

TOWN OF RYE – BOARD OF SELECTMEN

**Monday, April 29, 2019
6:30 p.m. – Rye Town Hall**

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

Others Present: Town Administrator Michael Magnant

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Phil Winslow called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

II. ANNOUNCEMENTS

Chair Winslow noted that the select board met with the State Commissioner of Transportation and Director of Parks last Friday. They discussed seven issues. The issues ranged from Jenness State Park, beach parking issues, Perkins Road issues, Ocean Blvd, satellite parking, and the sewer line on US 1 from Portsmouth to Washington Rd. They are to get back to Town Administrator Magnant with their answers to these issues. The board's goal is to get some help from the State, particularly with the parking issues at the beach.

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

- **James Cassin of 17 Perkins Road** thanked the Perkins Road Safety Committee for all the time and effort they committed to help solve the issues on Perkins Road. He also thanked Chief Walsh, Selectman Roman and the members of the Beach Committee that were involved. He stated that he hopes that the recommendations that will be presented to the select board can be acted on. He encouraged the board to support the recommendations.
- **Michelle Tyminski of 121 Parsons Road** read a letter from some of the people in the Parsons Road area as follows:

Dear Members of the Rye Select Board,

Now that the Verizon Cell Tower contract has been ratified by the voters of Rye, we appeal to you to remain transparent with any further discussions and negotiations regarding the proposed cell tower. Prove to us that your efforts were indeed an effort to prevent Verizon from suing the Town over the potential rejection of their plan to erect a cell tower on Brackett Road and keep the height of the cell tower on Port Way to a minimum. As the current site on Port Way is a higher elevation than the proposal at 120 Brackett Road, that resulting cell tower at Port Way should be shorter than the proposed

125 feet at 120 Brackett Road. This should not be a money grab for more tower height to accommodate more tenants on the tower.

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

- A. Fundraiser request – Rye Jr. High School 8th Grade Class requests permission to hold a bake sale at the Recycling Center on Saturday, 5/18/19 from 8:00 a.m. – 2:00 p.m. to raise money for the annual 8th grade graduation party and trip to Montreal.
- B. Beach Rubbish Collection Bid Results.
- C. Chief Walsh – Event Permit Application: Wallis Sands Half Marathon, Sunday, 5/19/19, 8:00 – 11:30 a.m. To benefit multiple charities.
- D. Chief Walsh – Event Permit Application: Annie’s Angels, Rye by the Sea Duathlon and 5K Run, Saturday, 6/1/19, 8:00 – 11:00 a.m. to benefit Annie’s Angels Memorial Fund.

Motion by Keriann Roman to accept and move the consent agenda items A-D as presented. Seconded by Bill Epperson. All in Favor.

V. DISCUSSION ITEMS

- A. Chief Walsh – 2019 Beach Permit Applications 25 Minutes

Chief Walsh and Police Executive Assistant Jessica Doucette presented.

- 1. Rye Beach Yoga, LLC
 - Rye General Store & E Street Area
 - Yoga Classes in the E Street Area
 - No Music – No Noise – No previous complaints
 - Same program as last year
 - Time 6:00 – 9:00 a.m.
 - Insurance expires 5/1/19 to be renewed
 - Beach access on E Street

Motion by Keriann Roman to approve Rye Beach Yoga, LLC permit application, on the condition that an updated insurance policy is provided naming the Town as an additional insured. Seconded by Bill Epperson. All in Favor.

- 2. Rye Beach Market. LLC
 - Beach Chair and Cooler Rentals

Motion by Keriann Roman to approve Rye Beach Market, LLC permit application. Seconded by Bill Epperson. All in Favor.

3. Kathryn Londoff of Gyrotonic Seacoast

- Foss Beach
- One day a week – Sundays
- 7:00 – 8:15 a.m.
- Insurance is in place

Vice Chair Roman expressed concerns regarding the language in the insurance policy. It states that the Town is insured but for only liability caused by the acts or omissions of the named insured. She asked that this language be taken out or that Town Administrator Magnant get an opinion from Attorney Donovan. She also pointed out that the insurance certificate is not signed.

The application was tabled until the next meeting.

4. MAKN, LLC/Mission Portsmouth

- Foss Beach must be the first choice of location
- Wallis Road Extension will be the second choice based on tides
- July 1st through September 1st
- Monday through Friday
- 6:00 – 7:00 a.m.
- Insurance is in place

Motion by Keriann Roman to approve MAKN, LLC permit application on the condition that Foss Beach be the primary location with Wallis Road Extension as the secondary location. Seconded by Bill Epperson. All in Favor.

5. Standup Guys LLC dba: The Shack

- May 1st to October 31st
- Lessons are at 10 a.m. – 12 noon – 2:00 p.m.
- One hour each
- Mainly board rentals
- Some guided tours
- Insurance will expire 5/13/19 – to be renewed

Motion by Keriann Roman to approve Rye Beach Yoga, LLC permit application, on the condition that an updated insurance policy is provided naming the Town as an additional insured. Seconded by Bill Epperson. All in Favor.

6. Cinnamon Rainbows Surf Co.

- Mainly runs out of Hampton's North Beach
- Using Jenness State Beach as a backup for tide restriction
- One-hour lessons at 10-12-2-4-6
- Insurance in place but needs to name the Town as additional insured.

Motion by Keriann Roman to approve Cinnamon Rainbows Surf Co permit application, on the condition that an updated insurance policy is provided naming the Town as an additional insured. Seconded by Bill Epperson. All in Favor.

7. Magnolia Campbell – Yoga
 - July 1st through August
 - Tuesday, Thursday, Friday and Saturday
 - 7:00 to 8:15 a.m.
 - Maximum of 20 people
 - Between Jenness and Sawyers Beach
 - No insurance submitted at this time

Motion by Keriann Roman to approve Magnolia Campbell’s permit application, on the condition that an updated insurance policy is provided naming the Town as an additional insured. Seconded by Bill Epperson. All in Favor.

8. Portsmouth Paddle Company
 - Sunday through Saturday
 - Rentals and Tours
 - Majority of the activity at the boat launch
 - Some activity at Wallis Road extension
 - 8 people maximum on the tours
 - No insurance submitted at this time

Chief Walsh pointed out that the application is not completely filled out so he recommends tabling this application until the next meeting.

B. Perkins Road Safety Committee Final Report 15 Minutes

Chair Gregg Mikolaities presented the select board with the Perkins Road Safety Committee’s Final report and recommendations. He introduced members John Bellino and Mary Westover. He reported that the committee held eight meetings and the final report is five pages. There was a lot of activity and good participation from the public. The meetings were attended by abutters, local business owners and residents from adjacent streets. Mr. Mikolaities pointed out that a lot of work had already been done. The Safety Committee used the Beach Committee’s annual report, the Tighe and Bond report, and the Rye Parking ordinance as guides to move the issue along. Chief Walsh met with the State manager at Perkins Road a couple of times. Chief Walsh, Dennis McCarthy and Mr. Mikolaities met on Perkins Road to strategize. Chief Walsh had a number of discussions with the property and business owners.

Mr. Mikolaities explained that for the first five meetings, the committee just listened. They took in all the input that they could from all the abutters and any other parties that had any interest in the issue. He went on to say that the committee funneled the input down to “what the issues really are”. He pointed out that it became quite obvious that weekends between Memorial Day and Labor Day are the worst. This is all day long from 7:00 a.m. to 8:00 p.m. The committee came up with some short-term and long-term actions that could happen. They are as follows:

Short-Term Recommendations:

1. Stripe the fog lines at the Perkins Road and Ocean Boulevard intersection so the fog lines are 24ft apart. Public Works to do this as soon as possible; weather permitting.
2. “No Parking” and “No Stopping” signs on the north side of Perkins Road along the condominium.
3. Consider installation of temporary bollards along 2281 Ocean Boulevard, bordering Perkins Road, to better define entrance and exit and discourage vehicles from backing into Perkins Road.
4. Engage in conversation with the owners/operators of the rear parking lot at 2281 Ocean Boulevard about not allowing cars to stack on Perkins Road while waiting to enter the parking lot, and post a “lot full” sign at the north and south approaches to Perkins Road at the Ocean Boulevard intersection when the lot is full.
5. Police Department to install the digital message board in front of the Dunes Motel with the messages alerting visitors when lots are full and directing traffic to alternative seacoast sites.
6. Box out driveways on the south side of Perkins to provide residents with proper sight lines to exit and enter their driveway safely. (eliminating approximately 6 spaces)
7. Install striping and “no parking” on pavement on Perkins Road as soon as weather permits.
8. The committee to reconvene in September, after observing summer activity, to reevaluate the short-term recommendations.

Long-Term Recommendations:

1. Hire a traffic engineering firm to analyze traffic patterns over the course of the summer 2020.

Mr. Mikolaities pointed out that traffic engineering is a science. He recommended that the board budget for this for 2020. He commented that the cost will depend on whether the focus is just on Perkins or if the board opens up the study to Cable and some of the other roads that have the same kinds of issues. He felt that the study would cost approximately \$10,000 to \$20,000. He explained that it is a sum of observations. Another recommendation is to have a survey done. He explained that it looks like Perkins Road is not on the center of the right-a-way. The condo building owns to the yellow striped line, which is in the center of the road. He explained that the Town will probably need another \$5,000 to hire a survey firm to come in to delineate the lines.

Mr. Mikolaities stated that he thought it was great that the board has started a dialog with the State to see if the Town can get some cooperation. One of the reoccurring themes that the committee was hearing is that there is really no traffic control in that area from the State’s standpoint. When the State parking lots are full, people are backing out into traffic, etc. It would be a benefit, if on busy weekends, the State could have someone there to monitor their parking areas and put up gates when they are full.

Mr. Mikolaities summed up by encouraging the select board to review and consider the short-term recommendations. Maybe getting them implemented during May, with the cooperation of Public Works and the Police Chief. He added that some of the committee has volunteered to conduct some observations this summer and report back to the board in the fall.

Chair Winslow asked Chief Walsh if he is familiar with the recommendations and if he could make his recommendations on them at the next Selectmen’s meeting.

Chief Walsh stated that he was familiar with the recommendations and has been working with Public Works Director McCarthy on them. They are prepared to enact some of these if it is the board's wishes.

Recommendations one through seven have been vetted by both Chief Walsh and Mr. McCarthy and are currently favorable to both.

Motion by Bill Epperson to accept the Safety Committee's report as written, and to recommend that items one through seven be accomplished as soon as possible. Seconded by Keriann Roman. All in Favor.

Member Mary Westover asked the board if the committee could have permission to reconvene after the summer observation period to review how these solutions have worked out.

The select board agreed. The committee will report back at the September 23, 2019 Selectmen's meeting.

Motion by Keriann Roman to extend the Safety Committee, until the end of summer, for the purpose of observation and reporting back to the select board. Seconded by Phil Winslow. All in Favor.

The board agreed to take Item F out of order: Lee Arthur, Recreation Director – RFP Results for Rye Recreation Area Turf Management and Mowing Program.

Recreation Commission Chair Gregg Mikolaities presented the results of the RFP for the turf management and mowing of the recreation area. He pointed out that the scope of work is the same as previous years. He reported that they only received two bids this year. Typically, they receive about four. Seaside Landscaping was the lowest bid. They have been the vendor for the last two years. It is a local firm which does a great job. Shawn goes above and beyond the call of duty.

Because the recommendation was for the lowest bidder, the select board did not need to vote.

They agreed to the award of the bid to Seaside Landscaping.

C. Grove Road Landfill GNZ Expansion – CMA Engineers 20 Minutes

Mr. Craig Musselman of CMA Engineers led the discussion on the Grove Road Landfill. He gave some background information and some history of the site. He explained that the Grove Road Landfill was operated as the Town's landfill for about forty years, from the 1930s through the 1970s. In the mid-1970's, the Rye Water District proposed to install a public water supply well northeast of the Grove Road Landfill. During that time, when they brought the well online, the Water District bought the two landfill properties. The Water District maintained the site for about twenty years. They started to do some hydrogeological studies. In the mid-1990's, the Town decided that it would take over the monitoring of the ground water impact on the site, as the State started talking about the site needing to be closed. The site was never capped. That was a conscientious decision on the part of all parties. The general sense was that in all likelihood, the construction impacts of constructing various landfill cap improvements would probably have more ground water quality impact than leaving it. The decision was to continue the

hydrogeological investigations, characterize the ground water quality and to continue to monitor it. The Town has now monitored the site for twenty-four years, previously twice a year and currently once a year.

Mr. Musselman pointed out that the Selectmen should have four documents in their packets. The first one shows the two parcels of the Grove Road Landfill site, which are above the Ground Water Management Zone extension. In the mid-1990's, the Town established a ground water management zone. Water quality standards can be exceeded within the Ground Water Management Zone, as long as there is a water quality monitoring point.

Mr. Musselman reported that there are monitoring wells on the landfill site which show some exceedances of water quality standards. The downgradient monitoring well, NW102, is on the Philbrick property. This shows water quality consistently well within the established water quality standards, both existing and as they are proposed to be potentially decreased.

Mr. Musselman explained that the State has allowed the Town to monitor the site as is, with the NW102 downgradient monitoring well outside the established Ground Water Management Zone. The rules properly require that the compliance boundary be within the Ground Water Management Zone. He continued that what is proposed is to make an arrangement with Roger and Jan Philbrick, the owners of the adjacent property, to bifurcate their lot. Mr. Musselman stated that a line would be drawn that will create a triangle on the map. He pointed out this area to the board. He added that the triangle piece would then be added to the Ground Water Management Zone. This will make the Town come in to line with the water quality requirements and the State ground water rules. He further explained that bifurcating the lot is required because the Philbricks, despite the fact that there is a water main on Garland Road, have historically used their own private water supply well adjacent to their house, which they wish to continue doing. The restriction is that ground water cannot be used within a GMZ. The Philbricks have agreed to bifurcate their lot, such that the GMZ gets established only on the back triangle of their lot. DES has agreed to the bifurcation. They just wanted a reassurance that if needed, the Town could go out and find the two corners to survey the line. The proposal is to proceed without a property survey. The quote back in December, is to do a property survey to establish the bearing distance of that line, was \$6,000. CMA will be using the description in the Philbrick deed at the Registry. DES has reviewed it and said that this will meet the rules as long as the two corners can be located that the line is travelling to and from.

Mr. Musselman explained that the second document in the packet is an easement deed, which has been signed by Roger and Jan Philbrick. The Town will not be taking full title to the triangle. The easement establishes the right for the Town to access and sample NW102 and, if needed, install other wells within the triangle. The Rye Water District also has the right to access and sample NW102 and to drill wells, as needed, for water quality monitoring purposes. No one can use the ground water in the triangle for any purpose.

Mr. Musselman stated that Town Attorney Donovan has reviewed all the documents. The third document is the Notice of Ground Water Management Permit, which is a standard document that gets filed at the registry. This document describes the Philbrick property and the bifurcation line. It lists the property owners in the Ground Water Management Zone. It requires a motion and vote by the select board to authorize the Town Administrator to sign and record this document. Both the notice of Ground Water Management Permit and the easement deed get recorded at the registry.

The fourth document is to be signed by the Rye Water District. In review of the history, it was found that there is a recordation of the Ground Water Management Zone for the Water District's two lots, but there was no agreement to allow the town to access the Water District's property to drill wells and do monitoring. The proposed Easement Deed that should be acted on from the Water District to the Town will grant the Town access to sample and drill wells, to maintain foot paths to the wells, but not to disturb the site otherwise. This document will need to be voted on by the Water District and will also be recorded at the Registry.

Mr. Musselman summed up by saying that the Water District and the Philbricks have both been cooperative during this process. It has been pretty straight forward and is coming together nicely.

Water District Commissioner Art Ditto stated that the District Commissioners will be voting on this at their meeting on Wednesday.

Motion by Keriann Roman to approve the notice of Ground Water Management Permit and the easement deed and to authorize Town Administrator Michael Magnant to sign and record the documents on behalf of the Town. Seconded by Bill Epperson. All in Favor.

D. Request from Ken & Judy Santarelli, 20 Myrica Avenue to extend the length of their proposed fence by 10 feet into the Town right of way

Mr. & Mrs. Santarelli talked to the board. Mrs. Santarelli said that they would like to install a three-foot high, black, aluminum rail fence on the west boundary of their property. This would preclude children or dogs from going through it. They have three grandchildren. The neighbors just built a new garage on that side and because of the elevation, it has created a visibility problem. They are afraid that one of the grandchildren might wonder into the neighbor's driveway. The neighbors have agreed to the fence.

Selectman Epperson stated that he went down to the property and looked at the situation. He agreed that the garage is very close to the property line. He also pointed out that other properties on Myrica Ave. have fences that extend into the right-of-way. He stated that he feels that this is something that the Santarellis feel they need to do for safety and traffic reasons and he would agree with them. He recommended that the board approve the request.

Mrs. Santarelli stated that there is a tree planted where the fence will end. The tree has been there for years. She pointed out that it would be kind of a natural ending.

Public Works Director McCarthy stated that the plan is that in a few of years, the department will get to Myrica and deal with a few of the encroachment issues. The proposed location of the fence, behind the tree, is unlikely to become an issue. There are more encroachments near Big Rock Road where there are a lot of stone walls that have been built much closer to the road. He recommended that the board use the standard "Hold Harmless Agreement", that way if there is ever a reason that the Town has to have it removed at some future date, they can notify the Santarellis that the Town needs to take back the right-of-way.

Chair Winslow read the "Hold Harmless Agreement" to the Santarellis and they agreed to it.

Mr. McCarthy will contact the Santarellis to have the “Hold Harmless Agreement” signed.

Motion by Keriann Roman to approve the Santarellis’ request to extend a three-foot-high fence into the Town’s right-of-way on Myrica Avenue upon the signing of the “Hold Harmless Agreement” by the Santarellis. Seconded by Bill Epperson. All in Favor.

E. Review of the temporary leash law along the Green trail in the Town Forest

Mike Garvan of 220 Washington Road and member of the Conservation Commission stated that as managers of the town forest, the Conservation Commission is asking for the select board’s support in extending ordinance 35, the dog leash ordinance with one modification. He stated that some improvements have been made but recognizes that the problem has not been solved. Mr. Joyce and Mr. Tilton are still having issues with dogs trespassing on their properties.

Mr. Garvan stated that he and Susan Shepcaro both go into the town forest frequently. They are both finding that the voluntary compliance is not what it should be. People are aware of the zones, and most people observe them, but there are some that do not. There has to be an enforcement component. They have talked to Chief Walsh about having an occasional presence in the forest with a warning or a citation issued. It is understood that there are budgetary and time constraints. Mr. Garvan stressed that even a couple of hours, of the 32 hours that the animal control office is scheduled, would make a difference. He pointed out that right now the Animal Control Officer can be in a leash zone instantaneously from the kiosk that is on the road to Parsons Field, within about three minutes. So, they are not asking that he be deep into the woods.

Mr. Garvan explained the modification. There is a 180-foot stretch that is on the road from the cemetery access. It was originally marked B1. It joins up to a big section of the green trail and borders Mr. Tilton’s property. The Conservation Commission would like to remove that 180-foot section. Right now, leashes are required there but they are finding that a lot of people use the cemetery access and then they have a “leash free” walk with their dog. They use the “Pink Trail” and return on the “Yellow Trail”, so for the 180 feet they just ignore it. When one person ignores it, others ignore it, so on critical parts of the trail there is no compliance. Now that Mr. Tilton has moved his traps further away from that area, there has not been any activity there. By making this adjustment, the commission feels that there will be better compliance overall.

Mr. Garvan noted that on April 8th, Mr. Tilton and Mr. Joyce talked about leashing the entire Green Trail. Mr. Garvan stated that the commission does not feel that will be necessary, for a couple of reasons. One is that they feel that it will not really solve the problem. The Green Trail is a long way from Mr. Tilton and Mr. Joyce’s properties so they are not getting the activity from the lower Green Trail. Also, in order to monitor that section, the Animal Control Officer would have to go deep into the woods, which is time consuming. If the entire Green Trail, plus the A to A2 zone are all leash zones, then over half of the Town Forest would be a leash zone. Mr. Garvan stated that this is not required at this time, and would not have as big of an effect as a little more enforcement and a little more public education.

Vice Chair Roman pointed out that there is enough work for a full-time Animal Control Officer, however, right now the position is part-time and the position is currently vacant. She stated there is always going to

be a turnover because that position is part-time with no benefits. Selectmen Roman added that she wants to get the discussion started. There are a lot of concerns regarding having more leash laws, which is a valid concern; however, the Town needs to manage the problem in other ways, such as enforcement. At budget time if it means that the Town needs a full-time Animal Control Officer, in order to have less leash laws and more enforcement, it may be a better compromise.

Chief Walsh stated that he is bringing someone on to fill the position temporarily within the next two weeks. He is still advertising the permanent position. He added that he is working on an idea with the Town Administrator to fill the void in order to get full time coverage.

Chair Winslow stated that he would like to see the Animal Control Officer spend more time in the Town Forest. He asked Chief Walsh what percentage of the officer's time is allocated to that area.

Chair Walsh explained that there is more concentration on the Town Forest in the fall. In the spring and summer, the concentration is mostly directed to the beaches with patrol spot-checks in the forest area.

All agreed that enforcement is key.

Chair Winslow stated that the board will need to vet the change to the ordinance at a public hearing.

A public hearing will be scheduled.

F. Lee Arthur, Recreation Director – RFP Results for Rye Recreation Area Turf Management and Mowing Program – **Taken out of order**

G. Dennis McCarthy, Public Works Director – Wallis Road Paving Repair

Public Works Director Dennis McCarthy explained that he is proposing a change order to last year's contract with Pike Paving because this year's bids will be going out in less than a month.

The repairs on Wallis Road will start at Grange Park going to Sagamore. The proposal will be to grind the whole easterly lane, from the yellow line to the edge of the pavement, down 1 ½ inches, and then repaving back the 1 ½ inch. He added that if needed they may do a "mill and fill" on the west side but right now the east side shows the worst issues. This repair will cost \$94,200. Half of the funds were encumbered from last year's budget and the other half will come from this year.

Mr. McCarthy explained that the last time the road was repaired was about 15 years ago. The problems with the easterly side are not anything to do with the ground under the road. There could be any number of reasons; the top layer was thinner, the day it was put in was cold, or it wasn't tacked. It's a problem of quality control of when it was installed. Back in those days, the way the bids were done was lump sum. The contractor would come in and do the job as thin as possible with the less tonnage. Now, the bids are per-ton costs, with specs and public works staff monitoring the job for quality control. Also, asphalt and the other materials used today are of better quality than what was used back then.

Chair Winslow asked if the intent was still to pave 3% of the roads annually and if they should be looking to increase this.

Mr. McCarthy said that yes there is a need to do more. He has increased the funding in the last nine years from under two hundred thousand to a little over three hundred thousand. There are 45 miles of roads in Rye and they should be repaved every 15 years, so 3 miles per year. Currently, 3 miles a year is being done but they have never caught up with the back log of roads that had not been done in prior years.

Chair Winslow recommended that this coming year would be a good year to do some PR and get some additional funds to increase the paving.

Mr. McCarthy stated that next year he wants to redo the pavement study that was done five years ago. The study looks at all the roads in Town and gives them a pavement condition index, (PCI). The average of the Town, five years ago, was 76%, which is a good strong C. The Selectmen at the time voted to maintain the level that kept it at 76%. Mr. McCarthy stated that a more reasonable PCI for a Town like Rye would be 85%. Mr. McCarthy pointed out that he does not know if they have maintained that level because the funding never addressed the back log of work. The pavement study next year will show if the PCI has dropped. If the PCI has dropped, that is a good indication that the Town has not caught up with the back log of work and that more funding needs to be allocated to the program.

Mr. McCarthy recommended that this is moved on as quickly as possible. He pointed out that Pike is currently working on Lafayette Road and could move into Rye fairly quickly.

Motion by Phil Winslow to authorize the Public Works Director to fund \$94,200 for repairs to the pavement of the east line of Wallis Road. Seconded by Keriann Roman. All in Favor.

Steven Borne of 431 Wallis Road stated that the Board should set up a minimum quality of surface for the biking lanes throughout Town.

Chair Winslow pointed out that it is an issue of funding. Next year should be the year to take a comprehensive look and make the adjustments necessary to accelerate the program.

Town Administrator Magnant reminded the board that they have contracted with Rockingham Planning the do the road shoulder study as well.

H. Cell Tower Committee

Chair Winslow stated that Article 30 was voted in at the election in order to establish a Cell Tower Committee. This committee will be under the guidance of a telecommunication consultant. It will be charged with developing a plan to investigate and identify types of telecommunication infrastructure, which will eliminate basic texts and voice cellular dead spots throughout the Town of Rye. The plan will identify and rank potential locations for such infrastructure, listing both pros and cons, and identify specific town actions that will ease the burden of infrastructure approval, deployment and maintenance.

The board reviewed the RFP that Town Administrator Magnant had written for the project.

The Selectmen noted some minor edits for the RFP.

Town Administrator Magnant reminded the board that the quotes of approximately \$8,000 for this work had come in so late in the budget process last year that the board decided not to go back to the Budget

Committee to increase the consultant line in the Executive Budget. The appropriation is \$2,000. However, they can move forward and over expend that line as long as they do not over expend the bottom line.

The board agreed to move forward with sending out the RFP. At the next Selectmen's meeting they will adopt the charge and establish the committee.

I. Town Hall

The board reviewed the RFP that Town Administrator Magnant had written for the project to design the interior of the Town Hall. The board agreed that they wanted to interview the candidates before someone is hired.

J. Meeting Minutes

1. Meeting, Friday, April 5, 2019, 2:30 p.m., Town Hall

Motion by Phil Winslow to accept the meeting minutes of Friday, April 5, 2019 as presented. Seconded by Keriann Roman. All in Favor.

2. Non-Public Session, Friday April 5, 2019 (1) Per RSA 91-A:3, II (d) Acquisition

Motion by Phil Winslow to accept the Non-Public minutes of Friday, April 5, 2019 per RSA 91-A:3, II (d) Acquisition as presented. Seconded by Keriann Roman. All in Favor.

3. Meeting, Friday, April 5, 2019, 3:00 p.m., Town Hall

The following corrections were noted:

- Page 1; 3rd paragraph; should say that they will start meeting this year once a month to get ready for next year. It reads:
Vice-Chair Roman recommended that if the Rye Committee starts now and meet once a month. Get the subcommittees in place, start working on fund raising....
It should read:
Vice-Chair Roman recommended that if the Rye Committee starts now and meets once a month, gets the subcommittees in place, starts working of fund raising....
- Page 2; 5th paragraph reads; She suggested that knowing that the Rye event was ~~original~~ to promote Goss Farm....
It should read; She suggested that knowing that the Rye event was originally to promote Goss Farm.....

Motion by Keriann Roman to accept the meeting minutes of Friday, April 5, 2019 as amended. Seconded by Phil Winslow. All in Favor.

4. Meeting, Monday, April 8, 2019, 5:30 p.m., Town Hall

The following corrections were noted:

- Page 1; 5th paragraph reads: After further discussion, it was brought up that some of the problem may be ~~silk~~ build-up in the marsh.
It should read; After further discussion, it was brought up that some of the problem may be silt build-up in the marsh.
- Page 2; under Restricting RV Parking along Route 1A; paragraph 4 reads; Chair Winslow recommended making the request for no RV parking from the North Hampton/Rye Town line all the way ~~passed~~ Harbor Road.
- It should read; Chair Winslow recommended making the request for no RV parking from the North Hampton/Rye Town line all the way past Harbor Road.

Motion by Keriann Roman to accept the meeting minutes of Friday, April 8, 2019 as amended. Seconded by Phil Winslow. All in Favor.

5. Non-Public Session, Monday, April 8, 2019 (1) Per RSA 91-A:3, II (a) Personnel

Motion by Keriann Roman to accept the Non-Public minutes of Monday, April 8, 2019 per RSA 91-A:3, II (a) Personnel as presented. Seconded by Phil Winslow. All in Favor.

Motion by Phil Winslow to seal the Non-Public minutes of Monday, April 8, 2019, due to reputation. Seconded by Bill Epperson. All in Favor.

6. Meeting, Friday, April 12, 2019, 3:00 p.m., Town Hall

Motion by Keriann Roman to accept the meeting minutes of Friday, April 12, 2019 as presented. Seconded by Phil Winslow. All in Favor.

VI. CORRESPONDENCE

- A.** Letter rec'd from Robert & Sharon Consentino requesting a privacy fence extension between 32 Powers Ave & 0 Big Rock Road.

Town Administrator Magnant reported to the board that Town Attorney Donovan and Attorney Phoenix are working this out with the homeowners. He has not heard back for them at this time.

Chair Winslow asked that this be moved to the next meeting.

- B.** Letter rec'd from Kimberly & Joseph Army requesting the south side of their driveway on Ocean Blvd. be painted to delineate where the "no parking" zone starts.

Mr. McCarthy reported that the Armys are actually in a "No Parking Zone" that is covered by signs. There should really be no parking against their driveway.

Chief Walsh stated that the sign is weathered and needs to be replaced.

Mr. McCarthy stated that the sign is scheduled to be replaced.
The board agreed that no further action is needed at this time.

VII. NEW BUSINESS - NONE

VIII. OLD BUSINESS

A. Plan NH Charette 10 Minutes

Town Administrator Magnant met with Steve Paul of Plan New Hampshire. They are asking the Town to sign the memorandum of understanding for the Charette that will take place on May 31st and June 1st.

Steve Born of 431 Wallis Road stated that the Rye Civic League will make a request for the Town to cut the check from the Heritage Commission for the \$1,000 that they pledged for the project. The Civic League will also write their check for \$6,000 and deliver the check and the MOU to Plan NH.

Town Administrator Magnant reminded the board that this was a petition warrant article in 2018. He asked if the board is okay with having staff participate in this process. Part of the process involves interviews with the department heads. This is a policy issue.

The board felt that this would not go against the electoral wishes and they were okay with the process.

Motion by Phil Winslow to authorize Town Administrator Magnant to sign the memorandum of understanding for the Plan NH Charette. Seconded by Keriann Roman. All in Favor.

B. Organization of the Board of Selectmen

Representatives to Boards, Commissions, Committees

Capital Improvements Plan (CIP) Committee – Keriann Roman

Heritage Commission - Bill Epperson

IX. OTHER BUSINESS

Vice Chair Roman stated that she would like to attend some of the school board meetings in order to open a line of communication with them, if the board agrees.

Chair Winslow stated that he would also like to attend once a quarter so they could switch off meetings.

ADJOURMENT

Motion by Bill Epperson to adjourn at 8:43 p.m. Seconded by Keriann Roman. All in Favor.

Respectfully Submitted,
Dyana F. Ledger

4-29-19 CORZ B

Kimberly & Joseph Army
1314 Ocean Blvd
Rye, NH 03870

April 10, 2019

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



Dear Selectman:

I am writing to request a line of paint on the south side of my driveway delineating where the No Parking Zone starts.

We live across the street from Petey's restaurant, which as I'm sure you are aware, is quite busy year-round but especially busy in the Spring and Summer months. This leads to people parking illegally at the end of our driveway which is a hazard to us when backing out of our driveway. Having the extra car parked so close to the driveway makes it very hard to see if cars are coming, especially from the South.

We are requesting that the town paint a line marking the no-parking zone as has been done at most of the neighboring properties. We hope that this will help to prevent the illegal parking thus making pulling out not quite so hazardous.

Thank you in advance for your time; we look forward to hearing your response.

Kimberly & Joseph Army

Janice Ireland

From: Shawn Joyce <sjoyce@nerallc.com>
Sent: Monday, April 29, 2019 9:34 AM
To: Phil Winslow; selectmen; Janice Ireland
Cc: David Tilton (dbtiltonsr@gmail.com); Shawn Joyce
Subject: RE: Follow Up Email to BOS
Attachments: Letter to BOS 04.20.19.pdf; Letter to BOS for 04.08.19.pdf

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

RE: Letter to the Selectmen dated 04.20.19

Dear Selectmen:

We reviewed the agenda for tonight's BOS Meeting.

We notice that the attached letter dated 04.20.19 is not noted on the agenda under VI. CORRESPONDENCE as being received by the BOS.

We respectfully request that it be included on the agenda under VI. CORRESPONDENCE and be part of the public record.

We also respectfully request that a copy of that letter and it's attachment be included in the minutes of tonight's meeting and be part of the public record.

Thank you.

Shawn & Dave

From: Shawn Joyce <sjoyce@nerallc.com>
Sent: Monday, April 22, 2019 6:18 AM
To: Phil Winslow <philwins@gmail.com>; Selectmen@town.rye.nh.us; Janice Ireland <Jireland2@RYENH.US>
Cc: David Tilton (dbtiltonsr@gmail.com) <dbtiltonsr@gmail.com>; kwalsh@town.rye.nh.us; 'cmforestry@metrocast.net' <cmforestry@metrocast.net>; sally.ryeconservation@gmail.com; STEVEN BORNE <s.borne@comcast.net>; Shawn Joyce <sjoyce@nerallc.com>
Subject: RE: Follow Up Email to BOS

April 20, 2019

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

RE: Selectmen Ordinance No 35 – Extension and Enforcement – Follow Up Request

Dear Selectmen:

We read the minutes from Rye Conservation Meeting on 4/11/19 and watched the video feed on the Town of Rye's website. We understand that members of the RCC have a meeting with the Board of Selectmen, Monday 4/22/19 to discuss issues in the attached letter.

According to the RCC, "they believe the leash zones are working. Things are progressing properly." That is simply not true. During the meeting, only four of its members (King, Grote, Shepcaro and Gavin) actively discussed the leash zone and new Forest Management Plan. The first three, are also members of ROMP, publicly lobbied against reasonable control of dogs, Article 28, and placed signs against it in front of their houses prior to the public vote. There has been and continues to be a conflict of interest within the RCC regarding these issues where they allow their personal use to override facts and reasonable compromise.

We also do not believe that it is ethical that the RCC is able to suggest changes/shape the new Forest Management Plan before it is revealed to the public, especially before any public meeting. The changes some these RCC members want seems like an effort to downplay the impact unleashed, at large dogs are having on habitat, wildlife, abutting private property and citizens who want to walk in the forest without being jumped on by dogs and the altercations that come with it.

Chair King pointed out that the Town Forest is becoming more park like than forest like because of the use and the increased density in Rye. In all respect, the Town Forest has become more like a dog park over the last few years because it has been allowed by the RCC. Rye has become the place for people in neighboring seacoast communities with leash laws to let their dogs off leash in the woods, many are not in control and run at large. This type of use clearly goes against the Conservation Easement and the original Forest Management Plan that have been in place to protect the forest, not allow it to become a park.

We love dogs. We just believe that it is fair to have leashed areas that protects the forest, habitat, wildlife, abutters and people that do not want dogs jumping on them. Article 28 would have done that for the whole forest without the need for leash zones. In all, fairness we respectfully ask that the BOS extend the leash zone on the entire green trail to give the most sensitive part of the forest and its users, wildlife and abutters, relief from unleashed dogs that are not in control.

Respectfully,

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

David Tilton
390 Washington Rd
Rye, NH 03870

cc: Chief Kevin Walsh, Rye Police Department
Charlie Moreno, Moreno Forestry Associates
Rye Conservation Commission

From: Shawn Joyce <sjoyce@nerallc.com>
Sent: Monday, April 22, 2019 6:18 AM
To: Phil Winslow <philwins@gmail.com>; Selectmen@town.rye.nh.us; Janice Ireland <Jireland2@RYENH.US>
Cc: David Tilton (dbtiltonsr@gmail.com) <dbtiltonsr@gmail.com>; kwalsh@town.rye.nh.us; 'cmforestry@metrocast.net' <cmforestry@metrocast.net>; sally.ryeconservation@gmail.com; STEVEN BORNE <s.borne@comcast.net>; Shawn Joyce <sjoyce@nerallc.com>
Subject: RE: Follow Up Email to BOS

April 20, 2019

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

RE: Selectmen Ordinance No 35 – Extension and Enforcement – Follow Up Request

Dear Selectmen:

We read the minutes from Rye Conservation Meeting on 4/11/19 and watched the video feed on the Town of Rye's website. We understand that members of the RCC have a meeting with the Board of Selectmen, Monday 4/22/19 to discuss issues in the attached letter.

According to the RCC, "they believe the leash zones are working. Things are progressing properly." That is simply not true. During the meeting, only four of its members (King, Grote, Shepcaro and Gavin) actively discussed the leash zone and new Forest Management Plan. The first three, are also members of ROMP, publicly lobbied against reasonable control of dogs, Article 28, and placed signs against it in front of their houses prior to the public vote. There has been and continues to be a conflict of interest within the RCC regarding these issues where they allow their personal use to override facts and reasonable compromise.

We also do not believe that it is ethical that the RCC is able to suggest changes/shape the new Forest Management Plan before it is revealed to the public, especially before any public meeting. The changes some these RCC members want seems like an effort to downplay the impact unleashed, at large dogs are having on habitat, wildlife, abutting private property and citizens who want to walk in the forest without being jumped on by dogs and the altercations that come with it.

Chair King pointed out that the Town Forest is becoming more park like than forest like because of the use and the increased density in Rye. In all respect, the Town Forest has become more like a dog park over the last few years because it has been allowed by the RCC. Rye has become the place for people in neighboring seacoast communities with leash laws to let their dogs off leash in the woods, many are not in control and run at large. This type of use clearly goes against the Conservation Easement and the original Forest Management Plan that have been in place to protect the forest, not allow it to become a park.

We love dogs. We just believe that it is fair to have leashed areas that protects the forest, habitat, wildlife, abutters and people that do not want dogs jumping on them. Article 28 would have done that for the whole forest without the need for leash zones. In all, fairness we respectfully ask that the BOS extend the leash zone on the entire green trail to give the most sensitive part of the forest and its users, wildlife and abutters, relief from unleashed dogs that are not in control.

Respectfully,

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

David Tilton
390 Washington Rd
Rye, NH 03870

cc: Chief Kevin Walsh, Rye Police Department
Charlie Moreno, Moreno Forestry Associates
Rye Conservation Commission

April 8, 2019

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

RE: Town of Rye Selectmen Ordinance No 35 – Extension and Enforcement

Dear Selectmen:


Please see the attached letters dated 4/9/18 and 12/1/17 to the Board of Selectmen that outline reoccurring issues with out of control dogs in the Town Forest. Also attached, please find the Town of Rye Selectmen Ordinance No 35. We respectfully request that the BOS extend this ordinance and support its enforcement.

We had hoped that Article 28 would have passed in the town election, the need for Ordinance 35 would have gone away and the entire forest, Rye Citizens, would have protection from out of control dogs. However, it missed by 71 votes. It was very disappointing to learn that members of the Rye Conservation Commission and its leadership publicly lobbied against Article 28, working against the recommendations of the Dogs at Large Committee and the BOS, to sway the vote. This adds to the history where RCC members have not supported compromise, putting their personal use before reasonable dog control. The only RCC member that has spoken up for reasonable dog control is Mike Gavan. This gives us and many Rye residents little confidence in the RCC's leadership and objectiveness with these matters.

The RCC has no written policies regarding wildlife and habitat protection, deterring dogs at large from running deer and fawns out of bedding areas as well as nesting birds and turkeys. It is against NH state laws and should not be condoned. It also violates the spirit of the Conservation Easement that protects the Rye Town Forest dated 1/29/01¹ and the recommendations in the Forest Management Plan for the Rye Town Forest dated 7/11/03². These issues are affecting wildlife and habitat. They are also impeding the peaceful enjoyment of our land which we lawfully hunt and trap and is well posted. Dogs and people coming through our land, looking for their dogs is a safety risk. The fair thing to do for wildlife is to extend leash zone B through the entire green trail as that area has historically been identified by Charlie Moreno in the Forest Management Plan for the Rye Town Forest as a sensitive wildlife habitat. It also the area we have personally witnessed, numerous times, dogs at large running deer through and onto posted, private property.

Moving forward, we hope that the BOS will continue to work with us and the citizens of Rye on reasonable dog control in the town forest as well as other town land and beaches. It has been six months since Ordinance 35 was approved by the BOS. There has been ample time for education. We ask that violators start receiving tickets to deter them and others from continuing to ignore and break laws. If you would like to see any support for anything mentioned in this letter, please let us know. If you have any questions or we can be of any help, please let us know.

Respectfully,



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



David Tilton
390 Washington Rd
Rye, NH 03870

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

¹ Page one of the **Conservation Easement** under Purposes: The purpose of this Conservation Easement is to assure that, while permitting the forest management and public recreation uses described in Section III herein, the Premise will retain IN PERPETUITY predominantly in its natural, scenic, undeveloped, and open condition as Town Forest for fish and wildlife conservation, habitat protection.

² Page five, paragraph two of the **Forest Management Plan for the Rye Town Forest** states recreational activity must "not adversely affect the natural condition of the Premise. Page six refers to "reserve areas, "sections left permanently to the course of nature and generally free from human intervention. The Forest Management Plan for the Rye Town Forest. Page twelve notes wildlife habitat enhancement, high importance, protect and enhance wildlife habitat for species diversity.

³ At the **Rye Conservation Commission Meeting on 7/21/16**, the RCC Voted in Favor of "no further bridges be constructed, instead trail relocation be considered. It might also be necessary to close certain trails, or certain sections of trails, at various times to protect the wildlife and natural state of the forest." This was based on recommendations by the Rye Town Forest Trail Committee that met many times over six months including a site visit of the Rye Forest as well as a thorough review of the Town Forest Easement and Rye Forest Management Plan. The committee was later dissolved after members resigned due to lack of support of this vote and the committee in general by the RCC's leadership.

BOS mtg HANDOUT
4/29/19

April 12, 2019

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

Dear Members of the Rye Select Board:

Now that the Verizon cell tower contract has been ratified by the voters of Rye, I appeal to you remain transparent with any further discussions and negotiations regarding this proposed cell tower. Prove to us that your efforts were indeed an effort to prevent Verizon from suing the town over the potential rejection of their plan to erect a cell tower on Brackett Road and keep the height of the cell tower at Port Way to a minimum. As the current site on Port Way is at a higher elevation than the proposal at 120 Brackett Road, less tower height is needed at the Port Way location to accomplish the same result. This means the resulting cell tower at Port Way should be shorter than the proposed 125 feet at 120 Brackett Road, commensurate with the difference in elevation between the two locations.

This should not be a money grab for more tower height to accommodate more tenants on the tower.

Sincerely,

Name:	Address:
Michelle TzA	121 Parsons Rd, Rye
Dore L. Finn	120 Parsons Rd, Rye
Brian J. Jiles	199 Parsons Rd, Rye
Joanne M. Hardin	32 Shoals View Dr, Rye, NH 03870
Law Karalatzos	127 Parsons Rd, Rye NH 03870
Joan Provencher	124 Parsons Rd, Rye NH 03870
Chad Mene	121 Parsons Rd, Rye 03870
Stephen Knapp	1 Port Way, Rye 03870
Kevin Knapp	1 Port Way, Rye 03870