

TOWN OF RYE – BOARD OF SELECTMEN

**Monday, April 08, 2019
5:30 p.m. – Rye Town Hall**

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

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

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Phil Winslow reconvened the meeting at 5:32 p.m. and led the Pledge of Allegiance.

II. WORK SESSION – JOINT OPERATIONS PLAN

Chair Winslow started the discussion by saying that a Memo dated March 19, 2019, from Town Administrator Michael Magnant listed five items that the Town could possibly talk to the State about regarding help with resources for beach operations. He recommended narrowing down the list to two to three items. The March 19th list included: Jenness Beach parking watch staff; restricting RV parking along Ocean Blvd.; trash pickup; Seadoo purchase (storage at New Hampshire State Pier); lifeguard collaborative training; and implementing paid parking along Route 1A.

Chair Winslow pointed out that this is a working session and asked for input from the board and the town department heads.

Town Administrator Magnant asked Public Works Foreman, Paul Paradis (Paul is sitting in for Public Works Director, Dennis McCarthy) if there were any issues on Ocean Blvd with drainage.

Mr. Paradis stated that there are problems with the drain-lines between Perkins Road and past Atlantic Ave. He pointed out that the grade for the culverts under the driveways are too high so the drainage line is always under water. Public Works has been in touch with the State about this matter and they are waiting on wetland permits to proceed with lowering the culverts and grade. He referred to a box culvert on Ocean Blvd that is between the old Pilot House and Locke Road. It drains the west side of the Rye Harbor Marsh to Locke Road, as well as west from the Rye Post Office.

After further discussion, it was brought up that some of the problem may be the silt build-up in the marsh. If that is the case, it may be on Rye property and be a town problem. This would be quite expensive.

Vice Chair Roman recommended putting it in writing, with bullet points of the issues and suggested solutions, from the Public Works perspective.

Chair Winslow asked if there is a map that shows the State's right-of-way that could be developed. He recommended that the Town encourage the State to not give up right-of-ways, as they have in the past.

Selectman Epperson pointed out the example of the parallel parking spaces in front of Driftwood by Wallis Road.

Vice Chair Roman suggested having the State provide the Town with what they have for right-of-ways in the Town of Rye.

Jenness Beach Parking Watch Staff

Police Chief Walsh noted he started in Rye in 1994. For a couple of years after, when the parking lot was full there at Jenness State Beach parking, there was someone there to indicate that the lot was full to vehicles trying to turn into the lot. They were also able to handle any parking violations. He stated that in talking to the park manager, he has learned that the staff has been decreased over the years and they are now assigned split duty between Jenness Beach, Wallis State Park and Odiorne. Chief Walsh pointed out that there is a severe overflow at Jenness Beach that is spilling out onto Ocean Blvd.

Vice Chair Roman recommended that this be one of the issues that they push to the extent that is possible. She pointed out that this would help with a lot of other issues, such as; backup on Ocean Blvd and safety. It could also help indirectly with the Perkins Road issue.

Chief Walsh pointed out that Hampton has cameras at the State facilities, which allow the fire and police to monitor the facilities and area without always being there. He suggested that the Town ask for a camera at the new bathhouse at Jenness Beach.

Restricting RV Parking along Route 1A

Chair Winslow explained that the RV parking restricts the sight line of vehicles traveling along Route 1A, particularly going north.

Vice Chair Roman recommended this as the number one priority, as town vote has asked for it.

Chief Walsh stated that the Town would police this. If the State agrees to this, then the Selectmen would come up with an ordinance that the State would adopt. The Town would put up the "No RV Parking" signs on Ocean Blvd.

Chair Winslow recommended making the request for no RV parking from the North Hampton/Rye Town line all the way passed Harbor Road. RV parking could open up around Foss Beach.

Vice-Chair Roman pointed out that the restriction is for any larger vehicle of twenty feet or over.

There was discussion about the idea discussed at the Perkins Road Committee about redesigning the intersection at Ocean Road and Perkins Road.

Greg Mikolaities reported that he, Chief Walsh and Dennis McCarthy are working on this for the final report from the Perkins Road Committee. He hopes to have it done by the Thursday meeting. Mr. Mikolaities pointed out that one of the things that the Perkins Road Committee had discussed was electronic signage. Once the Jenness lot was full, the sign could state that the lot is full and there is more parking two miles north. He suggested having the State provide the signage.

Chief Walsh stated that he had asked the State about this years ago and they were not having any part of it.

Vice Chair Roman stated that it is worth asking for.

Vice Chair Roman pointed out that she has been made aware that there is a concern that if the Town does anything along Perkins Road, as to reduce or restrict parking, that the State is going to retaliate by taking away Sawyer's Beach Parking from residents. She feels this could not be done but wants to get ahead of it if there is a problem. She reported that it is a serious enough issue that several people have stated that they have spoken to Tom Sherman about it. She reported that she pulled the deed to research the Town's purchase of Sawyer's Beach. It does not look like the State has the authority to do this because the Town has ownership right up to the boulevard.

DPW Foreman Paradis confirmed the ownership is right up to the pavement. He suggested that the board speak to Dennis McCarthy about this, as he has recently talked to the State about it.

Chair Winslow stated that he wants to see what the recommendation is from the Perkins Road Committee first before making this an issue.

Greg Mikolaities reported that the committee will only be making a recommendation to reconsider the 21 spaces and the implications. The decision will then be left up to the Board of Selectmen. He added the group is 50/50 on this. Obviously, the people that live there would like to see the spaces gone. The people that don't live there, don't think it is a safety issue.

After further discussion, Chair Winslow asked Town Administrator Magnant to talk to Senator Sherman regrading this matter.

Trash Pick Up

DPW Foreman Paradis reported that there are only barrels at Cable and Wallis so this may not be a big issue.

Seadoo Purchase (storage at New Hampshire State Pier)

Note: The Fire Department is in the process of purchasing the Seadoo

Fire Chief Cotreau stated that he agrees that the harbor is the best place for the Seadoo. He reported that recently he talked to Director of NH Ports and Harbors, Geno Marconi. Mr. Marconi has already agreed and is excited about having the Seadoo at the harbor. Mr. Marconi has already committed to making space and accommodations for the Department.

Chair Winslow stated that if that is the case, then this issue should not be on the list.

Lifeguard Collaborative Training

Chief Cotreau reported that the department spent last year talking with the Hampton lifeguards. They got to the point of agreeing to work together for common orientation information, sharing radio communications, and to share some training. This is in the discussion phase right now but is open on both ends. Both parties are equally looking forward to this collaboration and it is going well.

Chair Winslow suggested that it appears that the town does not need the State's input on this issue.

Implement Paid Parking along Route 1A

Chair Winslow pointed out that this will be very contentious. He asked the board if this is something they want to bring up at all.

Selectman Epperson recommended bringing it up. It's a good place to start.

Chair Winslow asked Town Administrator Magnant if the Town of Hampton participates in the parking fees at Hampton Beach.

Town Administrator Magnant pointed out when the Town went down this path in the past, the answer was "NO". He added that the State was willing to meet with the Town on safety issues and the possibility of partnering on satellite parking. However, it was "no" on the paid parking. The State would be willing to participate in a discussion with DRED, the Town and transit providers as well for the satellite parking.

Vice Chair Roman recommended talking to the State about the satellite parking idea.

The board agreed to consider it.

The board prioritized the list as follows:

1. Restricting RV Parking along Route 1A
Town Administrator Magnant, Dennis McCarthy and Chief Walsh will meet to lay out the details of the restriction.
2. Jenness Beach Parking
 - Part-time attendant staffing (10-3)
 - Surveillance camera at the facility
 - Electronic Information Sign
 - Enforce the twenty-foot parking restriction inside the lot
3. Perkins Road Intersection Redesign
4. Drainage
5. Satellite Parking

Town Administrator Magnant stated that DRED, the State Parks Division and Senator Sherman will be an important part of these discussions.

Chair Winslow ended the work session at 6:28 p.m.

6:30 p.m. RECONVENE PUBLIC MEETING

III. ANNOUNCEMENTS

- Chair Winslow welcomed Selectman Bill Epperson to the Board.
- Chair Winslow announced that the Rye Junior High will be hosting a recycling event, Monday, April 22nd. Anyone in Town can bring their old electronics to the Junior High for disposal. There will be a charge of \$5.00 for each item.
- Chair Winslow announced four changes in the agenda to reduce meeting time:
 1. To move the review and approval of meeting minutes to the end of the meeting.
 2. The 'Consent Agenda Items' will not be read individually.
 3. There will be time slots allotted for each presentation.
 4. To enforce the 2016 Town of Rye Standard Meeting Procedures, 'Public Input' will be limited to five minutes with an additional three minutes, after others have spoken. If no one else wants to speak, there can be an additional minute to summarize (per-person).

IV. 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.)

- **Shawn Joyce, 270 Washington Road**

Mr. Joyce presented the board with a handout that he summarized for them. He stated that he is an abutter of the Rye Town Forest and has major ongoing dog issues. He pointed out that he worked hard with the dog committee and the select board; however, Article 28 didn't pass by seventy-one votes. He stated that it was unfortunate that some of the Conservation Commission members lobbied against Article 28. He pointed out that he does not have much confidence in the Rye Conservation Committee regarding help with the dog issues. He pointed out that ordinance #35 was passed by the board last fall. Which expires April 1st of this year, he asked the board to have ordinance #35 continued, enforced and extended to the green trail. He pointed out that the green trail has been historically designated by the forester, as in the Town Management Plan, as being a sensitive wildlife area. Mr. Joyce stated that there has been six months of education. He stressed that it is time for the education to be over and for the enforcement to start. He added that he has video of people that belong to R.O.M.P. trespassing on his property with their dogs. They are supposed to be part of the organization that is supposed to be helping the problem. He summed up by stating that the problem has not gotten any better over the last six months and there has to be some reasonable control.

- **David Tilton, 390 Washington Road**

Mr. Tilton presented the board with pictures of his front yard taken from his front window. One of the pictures was of a coyote with a deer leg in his mouth. The other pictures were of two coyotes in his yard in the middle of the day in early February. He stated that the coyotes went over the fence before he could get his gun and shoot at them. About an hour later, there was an animal on the other side of his fence attacking the deer leg. It was about forty feet from his back door. He told his friend to get the binoculars as he got his gun. His friend yelled "don't shoot, it's a dog". His friend could see the dog's collar. He explained that the deer leg was coyote bait. He said that he deliberately baits coyotes away from the Town property in order to reduce the coyote population in town. He stressed that the dog came very close to getting shot and that is the last thing he wants to do. Something has to be done.

- **Steven Borne, 431 Wallis Road**

Mr. Borne reported that someone came to the Civic League meeting last week and said that right after the election, it was a circus in the Town Forest from people coming in from Portsmouth because they read in the paper that Article 28 got voted down. He said that it was reported to him that it was a "free for all" with dogs running everywhere. He agrees that something has to be done. Mr. Borne stated that he was in full support of the changes on the agenda. He pointed out that there may be a chance for confusion regarding what the consent agenda is. Some people may not know that if they want to talk about something, they need to bring it up at the beginning of the meeting.

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

- A.** Sign Request: Rye Driftwood Garden Club for a sign at Parsons Field announcing their annual Plant Sale 5/16/19 & 5/17/19. The sign is requested from 5/9/19-5/16/19.
- B.** Letter rec'd from F. John Lawton Struble re: his resignation from the Conservation Commission
- C.** Email rec'd from James Raynes re: his resignation from the Conservation Commission
- D.** Letter rec'd from Rye Democrats thanking Chief Cotreau, Chief Walsh, Lt. Blaisdell, Officer McAllister as well as the School Board and custodial staff at Rye Jr. High School for their help in making the Town Hall meeting of US Senator Amy Klobuchar a safe and well run event.
- E.** Chief Walsh – Event Permit Application: NH Army National Guard, Rec & Ret BN, Road March, Thursday, 5/2/19, 10:30 am – 2:30 pm.
- F.** Appointment: Beach Committee – 1 Year Term 4/1/19 – 4/1/20
 - 1. Keper Connell: Requests appointment as a member, email rec'd 3/26/19
 - 2. Recommendation letter rec'd 3/19/19 from Larry Rocha, chair

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

VI. DISCUSSION ITEMS

A. PUBLIC HEARING: PARKING ORDINANCE AMENDMENT 15 Minutes

The purpose of the Hearing is to hear public comment on a proposed Selectmen's Ordinance to amend the town of Rye Parking Ordinance by adding Section 14. *"Posted Parking – it shall be unlawful for any person on any public way in the Town of Rye where signs have been posted restricting parking.*

- a. *No vehicle shall be parking in areas designed as: "No Parking" by the Board of Selectmen, Town of Rye and/or by signs and/or paint on road surfaces indicating a "No Parking" area.*
- b. *Central Road – "No Parking" areas are at 787 Central Road, 799 Central Road, 805 Central Road, 815 Central Road, 825 Central Road, 833 Central Road between midnight Saturday and to Sunday at midnight."*

Chair Winslow read the proposal into the record. He further explained that this ordinance amendment is due to parishioners parking along the road near neighboring driveways, making it hard for the neighbors to get out of their driveways safely, when St. Theresa's is in session. There is plenty of available parking in the church parking lot for the parishioners. He recommended that the time be changed to midnight Friday and to Sunday at midnight for church services or weddings on Saturday.

Chair Winslow opened the public hearing at 6:48 p.m.

- **Mrs. Mary Tate, 825 Central Road**

Presented the Board with a drawing of the area in discussion. She stated that she has been discussing this problem with Chief Walsh for about three years. The problem is not just on Saturdays and Sundays but also arises during funerals as well as New Year's Eve. She stressed that she literally has to get the front of her car to the yellow line in the center of the road before she can see past the cars parked in front of the rectory. The cars traveling down Central Road are going about thirty to forty miles an hour. She has had a few close calls. She remembered a New Year's Eve when they had a fire at their house. There were so many cars parked on the road, the fire truck could not get into their driveway. She stated that the solution is for the parishioners to park in the church parking lot.

Public hearing was left open.

B. Paula Tsetsilas, Rye School Board – Discussion on finding an alternate location for elections 15 Minutes

Ms. Tsetsilas stated there are two elections every year in October and March. Parents have been requesting that the schools not be open on voting day. She reported that as a School Board, they have started the discussion as to how to respond to this and the effect on the school calendar. One of the recommendations was to hold the elections at the Rye Junior High because the gym can be partitioned off

from the rest of the school area. The election could happen and the school could still be in session. The concern was the lack of parking to accommodate the election event as well as the school's normal business session. In the end, they felt it would not be viable. The next idea was to possibly hold the elections at the Rye Congregational Church on the lower level. One year the elections were held at the church when the school was under construction. Ms. Tssetsilas pointed out that it is not a hardship for the school; however, it is an inconvenience, especially when you look at the number of snow days it has the possibility to extend the school year. She reported that parents that have students only at Rye Junior High, do not like the current approach because the whole district closes. Parents that have kids at the high school and the junior high complain because the high school student is in school, while the junior high student is home. She summed up by asking if the board would consider approaching the church or come up with an alternative suggestion to keep this conversation going.

Chair Winslow recommended setting up a subcommittee in order to come up with a viable plan. He suggested that Ms. Tssetsilas, Town Administrator Magnant, Chief Walsh, Town Clerk Donna DeCotis and Moderator Robert Eaton be on the committee. He pointed out there are three issues. There is the safety of the children; the access and safety for the voter's in parking; and there is efficiency of running the election.

Moderator Bob Eaton stated that he had a few thoughts. One is the safety of the kids. He doesn't think that the Town has a problem right now. At most of the recent elections, the school has held a teacher's workshop day. He said he doesn't see why the rest of the district can't do the same thing. He said that if the Seacoast Science Center would do it that would be a great idea. As far as the Junior High is concerned, the parking is the issue. He stated that he is very strongly opposed to holding the election in the church. He noted that he took an oath of office to uphold the Constitution of the United States of America. A fundamental part of the Constitution is the separation of church and state. Elections go to the very heart of constitutional democracy. A lot of people may think that this is not a big deal. It is just a building. However, the constitution does not only protect the rights of the majority, particularly with the Bill of Rights, it protects the rights of the minority, which include the religious minorities. Mr. Eaton pointed out that there are many people who might be uncomfortable entering into a house of worship to vote. He stated that he will be happy to sit on the committee with an open mind but he feels that he will be very hard to persuade on this point.

Chair Winslow stated that the committee should move forward on this issue and come back to the board with their recommendations.

Parking Ordinance Public Hearing:

Hearing no further comments on the parking ordinance amendment, Chair Winslow closed the public hearing at 7:30 p.m.

Motion by Keriann Roman to approve the parking ordinance amendment on Central Road with the amendment of the time being midnight Friday to Sunday at midnight. Seconded by Bill Epperson. All in Favor.

Referring back to the subcommittee for voting location, Chair Winslow clarified the charge would be; *“To identify a voting site in the Town of Rye which will accommodate efficient voting, with access and safety for the voters, with sufficient parking, and safety of the children”*.

C. Paula Tsetsilas – Plan NH Fundraising Update 10 Minutes

Ms. Tsetsilas and Steven Borne reported:

The goal was to raise \$7,500 to cover the \$6,000 Plan New Hampshire fee plus \$1,500 in administrative expenses. To date there has been approximately \$4,000 raised or 55% of the goal. The original deadline is April 15th to reach the goal. They are planning to get back to some local businesses and organizations that have indicated that they may contribute. They are still trying to get the word out.

Ms. Tsetsilas asked if they could put up a fundraising sign at Parsons Field.

Motion by Keriann Roman to allow a Plan NH fundraising sign at Parsons Field, as long as it meets the size requirements. Seconded by Bill Epperson. All in Favor.

Ms. Tsetsilas asked if they could use the town's e-alert subscription to promote the event to the townspeople.

Town Administrator Magnant clarified that they are talking about the town's email blast.

The board agreed. Ms. Tsetsilas will produce the message and Town Administrator Magnant will have it put on the town's website.

Mr. Borne pointed out that the important dates are May 31st and June 1st. The Selectmen will be taking the lead on June 1st. It is important to get the word out in order to get as many residents as possible to participate.

D. Kirsten Howard, CFM, NHDES Coastal Resilience Coordinator – NH Living Shoreline Suitability Assessment Results for Rye 30 Minutes

Chair Winslow introduced **Kirsten Howard, NHDES Coastal Resilience Coordinator**.

Ms. Howard explained that she will be presenting results from a new project that NHDES Coastal Resilience is just wrapping up. It was launched to help coastal communities plan for managing their shorelines, as there are more enhanced coastal hazards with sea level rise and the effects that are expected from bigger storms.

She presented the Board with a slide show presentation of the NH Living Shoreline Suitability Assessment Results. She stated that she hoped that she and the board could have a discussion on how these results may be useful to Rye. The Smart Shoreline project was implemented to identify sites that might be suitable for specific living shoreline approaches to address erosion issues in New Hampshire. She emphasized that the basic point of this program was site specific. This is one of the first tools that

was able to focus down to the individual property parcel level, to promote or at least better understand, what approaches/techniques make sense on the site.

Ms. Howard continued that shoreline stabilization is relevant because of a few factors. There is science available regarding how stabilizing the shorelines effects natural resources. Also, how different stabilization approaches work with storms and erosions, whether they actually protect property or cause more damage. The DES wetlands rules that are currently proposed are prioritizing and emphasizing a new approach to shoreline stabilization. There are some new approaches to stabilizing shorelines that are being tested and being piloted in the northeast.

She noted that Allison Eberhart and Larry Ward will be presenting information on how Rye's beaches are doing in regard to erosion at the next Rye Beach Committee meeting. She stated that the best information and analysis they currently have shows that the northern beaches in New Hampshire are seeing more erosive patterns and trends. The southern beaches; such as, Seabrook and Hampton, tend to be okay right now. That unfortunately means that Wallis Sands, Jenness and some of the Rye beaches are potentially losing sand. There is a lot more that could be modeled in order to understand this better but it requires money and time. Beach nourishment may be an option for some of Rye's beaches but it is expensive. Erosion is also becoming an issue in the salt marshes and on the coastline's steeper banks. This is potentially the beginning of a trend that will be seen a lot more as sea levels rise.

The statistics show that there is a potential of sea level rise of between 2 and 6.6 feet by 2100, at accelerating rates, which means not just more flooding but more erosion. As people see these changes, the demands for stabilization will increase.

Ms. Howard stated that Rye's shoreline has been mapped and inventoried. There is 77% in a natural state and 23% is armored with seawall or some form of berm. In some cases, these harden approaches make a lot of sense. The energy is high and the shore is rocky. It is normal, with the natural environment, to put in rock and seawall. But there are some effects of that type of stabilization that people need to be made aware of. Salt marshes are one of the most valuable habitats in the world. They filter the water, provide fish habitats and store carbon better than the rain forest. The New Castle Ave salt marsh is a restored salt marsh. There is a vertical wall behind it. As the sea level rises, this marsh would want to migrate upland or move because it has to keep sea level at a certain elevation to be able to survive. In this case as sea level rises, it will not be able to move because of the vertical structure behind it so it is going to drown and disappear. Depending on the site, a nature base approach may be a better alternative. This is what a Living Shoreline is; a management practice that provides the erosion control benefits but is consistent with the natural shoreline habitat and maintains the continuity of the natural land/water interface. The results of the NH Living Shoreline Suitability Assessment show that 82% of New Hampshire's tidal shorelines are highly suitable for nature base stabilization. Nature base stabilization projects look like; beach nourishment, dune restoration, bank regrading projects, salt marsh creations, and plantings.

Ms. Howard presented pictures of the Rye work. She explained that NHDES Coastal Resilience will be providing the tools and other support documents, which the Town can use. They broke Rye's shoreline into ten-foot incumbents and graded them as to whether they were suitable for nature-based approaches. She stressed that this is a screening tool. It may help to understand what sites should be left alone. It addresses erosion issues. It is not intended to replace a site assessment. It is not intended to be used to prioritize what sites need stabilization. It is not suggesting that a site should have stabilization. It is just

giving the information about the site and whether something might work there. It does not address flooding issues. One of the products that NHDES Coastal Resilience has developed is called a Property Profile. If the town has a particular property in Rye that may be looking at stabilization and wants to get more information about the site, a property profile could be done.

Key Points:

1. Given the amount of natural shoreline Rye has, and the fact that these new approaches are being tried, tested and proven in this area, there are now options and better alternatives available versus the traditional approaches.
2. Towns need to start planning on a specific basis for how their shorelines are going to change. It has already become an issue in some New Hampshire communities.

Ms. Howard pointed out that Rye has a Coastal Hazard Master Plan chapter. She recommended that because it is not site specific, the next step would be a Shoreline Management Plan that would build on this chapter. It should include the approaches that the Town wants to take to protect its shoreline.

Chief Cotreau – Pumper/Ladder Truck 15 Minutes

Chief Cotreau reported that Lt. Kevin Wunderly was the Chair of the apparatus committee. The apparatus committee took the lead in the research and putting the package together in order to go out to bid. He explained the process started about a year ago. During that time, the committee had five or six manufacturers come in with demos. They watched demonstrations and drove them around town. By the time they got to the vote, there had been a lot of research done. The committee re-invited the top three choices back for a second look. They were: Emergency One, KME Fire Apparatus, and Pierce. Some of the specifications were that they all had to carry a certain amount of water and the outriggers needed to be a certain (smaller) size. The service history and qualifications of the company (mobile service availability) was also important. The apparatus committee recommended that the best truck for Rye would have a single rear axle. It is more favorable in terms of maintenance costs. Pierce and Emergency One both had single rear axles. After all considerations, Emergency One's Metro 100 was the vehicle that was most favorable. Chief Cotreau summed up by stating that he is very confident in the quality of the truck and the service record of the company. The warranty consists of; Standard one-year warranty on the whole truck; a lifetime frame warranty; a ten year/100,000-mile structural warranty; ten-year stainless-steel plumbing warranty; 20-year aerial warranty; 10-year paint and corrosion warranty; and extended engine warranty of 10 years. Extended warranties are available but not recommended by the dealer. Rye is not a high-user on a truck so it is not going to have the wear and tear that a large community like would put on a truck. Chief Cotreau recommended the purchase of the Emergency One truck.

Town Administrator Magnant reported that Primex and Attorney Donovan have reviewed and approved all the documents on this lease/purchase transaction.

Motion by Keriann Roman to enter into a contract to purchase the Emergency One pumper/ladder truck and to authorize the signing of said contract by Town Administrator Magnant, Chief Cotreau or the Board of Selectmen. Seconded by Bill Epperson. All in Favor

E. Chief Walsh – Moped Bid Results

Chief Walsh reported that there were four bids received. He recommended the lowest bid from Windham, NH with the trade-in of the old Ruckus moped that has 14,000 miles on it. Since it is the lowest bid the board does not need to vote on this purchase.

The board agreed to the purchase.

F. Meeting Minutes

1. Meeting, Thursday, March 21, 2019, 2:00 p.m., Town Hall

Motion by Keriann Roman to approve the meeting minutes of March 21, 2019 as written. Seconded by Bill Epperson. All in Favor.

2. Non-Public Session, Thursday, March 21, 2019 (1) Per RSA 91-A:3, II (a) Personnel

Motion by Keriann Roman to seal the Non-Public Session minutes of March 21, 2019 per RSA 91-A:3, II (a) Personnel, because it contains protected medical information. Seconded by Phil Winslow. 2-Yes; Bill Epperson - Abstained.

Motion by Keriann Roman to approve the Non-Public Session minutes of March 21, 2019 per RSA 91-A:3, II (a) Personnel. Seconded by Phil Winslow. 2-Yes; Bill Epperson - Abstained.

3. Meeting, Friday, March 22, 2019, 3:00 p.m., Town Hall

The following corrections were noted:

- Page 1; 2nd paragraph, under list of activities reads; Recreation Direct; it should read; **Recreation Director.**
- Last Page; Last Sentence reads; Motion to Adjourn by Nancy Roman it should read; Motion to Adjourn by **Nancy Valley.**

Motion by Keriann Roman to approve the meeting minutes of March 22, 2019 as amended. Seconded by Phil Winslow. 2 – Yes; Bill Epperson-Abstained.

4. Meeting, Monday, March 25, 2019, 6:30 p.m., Town Hall

The following corrections were noted:

- Page 12; 1st bullet point, 3rd sentence reads; This is to recover costs in the case of a person causing gross ~~negligent~~ or ~~intentional~~ causes damage. It should read; **This is to recover costs in the case of a person causing gross negligence or intentionally causes damage.**

Motion by Phil Winslow to approve the meeting minutes of March 25, 2019 as amended. Seconded by Keriann Roman. 2 – Yes; Bill Epperson-Abstained.

5. Non-Public Session, Monday, March 25, 2019 (1) Per RSA 91-A:3, II (d) Acquisition

Motion by Phil Winslow to approve the Non-Public Session minutes of March 25, 2019 per RSA 91-A:3, II (d) Acquisition. Seconded by Keriann Roman. 2-Yes; Bill Epperson - Abstained.

6. Non-Public Session, Monday, March 25, 2019 (2) Per RSA 91-A:3, II (a) Personnel

Motion by Keriann Roman to approve the Non-Public Session minutes of March 25, 2019 per RSA 91-A:3, II (a) Personnel. Seconded by Phil Winslow. 2-Yes; Bill Epperson - Abstained.

Motion by Keriann Roman to seal the Non-Public Session minutes of March 25, 2019 per RSA 91-A:3, II (d) Acquisition, based on the proposed action may be ineffective, only with regards to the parcel for acquisition. Seconded by Phil Winslow. 2-Yes; Bill Epperson - Abstained.

Motion by Keriann Roman to seal the Non-Public Session minutes of March 25, 2019 per RSA 91-A:3, II (a) Personnel, due to reputation. Seconded by Phil Winslow. 2-Yes; Bill Epperson - Abstained.

Motion by Keriann Roman to seal the Non-Public Session minutes of April 5, 2019 per RSA 91-A:3, II (d) acquisition, based on the proposed action may be ineffective, only unless the acquisition has been completed or is withdrawn. Seconded by Bill Epperson. All in Favor.

VII. CORRESPONDENCE

- A.** Letter rec'd 2/11/19 from Elizabeth, Robert and Claudia Hackett requesting the F Street beach access pathway be cleared of the rugosa roses and that steps with a railing be provided.

Chair Winslow reported that he walked the site but did not see the issues the Hackett's referred to. He asked the members of the Beach Committee if they had any input.

Lori Carbajal, 18 Tower Ave and member of the Beach Committee, stated that later in the season the sand does wash out there. She suggested that the Beach Committee would be opposed to putting in steps because they are focused on making the beaches more accessible. The steps make the area unsafe and will create an accident. At other beaches, they have planks or boards like decking imbedded in the sand. This gives a gradual sloping so wheelchairs could potentially have access to the beach.

Mr. McCarthy stated that it was a group of local residents that built the steps. They put them in and take them out every year.

Chair Winslow stated that he does not want to set a precedent; however, he knows that long-time resident Claudia Hackett uses a walker and he would like her to continue to have access to the beach. He asked Mr. McCarthy if it was possible to put in something like what Ms. Carbajal described.

Mr. McCarthy promised to take a look at it. He stated that the issue would be whether it was beyond the tidal zone.

Vice-Chair Roman recommended informing the Jenness Beach Precinct about the letter to make sure it is not interfering with their jurisdiction.

- B.** Letter rec'd from Rye PTA requesting approval for a Town Rye Bike Rodeo/Parade hosted by the Rye PTA, Rye Fire, Rye Police and the Safe Routes to School Program to be held on Sunday June 2, 2019, 1:00-4:00 p.m.

Chair Winslow asked how many participates would be involved in this event.

Chief Walsh stated that they are in the early stages of the plan. In the past, it would start out with a group of 15 to 20 and then slow down to 5 or 6 at a time. The School Board will have to approve this also, as they are looking to hold it at the elementary school. The plan is to cross the road at Lang Field onto Victory Lane, and have the kid's practice riding their bikes on Victory Lane.

VIII. NEW BUSINESS

- None

IX. OLD BUSINESS

A. Beach Committee Charge

Motion by Keriann Roman to approve the Beach Committee Charge as amended until March 31, 2020. Seconded by Bill Epperson. All in Favor.

B. Organization of the Board of Selectmen

Representatives to Boards, Commissions, Committees

Planning Board	Bill Epperson
Budget Committee	Phil Winslow
Capital Improvements Plan (CIP) Committee	Tabled
Historic District Commission	Phil Winslow
Heritage Commission	Tabled
Rye Water District	Phil Winslow
Rockingham Planning Commission	Phil Winslow
Beach Committee	Keriann Roman

X. OTHER BUSINESS

Dennis McCarthy updated the Board on the Rye Junior High Recycling Day Event. Tentatively, the date will be Wednesday, May 1st or Thursday, May 2nd. The students need to get the approval from the school. The handling of the money was an issue; however, he does not see this event as being that large. He suggested advertising it as an Amnesty Day with no charge to bring in e-waste. The hours are going to be from 8-10 and from 2-4; when the kids are being dropped off and picked up. It will only be opened to Rye residents. It is intended to be a school event. The students will be providing a logo and graphics. DPW will be providing 100 flyers to advertise the event. The students will be taking inventory of the items. The DPW staff will be there to load the items into the trucks and transport them to the transfer station.

At 8:32 p.m., Motion by Keriann Roman to go into a Non-Public Session per RSA 91-A:3, II (a) Personnel. Seconded by Phil Winslow. Roman – Yes; Epperson – Yes; Winslow – Yes.

At 8:49 p.m., Keriann Roman made a motion to come out of Non-Public Session. Seconded by Bill Epperson. Roll Call: Winslow – Yes, Roman – Yes; Epperson – Yes

Motion by Keriann Roman to adjourn at 8:49 p.m. Seconded by Bill Epperson. All in favor.

Respectfully Submitted,
Dyana F. Ledger

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19

See minutes of 4/29/19 for approvals/corrections

Town of Rye Board of Selectmen PUBLIC HEARING April 8, 2019, 6:30 p.m., Rye Town Hall

The purpose of the hearing is to hear public comment on a proposed Selectmen's Ordinance to amend the Town of Rye Parking Ordinance by adding Section 14. "Posted Parking – it shall be unlawful for any person having custody or control of any motor vehicle, to park or cause the same to be parked on any public way in the Town of Rye where signs have been posted restricting parking.

- a. No vehicle shall be parked in areas designated as "No Parking" by the Board of Selectmen, Town of Rye and/or by signs and/or paint on road surfaces indicating a "No Parking" area.
- b. Central Road - "No Parking" areas are at 787 Central Road, 799 Central Road, 805 Central Road, 815 Central Road, 825 Central Road, 833 Central Road between Midnight Saturday to Sunday at Midnight."

Name (please print)	Address	Signature
MARY Tate	825 Central Rd	Mary Tate
Jeanne Moynahan	176 Central Rd.	Jeanne Moynahan
MARK Corren	Fire Chief	Mark Corren
Kevin Walsh	Police Chief	Kevin Walsh
Bob Eaton	88 Cable	Bob Eaton
DAVE TILTON	390 Washington St	Dave Tilton
LORI CORBASI	18 Tower Avenue	Lori Corbasi
Steve Borne	431 Lilly Rd	Steve Borne
LARRY ROCHA	39 Perkins Road	Larry Rocha
STAN TOLCE	270 ASHTON RD	Stan Tolce
Paula Tsetsilas	12 Rock Orchard Ln	Paula Tsetsilas
Dennis McCarthy	RPW	Dennis McCarthy
Kirsten Howard	NHDES	Kirsten Howard

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19
See minutes of 4/29/19 for approvals/corrections

4-8-19 Corres. A

Request to the Board of Selectmen

March 26, 2019

Last summer as the summer season ended, several people who regularly use the F Street beach access realized there was an increasing problem with safe access to the beach as the beach roses had spread significantly and were close to blocking the pathway. We circulated a "petition" and then with the season closing it sat waiting. We are now approaching summer and increased beach use and would be grateful for some assistance in clearing the path so that

Individuals and families can easily get to the beach from F Street without being injured by roots and thorns. Since the 1980's several residents had provided a set of steps with a railing to assist the very young and the old. Now these people are no longer able to take on that task.

This is our request: 1. that the pathway be cleared of the thorny rugosa roses

2. that steps with a railing be provided*

- There are wooden steps available if some maintenance can be done to strengthen them.

Thank you for considering our requests. Elizabeth Hackett, Robert Hackett and Claudia Hackett and those who signed the 9/1/2018 attached letter



DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19

See minutes of 4/29/19 for approvals/corrections

Powers Ave.

Rye, NH

September 1, 2018

Attention: Board of Selectmen, Beach Commission, Road Agent:

We are very concerned about the F Street access. The beach roses have grown up so much over the past few years, they create an increasing hazard to enter the beach. Also, in past years there have been steps with a rail for all to use for safe beach access. The beach access has been available for at least 60 years for Rye residents and visitors. It would be greatly appreciated to have the "F" Street access maintained for all to enjoy in safety.

CLAUDIA HACKETT
Elizabeth Hackett

Robert Hackett

PATRICIA BOSSART

Evangeline Pappas

11 Powers Avenue - Julie Swiadak
& Powers Avenue Dorothy Breen

Claudia Hackett
Elizabeth Hackett

Robert Hackett

Patricia C. Bossart

Evangeline Pappas

Julie Swiadak
Dorothy Breen

4-8-19 Old Bus A

Rye Beach Committee Charge

The committee shall consist of not more than five members, all residents of Rye. Members shall be appointed by the Board of Selectmen for an initial term ending on March 31, 2020. Staff members may be appointed as non-voting members of the committee.

Charge to the Committee

1. The Rye Police Department is responsible for the maintenance of public order, prevention and detection of crimes in the town and on our beaches. They protect the life, liberty and property of all people, both residents and visitors. The popularity of the state and town beaches in the summertime has caused conflicts involving beachgoers, residents, bicyclists, motor vehicles, joggers, dogs and other animals, complaints about noise and fireworks, underage drinking and presence of alcohol. The Committee is to provide advice and counsel to the Chief of Police as needed.
2. The Board of Selectmen will be considering other beach related issues such as motor vehicle parking, beach use permits, etc., from time to time and will call upon the committee for research and advice as needed.
3. To report back to the Board of Selectmen no later than December 20, 2019 on any beach related suggestions or recommendations.
4. To provide advice on town beaches working with municipal town departments to include: Police, Fire and DPW as well as the Board of Selectmen to vet all issues regarding Rye beaches. To recommend best beach practices for safety, conservation per the Rye Master Plan, environmental soundness in compliance with NH DES, State and Federal impact law and recommendations by these agencies.
5. The Committee is to focus on all Rye beaches from Wallis Sands to Bass Beach.

The Rye Beach Committee shall follow the Rules of Procedure for Committees Established or Appointed by the Board of Selectmen.

Town of Rye Board of Selectmen

Philip D. Winslow, Chairman

Keriann Roman, Vice-Chairman

Bill Epperson, Selectman

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19
See minutes of 4/29/19 for approvals/corrections

4-8-19 Corrus. B



April 4, 2019

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

Dear Janice,


We ask that the Board of Selectmen approve the Town of Rye Bike Rodeo/Parade hosted by the Rye PTA, the Rye Fire & Police departments as well as the Safe Routes to School program.

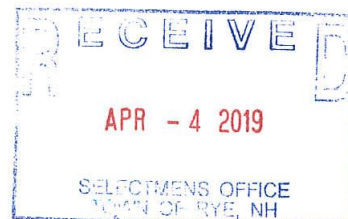
The date of the event will be Sunday June 2nd from 1:00-4:00 p.m. and will take place at Rye Elementary School as well as Rock Orchard (bike parade portion of the event).

We are very excited about this town wide community event and are happy to answer any questions the Board of Selectmen may have.

On behalf of the Rye PTA, we sincerely appreciate your consideration.

Sincerely,


Kerry Labovitz & Tasha Benson
Co-Presidents
Rye PTA



DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19
See minutes of 4/29/19 for approvals/corrections

4-8-19 Consent Item D



March 29, 2019

To: Margaret Honda, Rye School Board Chair
Salvatore Petralia, Superintendent of Schools, SAU 50
Jim Gordon, Rye School Facilities Manager
Rye Fire Chief Mark Croteau
Rye Police Chief Kevin Walsh
Lieutenant Scott Blaisdell
Officer Josh McAllister

Dear Neighbors,

Whenever I speak of Rye, the feedback is "you make it sound like the perfect place." For many of us, it is; but on Saturday, March 23rd, Rye was on display to U.S. Senator Amy Klobuchar and her team, Rye residents, our seacoast neighbors, and visitors from as far as Rhode Island and Connecticut as a proud, vital hub in our national democratic process.

The commitment to our Junior High School and town shone, impressing everyone who attended Senator Klobuchar's town hall meeting. The welcoming attitude, the pride in our town, our dedication to the democratic process, and the professional conduct of our town safety and school maintenance teams was evident to all.

We thank the Rye School Board for their support in hosting this event at RJH. We send special appreciation to Jim Gordon and the maintenance staff, who accommodated our needs so graciously and thoroughly.

Thank you to Fire Chief Croteau, who stopped in on Friday and Saturday to make sure that the floor plan was safe and functional; to Police Chief Walsh for his attention to this event; and to Lt. Blaisdell and Officer McAllister, who were exemplary in their attitude to the more than 300 attendees. We put our safety in your hands and you were there for all of us.

As you see, it took our village and everyone did their part perfectly. There is not one thing that I would change. You all should be pleased and proud with the results of that day.

Press coverage from the *Boston Globe*, *New York Times*, MSNBC, and *The Economist* presented Rye for what it is – a lovely, safe town with a beautiful school. That is good news all around!

With appreciation,

Stacey Brooks
Chair, Rye Democrats

Richard Furber
Vice Chair, Rye Democrats

cc: Rye Select Board

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19

See minutes of 4/29/19 for approvals/corrections

SHAUN JOYCE HANCOCK
4/8/19

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.

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19

See minutes of 4/29/19 for approvals/corrections

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.

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19
See minutes of 4/29/19 for approvals/corrections

April 9, 2018

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

RE: Rye Town Forest – Dogs Continuing to Run Wildlife and Trespassing on Posted Land

Dear Selectmen:

Please see the attached letter dated 12/1/17 to the BOS. We again ask that the BOS implement a temporary leash law in the Rye Town Forest along the Green Trail until the Town can figure out a permanent fix to the issue.

Starting 12/7/17, every week for 12 weeks, we emailed the Rye Conservation Commission (RCC) and the Rye PD pictures of dogs running at large on posted, private property as further proof of the extent of the situation. Some pictures included people trespassing on clearly marked, posted, private property looking for their dogs. Some weeks we only got a few dogs on camera, other weeks we got many. One week it was 14. In the 12-week period, the total was 39 dogs and 6 trespassers. We recently stopped emailing weekly pictures because it did not seem to have any affect. If you would like recent pictures, please let us know and we will provide them.

We are here tonight in front of the Selectmen because we have been trying to work with the RCC about this issue for the last two years and nothing has changed. In all respect, we believe that folks have placed their personal use over what is fair for wildlife, habitat, being a good neighbor and respecting private property rights. We understand that RCC leadership and its majority are personally against any requirement that dogs be leashed on the Green Trail as they like to walk their dogs there. However, it is not fair to continue to condone the impact dogs at large are having in the forest, especially the Green Trail. According to wildlife biologist at N.H. Fish and Game, Brendan Clifford, who was quoted in the Portsmouth Herald on 3/3/18 about the number of dogs running at large in the Rye Town Forest:

*"Repeated behavior like that will flush the wildlife out of the area or deter wildlife in that area."
"They're not a natural thing to be there, so an animal will react adversely," said Clifford, noting that in areas where there are dog parks, there typically isn't wildlife surrounding them. You're certainly not going to attract wildlife there. You're only going to lose it." As Clifford explains, when dogs chase after wildlife, they might be curious or think they're being playful, but that "adds stress to the animals there."*

In all respect to the RCC, the citizens of Rye did not agree to turn the Town Forest into the Seacoast's dog park. It is also clearly going against the conservation easement as well as the forest management plan. We respect that Selectman Winslow has commissioned a Dog Committee to provide recommendations about town-wide dog issues to the BOS sometime this fall. In the meantime, we again ask that the BOS gives us some much-needed relief from this well-documented issue and impose a temporary leash law in the Rye Town Forest along the Green Trail, the area where there is a high frequency of dogs at large running/disturbing wildlife through the forest and posted, private land. For the record, Sergeant Jeremy Hawkes,

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19

See minutes of 4/29/19 for approvals/corrections

Conservation Officer for NH Fish & Game who visited our properties last fall, recommend a leash law to mitigate this ongoing issue.

We believe that we have been good neighbors and that the Town should be as well. The RCC has tried everything else but a temporary leash law in this sensitive area and we feel that it is only fair that something meaningful be done while we wait for whatever the Dog Committee comes back with months from now for permanent recommendations. For the record, we are not in support of a town-wide leash law. Nonetheless, we believe there needs to be leash laws in high impact, sensitive areas when there are too many dogs, too many occurrences of irresponsible dog owners not controlling their dogs and limited ability to enforce current laws.

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
Rye Conservation Commission
Charlie Moreno, Moreno Forestry Associates
Sergeant Jeremy Hawkes, NH Fish & Game Conservation Officer

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19

See minutes of 4/29/19 for approvals/corrections

December 1, 2017

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

RE: Rye Town Forest – Dogs Running at Large and Trespassing on Posted Land

With the closing of Pierce Island in Portsmouth and restrictions on dogs at other public property, the Town Rye Forest has become the seacoast's de facto dog park. As abutters to the Rye Town Forest, we are having reoccurring issues on weekly basis of dogs running at large and people trespassing on our land which is clearly posted. We have many pictures from our game cameras. We also have personally witnessed dogs running wildlife through our property and people searching for their dogs. They seem to be oblivious to the laws they are breaking and/or do not care.

For the last few years, we have been reporting the issues to the Rye Conservation Commission. Nonetheless, little has been done that has had any affect and the issues are getting worse. The RCC recently posted signs that state people must control their dogs. However, many do not understand what it means to control their dog or do not care because there is no enforcement. In the last few weeks, we had over 20 different dogs on our cameras and numerous people trespassing. The cameras are a 100 yards or more off the public trails, so it is an ongoing serious infringement.

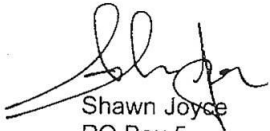
Allowing dogs to run at large and disturbing wildlife and habitat is against NH state laws. It also violates the spirit of the Conservation Easement that protects the Rye Town Forest dated 1/29/01¹ and the recommendations in the Forest Management Plan for the Rye Town Forest dated 7/11/03². Please see the attached footnotes. These issues are seriously affecting wildlife and habitat. They are also impeding the peaceful enjoyment of our land. We lawfully hunt and trap our land. Dogs and people coming through our woods put us in a compromising position and are a serious safety risk.

Just last week when we were tracking a wounded deer a few hundred yards on our posted private property. A golden retriever with a white tail came bounding through the woods from the Rye Town Forest. That dog could have easily been mistaken for the deer. The dog's owner then came looking for him. We also have dogs coming in on coyote bait. Although NH law does not make us responsible for dogs at large, we do not want to see harm to a dog because of an owner who breaks numerous laws. These are just a few of many examples of how people are putting their dogs and themselves at risk by trespassing on posted land.

In conclusion, we ask that the Town of Rye implement a temporary leash law in the Rye Town Forest until it can figure out how to educate dogs owners that they cannot allow their dogs to run at large and disturb wildlife, stop the dogs and their owners from trespass on posted land and enforce those laws. The Rye Town Forest was never intended to be the seacoast's dog park and it's time to stop that movement for the peaceful enjoyment of all.

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19
See minutes of 4/29/19 for approvals/corrections

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
Rye Conservation Commission
Charlie Moreno, Moreno Forestry Associates
Sergeant Jeremy Hawkes, NH Fish & Game Conservation Officer

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.

TOWN OF RYE SELECTMEN ORDINANCE NO. 35

TOWN FOREST LEASH ORDINANCE

1. Applicability. This ordinance applies to the Rye Town Forest. This ordinance does not apply to service dogs as defined by RSA 167-D:1 or any dog employed by or acting on the behalf of law enforcement.
2. Authority. This ordinance is enacted pursuant to (1) RSA 41:11-a: Board of Selectmen's authority to manage town property; and (2) RSA 31:39, I. (b): Authority of towns to make bylaws for the prevention of going at large of horses and other domestic animals in any public place in the town.
3. Definitions.
 - a. Dog. Male or female dog, neutered or spayed, including puppies.
 - b. Owner/Custodian: Any person, group, association or organizations maintaining, keeping, caring for, harboring or owning a dog.
 - c. Leash. A strap or cord for restraining and guiding a dog or other animal no longer than 6 feet in length, to include a retractable leash.
4. Control of Dogs. All dogs accompanying an owner/custodian in the following parts of the Town Forest (see attached aerial photo/map) shall be secured by a leash and under the control of its owner or other custodian and which is held by a person reasonably capable of physically restraining the dog.

Zone A: from the kiosk at the entrance to the Town Forest off the Parsons Field access road (A1 on the attached aerial photo/map, 43° 0.77' N, 70° 46.08' W) to the junction of the Orange and Blue Trails (A2 on the attached aerial photo/ map, 43° 0.62' N, 70° 45.95' W).

Zone B: from a point (B1 on the attached aerial photo/map, 43° 0.51' N, 70° 45.64' W) on the trail near the Rye Cemetery parking circle that runs to and along the Green Trail to the property boundary between the Lebosquet property and the Connell Easement (B3 on the attached aerial photo/ map, 43° 0.66' N, 70° 45.48' W) and also Zone B from a point on the trail that begins in the Rye Recreation parking lot (B2 on the attached aerial photo/map, 43° 0.43' N, 70° 45.60' W) to the intersection of the Green Trail (B4 on the attached aerial photo/map, 43° 0.51' N, 70° 45.65' W).

DRAFT MINUTES of the Board of Selectmen's Meeting 4/08/19
See minutes of 4/29/19 for approvals/corrections

5. Enforcement.

- a. The animal control officer or any police officer shall have the authority to enforce this ordinance. The Board of Selectmen may empower the animal control officer to serve notice of forfeiture (citation) relating to animal control and may also empower the animal control officer to investigate all reports of violations involving animals in violation of this ordinance.
- b. Any duly authorized officer may seize, impound, or restrain any dog in violation of this section and deliver such dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable laws.
- c. In addition to impounding a dog found in violation of this ordinance, any duly authorized officer may issue, in the name of the owner or custodian of such dog, a notice of violation for a nuisance dog pursuant to RSA 466:31, II (a).
- d. A person found guilty of violating this ordinance shall be subject to a fine of not more than \$100 for each dog not on a leash, not to exceed \$1000 for each violation.

6. Severability. Should any section or provision of this regulation be held to be invalid or unconstitutional such holding shall not affect, impair or invalidate any other section or provision of this regulation, and to such end all sections and provisions of this regulation are declared to be severable.

7. Effective Date: This ordinance shall be effective upon publication by the town clerk.

8. Duration. This ordinance shall expire on April 1, 2019.

Attached: Aerial Photo/Map showing leash zones.

Approved by Board of Selectmen: September 24, 2018

Recorded by Town Clerk: September 25, 2018

Published by Town Clerk: September 25, 2018

