

NOTES OF AUGUST 27, 2012 RYE BOARD OF SELECTMEN MEETING
Final Revision B – Provided by the Rye Civic League

Present: Selectmen Jenness, Musselman and Mills. Also present: Michael Magnant and Cindy Gillespie.

Political signs and Town newsletter

Selectman Jenness opened the meeting by noting that political signs are starting to appear and it would be necessary to “send out the posse.” She noted that she had seen a sign on Grove Road, in an island. Selectman Mills asked which candidate the sign was for, implying that this was relevant. Selectman Jenness replied that the sign referred to “Ovide.”

Selectman Jenness noted that the Town newsletter will be going out this coming Thursday, and would have a notice to the effect that signs are prohibited on Town land.

Approval of minutes

The minutes from the August 13, 2012 meeting were unanimously approved, including the non-public session, the public session and the working session, with minor corrections to the latter two. After Fire Chief Sullivan noted that the discussion revolved around the issuance of beach burning permits for both town residents and property owners, the minutes were amended to indicate that burning permits would be available to the latter as well. Selectman Jenness had corrections to several of the prices for heating oil that were incorrect in the minutes.

Heritage Commission and Historical Society sign request re Town of Rye Flag Contest

Michael Mittelman spoke regarding this request on behalf of the Rye Historical Society and the Heritage Commission. He requested permission to post the sign on Town property, as well as relief from the Town’s limitation on sign size of four square feet. The sign would be moved around to different locations weekly, and would be displayed between now and April 30, 2013. He would like a sign of 2 by 4 feet like the one in front of the Library. Publicity is needed to make the contest successful.

Selectman Mills indicated that the 2 by 2 foot limitation was approved by the voters, and that condoning oversized signs would be unfair to others. Selectman Musselman indicated that, if they approve 2 by 4 foot signs here, they will have to do so for everyone. Selectman Mills asked about the sign for the Farmers’ Market. Mr. Mittelman replied that it was at least 3 by 4 feet. Rich Davis, a member of the Heritage Commission noted that one could not obtain a “sandwich sign” that is 2 by 2 feet.

Initially, Selectman Mills indicated that an answer would need to be provided in two weeks, after the size of the Farmers’ Market sign had been determined. He noted that, had the request not stated that the sign was 2 by 4, that approval would have been granted in this meeting. Sometimes honesty doesn’t pay, he said.

Selectman Musselman asked what the size of the Rye Lions Club sign was. Laughing, Alan Gould, a representative from the Lions Club asserted that it was 2 by 2 or smaller.

Selectman Musselman moved to approve the Flag Contest sign provided that it was no larger than the Farmers Market sign, and provided that it would not be present in any location for more than a week. The motion carried unanimously.

Referring to Selectman Jenness, who was seated next to him, Selectman Mills said that Town employees should not be involved in design of the Town Flag. He said that Selectman Jenness was an art teacher and should “give them a break.”

Quit claim deed for paper street, 37 Gray Court

Kerin Ferrin was present to discuss this matter. After Selectman Mills suggested that the land had already been conveyed after the Town voted to do so in 1992, Ms. Ferrin indicated that the deed had never been recorded. Selectman Musselman noted that paperwork from Town Attorney Donovan had referred to “Kevin Ferrin,” Ms. Ferrin noted that this was in error as the reference was to her. The request was approved unanimously. Afterwards, Selectman Mills noted that there had been issues with the grass and chimney at this location within the past two years, Ms. Ferrin stated that the entire house had been torn down. *Editor’s note: Ms. Ferrin recently purchased the house. See book 5335, page 2943, recorded July 17, 2012 in the Rockingham County Registry of Deeds.*

Winslow way paving escrow

The release of \$2300, representing accrued interest in an escrow account was unanimously approved. Selectman Mills noted a misspelling of the name “Scully” in some of the paperwork.

Rye Lions Club sign for Annual Car Show at Parsons Field

When this issue was brought up, Selectman Musselman, apparently alluding back to the Flag Contest sign, stated that “they’ll probably want a billboard.” Selectman Mills asked whether the sign was 2 feet by 2 feet. Alan Gould, speaking on behalf of the Lions Club laughed. Selectman Musselman asked whether it was the same sign as before, to which Mr. Gould replied in the affirmative. Selectman Mills asked whether the matter should be tabled for two weeks. Selectman Musselman moved to approve the sign. The motion carried unanimously.

Rye Beach Sidewalks

The issue arose as to why Public Works Director McCarthy was not there to address this issue. Town Administrator Michael Magnant replied that he was “across the pond,” (apparently referring to the U.K.) and that work had been stopped on the sidewalks after Selectman Mills noted that he saw that work was ongoing. Mr. Magnant

stated that Mr. McCarthy's recollection as to whether Board of Selectman approval was required before starting sidewalk work was different from Selectman Mills'.

Selectman Musselman asked whether the Rye Beach Precinct would hire a contractor or use the Public Works Department. Selectman Jenness asked whether the Public Works Department could be spared to do this work, recalling how long the work on Cable Road took. *Editor's note: Cable Road is not in the Rye Beach Precinct.* Selectman Jenness referred to the amount of "in town" work (apparently referring to work outside of the Rye Beach Precinct) restricting whether the Public Works Department could be spared to work on the Rye Beach sidewalks. Selectman Mills noted that Public Works may have a higher rate than the Rye Beach Precinct is willing to pay. The matter was tabled until Mr. McCarthy returns.

Deliberative Session

The February 2, 2013 date was approved unanimously, as was the alternative snow date of February 9, 2013.

Wentworth by the Sea Parking

Town Administrator Magnant indicated that this related to a point of land not far from the Wentworth by the Sea Hotel. He stated that the Wentworth believes that the land is not owned by the Town, yet there are no parking and no camping signs located there. Mr. Magnant indicated that the signs were erected some years before in response to complaints. Selectman Musselman asked why the Town thought that they owned this land. Mr. Magnant did not assert that the Town owned the land.

After Mr. Magnant indicated that the Wentworth would be providing a letter, the matter was tabled until the letter was received. Selectman Musselman stated that the letter should assert that the Wentworth owns the land and request removal of the signs. Selectman Mills stated that the Wentworth representative should come before the board, but Selectman Musselman disagreed, stating that the matter could be addressed with a letter.

Old Business – Granite State Wheelmen

Police Chief Walsh addressed this issue. The organization is a non-profit, but the event is not for charity fundraising. Selectman Mills asked Chief Walsh to relate Mr. Topham's position regarding bikes riding single file. Chief Walsh replied that Mr. Topham was an activist for bike riders. In previous discussions with him regarding this bicycle ordinance (*Editor's note: see notes of May 29, 2012 meeting. The bicycling ordinance was a vigorously contested issue by Town residents*), Mr. Topham had expressed agreement with the single file requirement. Mr. Topham was not requesting waiver of the single file requirement in connection with this event as the bikes will be required to ride single file during the event. The permit was unanimously approved.

Pursuit race, Stephanie Rich and general discussion about races on Town roads

Chief Walsh also addressed this event, which will provide \$1200 to charity, including Birchtree Sexual Assault Services and one other charity.

Selectman Mills asked whether Chief Walsh had gotten information regarding the Saunders Road Race and charities. Chief Walsh indicated that the matter was of historical interest only (*Editor's note: the race had apparently already occurred*), but that the proceeds were to fund the race only. Selectman Mills asked whether they should be asking for a report on these races, particularly inasmuch as some Town residents are opposed to them. He asked whether it was true that 1 or 2 extra officers were needed for the Saunders Race. Chief Walsh replied that the races are self-sufficient. If more police are required, the Police Department requests that more detail officers be assigned.

Selectman Musselman indicated that these races are typically being conducted solely for recreation. If a donation to charity was requested then the Town would be benefiting the charities. Right now he doesn't know whether the Town has the right to make such a request.

Selectman Jenness noted that the discussion about the books being open was not in the motion approving the Saunders Race. She related how she was late to a Heritage Commission meeting due to runners from one of the races filling the road and blocking traffic in the lane that was still open to traffic. She suggested that the entire road be closed.

Selectman Mills indicated that he had asked Chief Walsh to come and sit on his porch during one of the races to see the problems. Chief Walsh indicated that, in the future, the entire road will be shut down. Rye Police officers often run in similar races, which are typically qualifying events. They typically don't run in Rye races as they are working details for those races.

Mr. Gould from the Lions Club indicated that, in the future, they hope that the Lions Club can take over these events from Saunders. Any extra profits would then go to charities.

Sam Winebaum, a Town Resident at 52 Cable Rd., noted that the races are always a problem in a .5 mile stretch of Cable Rd. He stated that a lot of runners are coming at you and indicated that the entire road should be closed. Chief Walsh indicated that this was in the works and appreciated the input.

Selectman Mills moved to approve the pursuit race, which motion carried unanimously.

Old Business: Heritage Commission, State Registry of Historic Places

Sarah Hall of the Heritage Commission addressed the issue of this application. *Editor's Note: see notes of July 23, 2012 meeting. The Selectmen authorized the Heritage Commission to prepare the application, subject to Selectmen approval before it was submitted.* She passed out copies of the document, apparently the application, which appeared to be about 10-20 pages.

Selectman Mills said that this was too much to read now and asked Ms. Hall when they wanted to submit the application. She replied "right after Labor Day." Selectman Mills stated that a decision could be reached within a day, but that they can't grant approval over the phone any more. Selectman Musselman stated that approval would need to be provided at a meeting. He asked whether funding was to occur next spring.

Ms. Hall replied that that was true, but there was a process prior to that. Selectman Jenness noted that Heritage Committee member Richard Davis was also present to support the application, and that he had worked on it.

Old Ferry Landing Road relocation

Editor's note: This is a very complex issue. See the notes for the June 25, 2012 and May 29, 2012 meetings regarding the Schliepers and the Cavarettas..

Mr. Magnant indicated that another letter has been received from the Cavarettas regarding this matter. The results of a soil test requested by the Town have been obtained. There are some elevated levels of arsenic, but the Department of Environmental Services ("DES") does not view that as a problem. The letter states that the Cavarettas believe that they have the right to a full 40 feet of right of way. A revised plan was passed out. He asked whether the Board of Selectmen wanted to conduct another site walk.

Selectman Mills indicated that the issue must go to the Planning Board and that the neighbors should be provided a copy of the soil test. Selectman Musselman stated that the Planning Board would need to address the matter after the Board of Selectmen has dealt with the issue of the road. He noted that there are low levels of arsenic everywhere in Town due to prior agricultural uses and that, while the soil contains asphalt, as noted during the prior site walk, asphalt was delisted as a concern some time ago.

A discussion ensued as to whether the process would now need to go back to square one, with another site walk and another public hearing. Mr. Magnant indicated that Town Attorney Donovan was on vacation but he will be asked whether the new request triggers a new process.

Seacoast Science Center link on Town web site

Selectman Musselman noted that the Selectmen had devoted significant effort to establishing a new policy for web links. He asked whether it might be appropriate to ask the Science Center to work with the schools on a scholarship program involving the Science Center. Selectman Mills complimented Selectman Musselman, stating that some of his ideas were very intelligent.

The motion to make this request carried unanimously.

Energy Committee, Rye Civic League Notes

Selectman Mills read from the Energy Committee minutes for August 7, 2012 which question to accuracy of the Rye Civic League Notes as they relate to the July 23, 2012 Board of Selectmen meeting at which Michele Sopher of the Energy Committee made a presentation to the Board of Selectmen. He asked Peter Crawford, a Town resident who was present in the audience, whether he had prepared those notes. Mr. Crawford indicated that he had prepared a draft, but that others had also contributed. With regard to the issue of accuracy, Mr. Crawford indicated that the Energy Committee

had taken exception with some of the verbs used, but not the accuracy. The notes would be changed to use different verbs.

Selectman Musselman noted that the Board of Selectmen was not reading the Rye Civic League notes any more.

Conservation Commission, Selectman Mills request as a Town resident

Selectman Mills left the front table and joined the audience. Indicating that he was speaking as a Town resident, he complained that he had not obtained a response from Mr. Raynes of the Conservation Commission regarding a particular property. He noted that a person unrelated to the Philbricks (*Editor's note: this is an apparent reference to the owner of a property that is subject to a Conservation easement*) has been planting pumpkins on the property, and that a shed and old automobile covered with a tarpaulin are present on the property. Mr. Mills stated that he doesn't think that a private party can plant on the property as Town money was used to purchase the easement. He noted that he had just acquired a partial interest in a Porta Potty business. He suggested that perhaps he could store 150 Porta Potties on the Philbrick property over the winter.

Selectman Jenness stated that agriculture was probably permitted, but the shed and unregistered car may be a different issue. Selectman Mills stated that he understood that anything could be done with the property but put structures on it.

Sam Winebaum, a Town resident, spoke from the audience and stated that conservation lands need stewardship. He can recall a time when he was on the Planning Board when the Conservation Commission didn't even want to provide access to walk certain lots. Taxpayers are paying thousands of dollars for these properties. There need to be proper surveys and deeds.

Selectman Jenness stated that the Conservation Commission relies on residents with regard to these issues with the properties. Mr. Mills may want to put this matter in a letter. Mr. Mills replied that he had called and discussed the matter with Mr. Raynes, who promised a site walk, but nothing happened. Selectman Musselman interjected that minor agricultural use was probably not prohibited.

Non-public session

The Board of Selectmen then voted, by roll call, to go into non-public session.