be closing Locke Road at Harbor Road and Locke Road to Ocean Blvd. They will be hooking up a water main at the house on the corner of Harbor and Locke Road. The DPW Director and the Fire Chief both have approved the plan and there will be signs up directing traffic through the detour.

X. OLD BUSINESS

Mr. Magnant told the Board that he had received a request from Nancy Barber the architect that worked on the Historic Structure Report. She wants to submit a response to the RFP for the Town Hall. The deadline was May 30th. She is asking for a two-week extension. Mr. Magnant pointed out that the Town has not received any responses to date so he recommended that the Board grant the extension to Ms. Barber.

The Board agreed.

Motion by Keriann Roman to approve the two-week extension to Ms. Barber. Seconded by Phil Winslow. All in Favor.

Mr. Magnant told the Board that the new fence will be installed behind the Town Hall next month. Building Inspector Peter Rowell met with the Historic District Commission and got their approval.

Chair Winslow asked if there was any future information from Comcast regarding the removal of the old telephone poles.

Mr. Magnant stated that he had received a letter stating that it is not Comcast's problem. There is a notification procedure that the utility companies use. They have not received any notification from Eversource or Fair Point that they are to be doing any work on the poles in Rye. So, he will be going back to talk to Eversource.

Vice Chair Roman requested that the letter from CMA Engineering regarding the testing of the surface water be put on the Town's Website.

Mr. Magnant promised to follow up on this.

XI. OTHER BUSINESS

Chair Winslow told Police Chief Walsh that he would like to declare war on signs being posted in Rye. He asked the Chief if there is any action that can be taken on signs posted on telephone poles.

Chief Walsh told the Board that normally they just take the signs down. DPW has a place where they are stored. If someone calls to say their signs are missing, they tell them where they can pick them up.

ADJOURMENT

Motion by Keriann Roman to adjourn at 9:41 p.m. Seconded by Bill Epperson. All in Favor.

Respectfully Submitted, Dyana F. Ledger

5-28-19 Consent Ham A

Michael J. Magnant 10 Central Road Rye, NH 03870

May 13, 2019

Board of Selectmen 10 Central Road Rye, NH 03870

Dear Rye Board of Selectmen,

The Town of Rye hired me as their Town Administrator in August of 2009. During my interview, I vividly recall Selectman Joe Mills stating that he wished the Town could hire a Town Administrator that would "stay at least two years". I told him my goal was ten.

That milestone is just around the corner and after much thought and consideration I have decided to retire. I have been fortunate to work with thoughtful and supportive selectmen over the years and I am very proud of our numerous accomplishments. Rye's residents are also fortunate to have Selectmen that are always seeking the best for the town (and that includes the tax rate!).

I'd be remiss in not mentioning Rye's Department Heads and staff. These talented and dedicated unsung heroes work day in and day out behind the scenes to keep the town running. It's been a pleasure to work with them.

I plan on retiring on July 31st and am willing to work with the town as they seek to find my replacement.

Sincerely,

Michael J. Magnant

5.28-19 Consent Ham B

Janice Ireland

From: Sent: To: Subject: Robert Vose <vtangfalcon@yahoo.com> Monday, May 20, 2019 5:42 PM Janice Ireland Locke Road Speed Limit

Dear Selectmen,

Currently the speed limit on Locke Road and Old Beach Road is 30mph. This poses a safety hazard for little children, walkers and beach goers, especially in the summer season. As you know the area is a fairly congested especially at this time of year moving forward.

How hard would it be for us reduce Locke Rd/Old Beach Speed Limit From 30 mph to 15-20mph?

Very best, Thanks for all the hard work, Rob Vose

Sent from my iPhone

5/28/19 Consent tem D

5/10/19

Rye Board of Selectmen 10 Central Road Rye, NH 03870



Dear Rye Board of Selectmen,

We respectfully request that the Rye Board of Selectmen in partnership with the NH DOT and NH Department of Safety, perform a comprehensive review of all public parking along Route 1A in Rye. This is in response to Article 36 discussions pertaining to restricting parking of large campers and Recreational Vehicles along Route 1A, with the exception of Foss Beach.

The original Article description provides the best safety solution; parking RVs behind the Dunes or at Wallis Sands State Park. If parking of these vehicles is allowed at Foss Beach it does not remedy the concerns of increased traffic and safety issues along Route 1A.

All beaches in Rye – Jenness, Foss and Wallis Sands are crowded on summer days. The current parking of vehicles along Route 1A has already created heightened safety awareness to those who visit, live, walk, bike, run and drive along the seacoast.

This discussion warrants additional consideration to find the right parking solution so that everyone is able to safely enjoy the beaches in Rye.

Joe Bosco

Rye, NH

1515 Ocean Blvd.

Thank you for your consideration to this matter.

Nancy Cavallaro 1527 Ocean Blvd. Rye, NH

LEINE

Attachment: Petitions

CC: State Senator Tom Sherman NH DOT Commissioner Victoria Sheehan NH Department of Safety Commissioner Robert L. Quinn Mike Degnan 1601 Ocean Blvd.

Rye, NH hale / 1

May 2019

To the Selectmen of Rye:

We, the undersigned residents of the Town of Rye at Foss Beach request that you engage the <u>NH Department of Transportation</u> and the <u>NH Department of Safety</u> to perform a comprehensive review of all public parking along state road 1A in Rye. We are asking that this independent safety review include observations during peak summer usage.

Reason for petition:

Article 36 created from the 2019 Rye Deliberative Session describes a request to provide parking for RVs behind the Dunes or at Wallis Sands State Park in an effort to improve safety conditions on 1A.

The latest version of the request presented to the NH Department of Transportation on April 26, 2019 does not consider safety concerns from an overall public parking view. It does not consider equity of parking type of vehicles to all 1A residents and it does not consider equity of beach access to all vehicles visiting the Rye NH coast.

Name (Print)	Property Address	Signature
Jara Gregorowic Scott Roberton MARYELIEN & JAEK MAD	1627 Ocen BIUD 1627 Ocen BIUD 1511 1641 Ocean BIUD	Vare Degaver Satt Reference
Mille + Joy JegNA Berrymust Buto Leve Susan Kwist Kowsk	N Ibol Ocens BLVD NAGE 1595 OCEAN BLVD i 1691 Ocean Blvd. 142 1691 Ocean Blvd.	Star Derathousli Michael Nerathoushi

Xc: State Senator, Tom Sherman

May 2019

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Name (Print)	Property Address	Signature
Sheila White Joe Bensco MANEON Bosa	1515 Ocean Blud #2 ha 1515 Ocean Blud # & 1515 Ocean Blud # & 1515 Ocean Blud # 1 1515 Ocean Blud # 6 1515 OCEAN BLUD # 6 1615 OPEON Blud # 6	Paul Harmy "
	р	

Xc: State Senator, Tom Sherman

May 2019

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The latest version of the request presented to the NH Department of Transportation on April 26, 2019 does not consider safety concerns from an overall public parking view. It does not consider equity of parking type of vehicles to all 1A residents and it does not consider equity of beach access to all vehicles visiting the Rye NH coast.

Xc: State Senator, Tom Sherman

5-28-19 Consent Ham E-1

Friday May 7, 2019

To: Rye Planning Board

From: Jaci Grote

Re: Rye Representative to Rockingham Planning Commission (RPC)

As a former member of the Rye Planning Board, a current member of the Rye Conservation Commission and chair of the Rye Budget Committee, I am offering my services as the Rye Representative to the RPC. As a member of these boards since 2006, I am familiar with the challenges that our town faces concerning land use, protecting our natural resources, caring for our aging population and encouraging young families to our community.

The RPC town representatives serve as advisors to their towns in coordinated county efforts in areas related to town growth, access to transportation, environmental issues, and efficient land use. These matters, some more so than others, are important to our town. In my role as State Rep to Rye and New Castle, I am in contact with the Select Board, the School Board and constituents with potential legislation that can affect Rye. I bring these skills to this position.

Another example of my experience is the strong connection that the Rye Conservation Commission has with the Rockingham County Conversation District. This relationship benefits our Town with regard to invasive mitigation, wetland protection and conservation advise.

I recognize that this is an advisory role that reports to the Planning Board. My public service experience in Rye is a strong foundation for this position.

Thank you for your consideration.

Kind regards, Jaci Grote



5-28-19 Consent Item E-2

Town of Rye PLANNING BOARD

May 24, 2019

Rye Board of Selectmen 10 Central Road Rye, NH 03870

RE: Jaci Grote

Dear Selectmen:

The Rye Planning Board, at its regularly scheduled meeting on Tuesday, May 14, 2019, recommended the appointment of Jaci Grote to the Rockingham Planning Commission as a representative to replace Tom McCormick.

If you have any questions or concerns regarding this request, please contact me at the Planning Office or via email at <u>kreed@town.rye.nh.us</u>.

Sincerely,

ser 1

Kimberly M. Reed, CFM

Cc: Planning Board Town Administrator

ECEIVE	$\left[\right]$
MAY 2 4 2019	
SELECTMENS OFFICE TOWN OF RYE, NH	

www.town.rye.nh.us

10 Central Road, Rye, NH 03870 * phone: 603-964-9800 * fax: 603-964-2964

Elizabeth Norton 901 Ocean Blvd. Unit 23 Rye, NH 03870

Board of Selectmen 10 Central Road Rye, NH 03870

Dear Mr. Winslow, Ms. Roman, and Mr. Epperson,

I have resided in the town of Rye for over 30 years years at 901 Ocean Boulevard, Unit #23. I am writing to request a beach sticker. I am 87 years old and do not drive, have a license or own a car. I am able to use the beach only when one of my children drive me. My daughter, Kathleen Bracken, is my predominant source of transportation. During the years I have lived in Rye, I have paid taxes in the town and consistently fulfilled my role and responsibilities in the social contract between citizen and government. I request a single parking sticker in accordance with my residency in the Town of Rye, affixed to my daughter's car, which will allow me to enjoy the high quality beaches of Rye and share their beauty with my children and grandchildren as well. Thank you for your consideration.

> Sincerely, Elizabeth Norton Elizabeth Norton