

NOTES OF SEPTEMBER 24, 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.

Announcement of Janice Ireland’s appointment as Executive Assistant

Selectman Jenness opened the meeting with the announcement that Janice Ireland has been selected as the replacement for Nancy Weiland as Executive Assistant. Ms. Weiland, who has been in the position for 12 years, retires effective October 1, 2012. The town had 300 responses to its advertisement for the position.

Ms. Ireland is currently with the Recreation Department. Mr. Magnant spoke up saying that he has been working with Ms. Ireland for 3 years, and that she is a phenomenal employee. Selectman Mills, addressing Ms. Ireland’s parents, who were in the audience, stated that Ms. Ireland had the work ethic of her mother, not her father. Laughter ensued. He then encouraged Ms. Ireland to refrain from working late. She might fall down or, he joked, be run over by Lee Arthur rushing down the hall. *Editor’s note: Lee Arthur is the Recreation Director, who was present in the audience at the time.*

Approval of minutes

The minutes were approved unanimously, largely without change. After one set of minutes was approved without change, Selectmen Mills interjected “a lot better than you, Peter.” *Editor’s note: Peter Crawford, who has prepared notes of Board of Selectmen meetings for the Rye Civic League in the past, was in the audience. Alleged inaccuracies as to these notes, nearly always unfounded, has been an ongoing subject of comment by the Selectmen at almost every meeting since the July 23, 2012 meeting. At that meeting, Selectman Musselman pointed out a number of alleged inaccuracies. See the notes of that meeting for Selectman Musselman’s comments and the responses of the Rye Civic League to them.*

Jenness Beach and Rye Beach sidewalks, road widening for bike lanes

Mr. Pearson addressed a proposal to pave sidewalks along a 57 foot section of Cable Rd. between Surf Ln. and Ocean Blvd, near the corner of Cable Rd. and Ocean Blvd. Although there are sidewalks along other parts of Cable Rd., this section is lacking a sidewalk and the path is sand and dirt. He explained that a new house at that location has meant the installation of a gravel driveway and that persons pushing strollers typically must now enter the street to traverse this area. Mr. Pearson proposed that private money will finance a 57 foot section of sidewalk, with excavation performed by the Town, with some private contributions also contributing to that. He has obtained a \$3700 quotation from Sturgis Concrete for the forms and concrete. Sturgis did work on an adjoining section in 1999. Mr. Peterson handed several photographs to the Selectmen showing the area in question.

In response to a question from Selectman Musselman, Mr. Pearson indicate that the grass section between the sidewalk and the street further up on Cable Rd. could not be continued as there was not enough room. Diana Pearson, also in the audience, indicated that the sand and gravel at the location create a dangerous situation. Pedestrians, bicyclists and those pushing strollers cannot traverse the area but must go into the road. Cars may not see them if they are turning.

After looking at the photographs and discussing the height of the sidewalk, Dennis McCarthy, Public Works Director indicated that the work would require one full day of their time, plus ¼ to ½ a day to back fill dirt once the sidewalk had been constructed.

After Mr. Pearson indicated that he wanted the work completed before November 1, Mr. McCarthy indicated that this would be a tight schedule as they are working with “the Beach” on their sidewalks. *Editor’s note: this is an apparent reference to the Rye Beach sidewalks discussed in the September 10, 2012 meeting. At that meeting, the Selectmen had raised the issue of the priority of Rye Beach vs. “in town” work, even though Rye Beach is a Village District which is part of the Town of Rye.* Selectman Jenness stated that “in town” work should have priority over that in Rye Beach. Mr. McCarthy said that he hopes to complete the paving in Town today or tomorrow. *Editor’s note: this is an apparent reference to ongoing asphalt paving near the intersection between Brackett and Clark Roads.* Selectman Mills stated to Mr. Pearson that if Mr. McCarthy is pushed, they can get the job done. All that is needed is to come sit at the Hungry Horse and see how many breaks the Public Works Department takes. *Editor’s note: the Hungry Horse is a store, adjacent to the Town dump (at which the Public Works Department has its offices). The store has a small area for eating.*

The consensus appeared to be that Messrs. McCarthy and Pearson would work out details of the project and that no action by the Selectmen was required.

This discussion led into one about the width of the roads and the “bike lanes,” areas to the right of the white lines on Town roads. *Editor’s note: the adequacy of these lanes was a subject of vigorous debate during the hearing on the bicycling ordinance that requires bicyclists to ride single file. Many Town roads have little or no space to the right of the white lines. See notes of May 29, 2012 meeting.* Selectman Mills asked whether the roads were being widened for bicycle lanes when they are being repaved. Mr. McCarthy said that only if the road is being reclaimed (i.e. dug up completely) would widening be done. He said that there was a warrant article on this that says that the pavement should be 28 feet wide, with 11.5 foot travel lanes when Class IV roads are reclaimed. The problem is that there are no Class IV roads in Rye. He thinks that Class V was meant. However, the Town should look at the roads on which bicycle lanes should be placed. He doesn’t know whether it was this Board of Selectmen or a prior one that put the policy in place. Selectman Jenness interjected that she believed that the warrant article says “where feasible.” Selectman Mills stated that he didn’t believe that he said reclaim, but rather repave. Selectman Musselman interjected that the base and sub-base must be accessed. If there are two different bases, that’s a problem. *Editor’s note: This is an apparent reference to possible problems if the pavement is widened without removing the asphalt of the old road.*

Mr. McCarthy indicated that, in the two years that he has been with the Town, Washington Rd. is the only one that has been widened for bike lanes. Selectman

Musselman indicated that there is no need to widen for bike lanes on side streets, such as Fairhill.

Selectman Mills asked about Central Rd. *Editor's note: Selectman Mills lives on Central Rd.* Mr. McCarthy replied that that road is already wide. It could be restriped to 10 foot lane widths if the speed limit is 30 m.p.h. Selectman Jenness interjected that Central was part of the old trolley system, and that is the reason why that road is wider.

Mr. McCarthy indicated that if the Town really wants bike paths, they must decide where. It's one thing to have a shoulder and another to have a bicycle path. Bicycle races are now occurring everywhere. Selectman Jenness interjected that Washington, Wallis and Central are the main routes through Town.

Selectman Mills indicated that he observed a race recently in which one bicycle was passing another. At that point, a Suburban crossed the double yellow line to pass, but there was a jogger on the other side. He said this was an accident waiting to happen. He asked about triangular signs being posted during races.

David Rimbeck, a Town resident, spoke. He indicated that this was the "absolute truth." Widening of the roads causes drivers to increase speed. Selectman Jenness interjected that the races are increasing. Drivers speed to move out around bicyclists as there is not much room to pass.

Mr. Magnant asked whether he should look into signs that say "caution, road race in progress." Selectman Mills replied that he should. Mr. McCarthy suggested that they could look into getting a highway safety grant. Selectman Mills indicated that in 1986 a jogger was killed at night. The driver was never found.

Town Forest escrow account transferred for Goss Farm Barn

Cindi Gillespie spoke about \$550.45 left in an old escrow account, a housekeeping matter. This had come from a donation from Louise Tallman, who used to cut wood in the Town Forest years ago. Ms. Gillespie said it should not have been set up as an escrow account. Selectman Mills suggested that the funds be turned over to the Conservation Commission. Selectman Musselman suggested that it be earmarked for the Goss Farm Barn renovation. A motion to that effect carried unanimously.

Dead seals on Town beaches

Selectman Jenness read a letter from the New England Aquarium relating to dead seals on Town beaches. The letter asserted that it is illegal to touch dead marine mammals without permission from NOAA or other authorities. The letter, however, purported to provide permission for the Town to remove carcasses after providing notice of stranding. However, it warned of possible exposure to the H3N8 virus. The letter stated that, although the risk of transmission to humans is low, precautions such as disposable gloves, eye protection and changes of clothing should be taken.

Selectman Mills asked Mr. McCarthy whether gloves were in his budget and how long the course would be that they would have to attend to be trained for this. Fire Chief Sullivan interjected that the proper procedure is for the person disposing of the carcass to wear a Tyvek suit that is then buried along with the carcass. Mr. McCarthy asked

whether the suit should be buried with or without the person wearing it. Chief Sullivan replied that the wearer should not be buried, “unless it’s Mills.”

Selectman Jenness asked where the seals would be buried. Mr. McCarthy replied that they would be buried where all of the road kill goes, and that if Selectman Jenness knew the answer she shouldn’t have asked the question. He referred to this area as the “pet cemetery.” After Selectman Jenness asked about contamination of the aquifer, Mr. McCarthy assured her that burials take place well above the water table. Mr. Magnant interjected that a couple of seals that were found in Hampton had rabies.

Cub Scout popcorn sale

It was related that this is an event that has occurred for several years. Several Rye residents are in this Greenland Pack. The approval was granted unanimously.

Sign request from Rye Civic League

Mr. Magnant related that he had gotten a request from Steven Borne regarding signs for two candidates nights, October 9 and 16. The letter said that the signs would be no larger than the Rye Lions sign. Selectman Musselman moved to approve the request provided that the signs meet the dimensional requirements. A question was raised as to the offices for which the candidates were running. Peter Crawford, a Town resident, interjected that it was State Representative, State Senator and Executive Council. Selectman Mills asked Mr. Crawford if he was going to run, to which Mr. Crawford replied no. The sign request was approved unanimously, Selectman Musselman indicating that it was consistent with what had been done in the past. Selectman Mills stated that they didn’t need to be reminded about the Rye Lions sign. *Editor’s note: see notes of August 27, 2012 meeting, in which oversize signs for Rye Lions and the Town Flag contest were approved.*

Breakfast Hill landfill

Selectman Musselman related that there was an ongoing discussion between engineers, the Town attorney, and contact with the DES. The lot across from the landfill cannot be used for drinking water due to high manganese levels. This is a non issue, they are working on a way to cast the issue legally so that there is not a problem.

Ocean Boulevard drain line

Selectman Jenness indicated that this issue was discussed at the prior meeting and asked about progress.

Mr. McCarthy related that State Senator Nancy Stiles had facilitated a meeting with several people. The State will repair the line within 6-8 weeks. The State will then work on a plan to upgrade the line. It is not in the current three year plan but the State officials will look to see what can be done. If elected, Nancy Stiles will monitor the progress.

There was not a lot of information available, at least not in Division 6. One plan was found. The State thought that they had put the line in in 1954.

Selectman Musselman remarked that Mr. Hayes had been at both the prior meeting and this one, but the result was now different. Mr. McCarthy related that Ms. Stiles was very effective. High praise for Ms. Stiles and her assistance in this matter, and in general, was expressed by the Selectmen and Mr. McCarthy.

Selectman Mills related how he had talked with Diane Bitter, Chairman of the Republicans in Rye Beach. Fire Chief Sullivan also lives next to Nancy Stiles. Selectman Mills related how he had spoken with Ms. Stiles on election day and arranged to have her pick up papers at Chief Sullivan's house. After that, the matter was resolved within a few days. Selectman Mills turned to Joey Cresta of the Portsmouth Herald, who was in the audience, and asked him whether he had gotten that information for a story on the drain line. Mr. Cresta replied no.

Beach barrels and signs

Selectman Jenness related that a beach barrel at Wallis Sands extension had been found overflowing with trash, which appeared to be household trash. A resident asserted that rats had been found in the area. She asked whether the barrels should be taken away. Mr. McCarthy indicated that there had not been a problem with household trash in the barrels.

Selectman Jenness asked whether the dog hours signs should be up year round. Mr. McCarthy indicated that this could be done. Normally, they take the signs down after the time that dogs are permitted on the beach at all hours. This saves wear and tear on the signs and prevents disappearance of the signs. However, the problem is that the same signs refer to carrying trash out. Selectman Mills interjected that, in November, when the barrels are gone, people throw bags of canine waste where the barrels would normally be.

Permission to plant trees in right of way

There was a discussion about residents Cheryl DeLeone and Andrew Widen who apparently have a farm with horses on or near Burnette Dr. Some red maples had been removed because they are poisonous to horses. They wanted to replace these with evergreens that would be located in the town right of way. Selectman Musselman asked how far these would be from the edge of the pavement. Mr. McCarthy replied that the right of way there was 50 feet wide and the road 24 feet, fairly well centered. This meant that the distance from the pavement to the edge of the right of way would be 13 feet. He estimated that the paddock is about 15 feet from the pavement, and that this would mean that the trees would be at or just inside of the town's right of way. Selectman Musselman stated that the Selectmen should not deal with this issue, that Mr. McCarthy could address the issue without them. Selectman Jenness indicated that the Selectman must give permission as it involves a Town right of way.

Tweet from Michael Mittelman regarding Town Flag contest signs

Selectman Musselman indicated that a “tweet” had just come in from Mr. Mittelman, and proceeded to read it from his cell phone or similar device. *Editor’s note: see notes of August 27, 2012 meeting. Permission for these signs was given, provided that they are moved weekly.* The “tweet” asked whether once a “sin” had been in place at a particular location, whether it could be moved back to that location, or whether each location must be a new one. The Selectmen indicated that “sin” must have been meant to read “sign,” and agreed that their understanding was that signs could be returned to their prior locations.

Laughing, Selectman Musselman asked Selectman Mills whether he had received any e-mails that evening. *Editor’s note: it has been revealed at prior meetings that Selectman Mills has no e-mail address.*

Paving of South Road

Mr. McCarthy indicated that North Hampton’s North Road, which turns into Rye’s South Road, will be shut down within the next 4 weeks. A 150 foot section in Rye is in tough shape. North Hampton will be paving that along with stretches of the road in their town. Rye will be billed for its share. Selectman Mills indicated that it should be made wide enough for bicycles. Selectman Musselman replied that Selectman Mills was kidding.

Non-public session for Mr. Dunlap

The Selectmen then indicated that Mr. Dunlap, who was present in the audience, had an issue to discuss and asked whether that needed to be private. Mr. Dunlap responded that it did. The Selectmen then indicated that they would be going into non-public session. As the audience was leaving, Selectman Mills indicated to Joey Cresta of the Portsmouth Herald that he had been “beating” the house remodeling issue. *Editor’s note: Mr. Cresta has been relating his experience in remodeling a house that he recently purchased in a series of articles in the Herald.*