



ABSENTEE
OFFICIAL BALLOT
ANNUAL TOWN ELECTION
RYE, NEW HAMPSHIRE
MARCH 10, 2015

1539 Ballots Cast
BALLOT 1 OF 4
32% Turnout

Elizabeth M. Yeaton
TOWN CLERK

INSTRUCTIONS TO VOTERS

- A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this: ☐
- B. Follow directions as to the number of candidates to be marked for each office.
- C. To vote for a person whose name is not printed on the ballot, write the candidate's name on the line provided and completely fill in the OVAL.

SELECTMAN for Three Years Vote for not more than One	LIBRARY TRUSTEE for Three Years Vote for not more than Two	PLANNING BOARD for Three Years Vote for not more than Two
CRAIG MUSSELMAN 1094 *	KAREN OLIVER 860 *	RAY TWEEDIE 708
<input type="radio"/>	PHILIP BOYNTON 760 *	MELVIN R. LOW 882 *
(Write-in)	GARY LAYMAN 590	THOMAS McCORMICK 715 *
	<input type="radio"/>	<input type="radio"/>
	(Write-in)	(Write-in)
	(Write-in)	(Write-in)
TOWN CLERK/ TAX COLLECTOR for Three Years Vote for not more than One	TRUSTEE OF TRUST FUNDS for Three Years Vote for not more than One	ZONING BOARD OF ADJUSTMENT for Three Years Vote for not more than Two
ELIZABETH M. YEATON 1289 *	KERRY S. POPE 1108 *	PATRICIA M. WEATHERSBY 946 *
<input type="radio"/>	<input type="radio"/>	RUSSELL S. BOOKHOLZ 454
(Write-in)	(Write-in)	BURTON DIBBLE 668 *
		<input type="radio"/>
		(Write-in)
		(Write-in)
TREASURER for Three Years Vote for not more than One	BUDGET COMMITTEE for Three Years Vote for not more than Two	SEWER COMMISSIONER for Three Years Vote for not more than One
JANE E. IRELAND 1208 *	RAY JARVIS 839 *	PETER KASNET 1134 *
<input type="radio"/>	DOUG ABRAMS 734 *	<input type="radio"/>
(Write-in)	MAE C. BRADSHAW 722	(Write-in)
	<input type="radio"/>	
	(Write-in)	
	(Write-in)	
CEMETERY TRUSTEE for Three Years Vote for not more than One		
KENNETH MOYNAHAN 1228 *		
<input type="radio"/>		
(Write-in)		

ZONING ORDINANCE AMENDMENT QUESTIONS

ARTICLE 3. To see if the Town will vote to amend the Rye Zoning Ordinance in accordance with the recommendation of the Rye Planning Board, as follows:

Amendment 1.

Re: Width of Parking Spaces

Amend Section 500.1 Size of Parking Spaces, to change the width required from 10 feet to 9 feet. (Note: Deleted language ~~struck through~~. New language **emboldened and italicized**.)

§ 500.1 **Size of Parking Spaces:** All parking spaces required herein shall have a minimum size of ~~ten (10)~~ **nine (9)** feet in width by eighteen (18) feet in length.

Explanation

To change the stall size from ten (10) feet to nine (9) feet.

623
YES ☐
NO ☐
813 *

TURN BALLOT OVER AND CONTINUE VOTING

ZONING ORDINANCE AMENDMENT QUESTIONS CONTINUED

Amendment 2.

Re: Correction of Erroneous Indexing/Wetlands Buffer

Amend § 301.8, B.6 of the Wetlands Buffer Restrictions as follows: (Note: Deleted language is struck through. New language is emboldened and italicized.)

6. Uses permitted by Special exception pursuant to ~~§ 301.6~~ **§ 301.7** may be permitted by Special Exception in the Wetlands Buffer, subject to the requirements of ~~§ 301.6~~ **§ 301.7**.

Explanation

When the Wetlands Ordinance was amended in 2012 the sections were re-indexed and what was § 301.6 became § 301.7. However, the necessary change was not made in § 301.8, B.6. This amendment corrects that oversight.

1182 *
YES ☐
NO ☐
205

Amendment 3.

Re: Lighting

Amend "Section 501 Signs and Outdoor Advertising" to allow LED lighting; to clarify the lighting permitted; and to bring the zoning criteria into conformity with the criteria of the Planning Board's Land Development Regulations. (Note: Deleted language is struck through. New language **emboldened and italicized**.)

SECTION 501 SIGNS AND OUTDOOR ADVERTISING:

501.4 Illumination Criteria: **Moving, fluttering, blinking or flashing lights or signs are prohibited. Lighting shall not glare on abutting properties or on public streets.** No sign in any district shall be flashing or animated; nor shall it be illuminated by other than **light-emitting diode (LED)**, incandescent or fluorescent light. ~~nor shall any~~ No illuminated sign of advertising lighting shall outline any part of a building such as a gable, roof, sidewalk or corner. Wherever sign "area" is referred to in this Zoning Ordinance ~~herein~~, it shall mean the area of one side of a not more than two-sided sign, or one-half of the total area of a sign of not more than two sides. **Temporary (non-permanent), holiday lighting is excluded from the above restrictions.**

Explanation

To allow LED lighting which was not in existence when the original sign regulations were adopted more than 30 years ago and to have consistent lighting requirements in the Zoning Ordinance and Planning Board Land Development Regulations

1140 *
YES ☐
NO ☐
280

Amendment 4.

Re: Impervious Coverage and Definition

Are you in favor of the adoption of Amendment 4 as follows:

Amend the definition of "Impervious" to read as follows and replace the word "impermeable" with the word "impervious" throughout the ordinance.

IMPERVIOUS: Any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, **but are not limited to**, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways, storage areas, compacted gravel including drives and parking areas, oiled or compacted earthen materials, stone, concrete or composite pavers and wood. (From NH RSA 483-B:4 Shoreland Water Quality Protection Act).

1042 *
YES ☐
NO ☐
325

Amendment 5.

Re: Aquifer and Wellhead Protection District

Comprehensively amend Section 306 **Aquifer and Wellhead Protection District** with several new provisions, including requiring Conditional Use Permits (CUP's) for any use having impervious surfaces more than 15 percent of a lot or 2500 sq. ft. whichever is greater; by requiring Storm Water Management and Pollution Prevention Plans of applicants for a CUP; by requiring Spill Control and Countermeasure Plans for conditional uses using regulated substances; by establishing standards for hydrogeological studies; by reducing the allowed impervious coverage from 35% to 25%; by requiring residential uses to comply with the 25% impervious coverage requirement; and by making the prohibition against commercial storage of fertilizers, manure and compost applicable to residential and horse farm uses. Copies of the proposed amendment are posted at the town hall and on the town website. A copy of the proposed amendment will also be posted at the polling place.

Explanation

The Aquifer and Wellhead Protection District covers most of Rye located southerly of the Town Center. The proposed amendment strengthens the protection of Rye's aquifer and groundwater resources with several provisions which are summarized in the article.

971 *
YES ☐
NO ☐
414

GO TO NEXT BALLOT AND CONTINUE VOTING



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BALLOT 2 OF 4

Elizabeth M. Yeaton
TOWN CLERK

ZONING ORDINANCE AMENDMENT QUESTIONS CONTINUED

Amendment 6.

Re: Medical Marijuana Facilities

Add the following new Section 202.16 to the Zoning Ordinance:

202.16 Medical Marijuana Facility.

- A. In order to mitigate their harmful effects on neighborhood children and residential neighborhoods, any medical marijuana facilities shall not be permitted:
1. On any parcel located 500 feet or less from the boundaries of the Single Residence and General Residence Districts, as measured along street frontage; or
 2. Within 500 feet of the property line of any mobile home park.
- B. In order to prevent a concentration of medical marijuana facilities in one area, which would tend to encourage blight, devalue property and increase crime, no medical marijuana facilities shall be permitted within 1000 feet of another medical marijuana establishment.

Explanation

Recent state legislation allows 4 medical marijuana facilities to be licensed in New Hampshire, one of which could be located in Strafford or Rockingham Counties. Under state law towns are not allowed to prohibit such facilities, however, such facilities are not allowed in residential districts or within 1000 ft. of schools or drug free school zones. The amendment further restricts the location of such a facility should the state license one in Rye.

1107*
YES ☐
NO ☐
356

ARTICLES

ARTICLE 4. To see if the Town will vote to amend the Floodplain Development and Building Ordinance in accordance with the recommendation of the Planning Board and as required by FEMA in order to continue the town's participation in the National Flood Insurance Program? Copies of the proposed ordinance as amended are posted at the Town Hall and on the town website. A copy of the proposed ordinance as amended will also be posted at the polling place.

1109*
YES ☐
NO ☐
300

ARTICLE 5. Are you in favor of the adoption of Article 5, as follows:

To see if the Town will raise and appropriate the sum of four million one hundred thousand dollars (\$4,100,000), gross budget, for the purpose of renovating the Town Hall 1839 building and constructing connected new Town Hall office space, along with equipment and furnishings, and authorize the borrowing of up to four million one hundred thousand dollars (\$4,100,000) through the issuance of not more than four million one hundred thousand dollars (\$4,100,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended) and to authorize the Selectmen to issue and negotiate such bonds or notes, to determine the rate of interest thereof, and to take such actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for and accept and expend Federal and State Grants and any private donations towards this purpose. (3/5) ballot vote required.) This appropriation is in addition to the operating budget.

575
YES ☐
NO ☐
887*

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Highway Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the operating budget. (Majority vote required.)

793*
YES ☐
NO ☐
672

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of sixty-five thousand dollars (\$65,000) for the purpose of purchasing a one (1) ton pickup truck with utility body, frame, plow and spreader for the Department of Public Works to replace a 2006 three quarter (3/4) ton pickup truck. This appropriation is in addition to the operating budget. (Majority vote required.)

797*
YES ☐
NO ☐
683

This article is recommended by the Selectmen (2-1)
This article is recommended by the Budget Committee (8-0)

TURN BALLOT OVER AND CONTINUE VOTING

ARTICLES CONTINUED

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the expendable general trust fund known as the Town Employees' Accumulated Leave Fund, established pursuant to RSA 31:91-a by Article 14 of the 1990 Rye Town Meeting for the purpose of funding Town Employees' accumulated leave account. This appropriation is in addition to the operating budget. (Majority vote required.)

723*
YES ☐
NO ☐
721

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

ARTICLE 9. To see if the Town will vote to add one (1) full-time patrol officer in the Rye Police Department and to raise and appropriate the sum of forty-seven thousand, two hundred fifty dollars (\$47,250) to fund the position for the last six months of calendar year 2015. This appropriation is in addition to the operating budget. (Majority vote required.)

762*
YES ☐
NO ☐
709

Note: The amount of \$47,250 to fund the position for six months in 2015 includes wages and benefits based on present figures plus the required outfitting equipment. The costs to fund this position for a full year based on present figures for wages and benefits plus uniform allowance would be \$91,450.

This article is recommended by the Selectmen (2-1)
This article is recommended by the Budget Committee (8-0)

ARTICLE 10. To see if the town will raise and appropriate the sum of \$20,164.00 for the 2015 fiscal year, such sum representing the additional costs, attributable to the cost items included in the Collective Bargaining Agreement reached between the Town of Rye Board of Selectmen and the Professional Firefighters Association of Rye, at the current staffing level. This amount includes retro pay from October 1, 2014 through March 31, 2015.

782*
YES ☐
NO ☐
660

The Town of Rye's Collective Bargaining Agreements are based on an April 1st to March 31st effective year. The Town's budget is on a calendar year. The range in year 2016-2017 is a minimum and maximum amount determined by a Cost of Living Adjustment (COLA). The increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels over the life of the contract are broken out as follows:

Year	Estimated Range of Increase over prior year	
	Base 2%	Max 3.5%
10/01/14-03/31/15	\$ 9,757.71	N/A
04/01/15-12/31/15	\$ 10,406.29	N/A
01/01/16-03/31/16	\$ 3,468.77	N/A
04/01/16-03/31/17	\$ 13,903.27	\$24,330.72

This appropriation is in addition to the operating budget. Majority vote required.

This article is recommended by the Selectmen (2-1)
This article is recommended by the Budget Committee (8-0)

ARTICLE 11. Shall the Town of Rye, if Article 10 is defeated, authorize the Board of Selectmen to call one special meeting, at its option, to address Article 10 cost items only?

876*
YES ☐
NO ☐
556

ARTICLE 12. To see if the Town will raise and appropriate the sum of twenty five thousand dollars (\$25,000) to be added to The Municipal Buildings Maintenance Expendable Trust Fund established by Article 11 at the 2007 Town Meeting under the provisions of RSA 31:19-a, for the purpose of major repairs to municipal buildings. This appropriation is in addition to the operating budget. (Majority vote required.)

806*
YES ☐
NO ☐
577

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

ARTICLE 13. To see if the Town will raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Rye Public Library Building Maintenance Expendable Trust Fund established by Article 14 at the 2005 Town Meeting under the provisions of RSA 31:19-a, as a maintenance fund for the Rye Public Library building. This appropriation is in addition to the operating budget. (Majority vote required.)

1038*
YES ☐
NO ☐
425

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

ARTICLE 14. To see if the town will vote to amend the special revenue fund known as the Beach Cleaning Fund which was established by Article 14 of the 2004 town warrant as follows: (1) increase the restricted beach parking permit revenues which go into the fund from 25% to 50% (of total beach permit revenues); and add "monitoring water quality and other environmental issues on Town beaches and watersheds affecting Town beaches" to the purposes for which expenditures may be made from the fund. At present expenditures from the fund are limited to "cleaning town beaches of trash and debris." Note: expenditures from the fund require town meeting approval. (2/3 majority vote required).

1044*
YES ☐
NO ☐
413

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

GO TO NEXT BALLOT AND CONTINUE VOTING



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BALLOT 3 OF 4

Elizabeth M. Yeaton
TOWN CLERK

ARTICLES CONTINUED

ARTICLE 15. Are you in favor of adoption of Article 15, as follows:

Shall we adopt the provisions of RSA 31:95-c to restrict one hundred percent (100%) of revenues from the annual lease payment of the Parsonage building to expenditures for the purpose of building and ground maintenance and repairs at the Parsonage located at 575 Washington Road? Such revenue and expenditures shall be accounted for in a special revenue fund to be known as The Parsonage Maintenance Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body (Town Meeting) to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue and to designate the Board of Selectmen as agents to expend. (2/3 majority vote required).

1058 *

YES ☐

NO ☐

375

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

ARTICLE 16. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling eight million seven hundred forty thousand eight hundred thirty four dollars (\$8,740,834)? Should this article be defeated, the default budget shall be eight million four hundred fourteen thousand nine hundred sixty two dollars (\$8,414,962) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.)

784 *

YES ☐

NO ☐

646

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

This article (as amended) is recommended by the Selectmen. (3-0)
This article (as amended) is recommended by the Budget Committee. (6-0)

ARTICLE 17. Are you in favor of adoption of a Fireworks Ordinance as proposed by the selectmen as follows:

The Fireworks Ordinance prohibits the retail and wholesale sale of fireworks and the possession, display and discharge of fireworks within the Town of Rye. Persons who have been issued a Certificate of Competency by the N.H. Commissioner of Public Safety are exempt from the prohibition of the possession, display and discharge of fireworks provided they obtain a permit from the Fire Chief for each occasion on which fireworks are to be displayed and discharged. The ordinance includes standards for issuance of permits and enforcement procedures, including fines of \$50.00 for the first offense and \$100.00 for a second offense in the same calendar year.

893 *

YES ☐

NO ☐

586

ARTICLE 18. Are you in favor of amending the Parking Ordinance as proposed by the selectmen as follows:

Add a new section on "Towing or Immobilization For Unpaid Fines." The new section authorizes the Police Chief to have an illegally parked motor vehicle towed and stored or otherwise immobilized (i.e. "booted") if the owner has accumulated three (3) unpaid parking tickets or unpaid fines in excess of \$135.00 on any and all vehicles registered in the owner's name. The new section includes notice and appeal provisions intended to provide due process before towing or immobilization would occur.

1136 *

YES ☐

NO ☐

339

ARTICLE 19. Are you in favor of adoption of a Winter Road Weights Ordinance as proposed by the selectmen as follows:

The Winter Road Weight Limits Ordinance authorizes the Public Works Director to establish temporary weight limits on town roads.

1222 *

YES ☐

NO ☐

240

ARTICLE 20. Shall the number of members appointed to the Rye Heritage Commission be increased from five to seven, thereby expanding the volunteer opportunities beyond what was authorized in Article 18 of the 2011 Warrant Article? This change is in accordance with New Hampshire Revised Statutes Annotated, Sections 673:4-a and 674:44.

978 *

YES ☐

NO ☐

470

TURN BALLOT OVER AND CONTINUE VOTING

ARTICLES CONTINUED

ARTICLE 21. To see if the Town will vote to **dissolve** the Rye Beach Commission which was established by Article 25 of the 1999 Town Warrant as follows:

894 *

Article #25: To see if the Town will vote to establish a Beach Commission consisting of three Rye residents to be appointed for three-year terms by the Board of Selectmen and whose responsibilities shall be as follows:

YES ☐
NO ☐

535

1. To assist the Board of Selectmen in hiring a Beach Supervisor.
2. To act as a liaison between the Beach Supervisor and the Board of Selectmen.
3. To ensure that the Beach Supervisor performs the duties of his or her position as set forth in the job description.
4. To work with the Beach Supervisor in the preparation of an annual Beach Budget.

and to furthermore place all operations of the Beach Lifeguards; including hiring of staff, supervision, training, preparation of the beach annual budget under the direction of the Rye Fire Department.

ARTICLE 22. (By Petition) To see if the Town shall raise and appropriate \$3000, pursuant to RSA 31:19-a, to establish a Master Plan Expendable Trust Fund for the purposes of defraying the cost of outside assistance in updating the Master Plan, and to appoint the Planning Board as agent to expend such funds. The Planning Board shall, as required by RSA 674:3, inform the residents and invite input in refining a vision for their Town, to be set forth in the Master Plan, which shall then become the basis for revised land use regulations.

483
YES ☐

NO ☒ *

900

This article is not recommended by the Selectmen. (2-1)
This article is recommended by the Budget Committee. (5-1)

ARTICLE 23. (By Petition)

New Hampshire Resolution to Get Big Money Out of Politics

To request that the Town of Rye, NH, stand with communities across the country to defend democracy from the corrupting influence of big money in our political system, by calling upon our legislators to amend the United States Constitution to establish that:

961 *

YES ☐

NO ☐

457

- 1) Only individual human beings are endowed with constitutional rights, and
- 2) Money is not speech, and therefore regulating political spending is not equivalent to limiting political speech.

And that the People of Rye, NH hereby instruct our state and federal representatives to enact resolutions and legislation to advance this effort, and to reduce the influence of big money and increase transparency and voter participation in our electoral system.

And that the record of the vote approving this article shall be transmitted by written notice to Rye's Congressional delegation, and to Rye's State Legislators, and to the Governor of New Hampshire, and to the President of the United States, informing them of the instructions from their constituents, by the Town Administrator's office within 30 days of the vote.

ARTICLE 24. (By Petition) To see if the Town shall create a committee to evaluate the pros and cons of different locations and designs for an indoor field turf facility to be used for town recreation and youth sports team practices.

The report should be completed by June 30th and presented jointly to the Board of Selectmen and the Rye Recreation Commission. The Committee will engage with local youth sports teams, e.g. Rye Little League, Rye Travel Soccer, Seacoast Lacrosse, Portsmouth Youth Football and others to collect requirements and estimated usage.

583

YES ☐

NO ☐

855 *

The report will include:

- Utilization assessment from different groups
- Possible locations
- Design options
 - As a stand-alone facility
 - As part of a recreation facility on Recreation Road
- Possible health issues related to artificial turf
- Assessment of need
- Potential grants and funding options (fund raising, other towns...)

ARTICLE 25. (By Petition) To see if the Town will vote to implement a SMART (Save Money and Reduce Trash) program for a one year trial period – to be extended based on a cost-benefit analysis conducted by the Board of Selectmen. This "Pay as You Throw" program is predicted to reduce tonnage going to the landfill from the Rye Transfer Station by 40% or approximately 500 tons per year and at the same time increase the amount recycled. Residents will be required to use designated Town of Rye trash bags to be purchased at a cost of \$1.25 for 15 gallon and \$2 for 30 gallon size bags, and \$3 for 50 gallon bags. The reduction in expenditures to the Town of Rye should exceed \$150,000 annually. The revenue from this program is to be used to offset the cost of operating the transfer station. The combined revenue and reductions in expenditures from this program should lower the tax burden by \$150,000 or more annually.

222

YES ☐

NO ☐

1272 *

GO TO NEXT BALLOT AND CONTINUE VOTING



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MARCH 10, 2015**

BALLOT 4 OF 4

Elizabeth M. Yeaton
TOWN CLERK

ARTICLES CONTINUED

ARTICLE 26. (By Petition) Shall all Boards, Commissions and Committees of the Town, and subcommittees thereof, be required, whenever possible, to hold those meetings in a location, such as the Town Hall Courtroom or the Library, where video streaming facilities are provided? When such meetings are held in these locations, video and audio streaming shall be enabled for all portions of the meeting except those that may be non-public pursuant to RSA 91-A:3.

938 *
YES ☒
NO ☐
505

ARTICLE 27. (By Petition) Under the "a to q" process (the "Process") for conservation land purchases, promulgated by the Board of Selectmen on January 6, 2014, only the written information (the "Information Submittal") and testimony at the public hearing may be considered in approving or recommending any acquisition. The selectmen may consider requiring as part of the Information Submittal an appraisal at the behest of the Town appropriately addressing the development potential of the property and a property survey plan and boundary description. A hazardous waste environmental analysis shall be performed for town on property previously used for commercial use.

829 *
YES ☒
NO ☐
548

ARTICLE 28. (By Petition) In addition to the requirements of 2013 Warrant Article 21, shall the CIP Committee annually fulfill the requirements of RSA 674:5 that it "prepare and amend a recommended program of municipal capital improvement projects" which shall take into account the Master plan and guidance from the Board of Selectmen?

776 *
YES ☒
NO ☐
551

ARTICLE 29. To see if the Town will vote to authorize the Selectmen to sell to the highest bidder at public auction, or sealed bid, such surplus Town equipment as is not traded in on new equipment in 2015.

1327 *
YES ☒
NO ☐
143

YOU HAVE NOW COMPLETED VOTING