

NOTES OF MARCH 25, 2013 RYE BOARD OF SELECTMEN MEETING
Final Revision B – Provided by the Rye Civic League

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

Approval of Minutes

The minutes of the March 11, 2013 meeting were approved with a minor change. The minutes of the non-public session of the same day were approved without changes.

Organization of Board of Selectmen

Selectman Jenness opened the meeting and entertained motions for nomination of a chairman. Selectman Musselman stated that he supports the rotation practice utilized in the past and nominated Selectman Mills as Chairman. *Editor's note: This was the first meeting after the March 12, 2013 election. Selectman Jenness, the prior Chairman, was reelected. Past practice has been that the selectman whose term expires next is elected chairman.* Selectman Jenness seconded the motion. All were in favor, Selectman Mills abstaining. Town Administrator Magnant then produced a gavel and handed it to Selectman Mills, who then assumed leadership of the meeting.

The other nominations were rapidly accomplished without significant discussion and voted unanimously, the nominee abstaining.

Vice Chairman	Musselman
Planning Board Representative	Jenness
Budget Committee	Musselman
Historic District Commission	Mills
Heritage Commission	Jenness

Editor's note: Selectman Mills had previously been the representative on the Budget Committee, and Selectman Musselman the representative on the Historic District Commission. The Planning Board and Heritage Commission representatives were unchanged.

Opening of General Assessing Services bids

Editor's note: Contract assessor Norm LeBlond recently announced that he would not be seeking renewal of his contract. Thus, the service was put out to bid.

Town Administrator Magnant revealed that one of the bidders (MRI) had called on Friday, the due date for bids, indicating that proposals due on the same day to Rye and Salem had apparently been switched. Thus, there were two envelopes from MRI, one presumably the Salem bid, and the another one which had been sent Fed Ex after Salem called MRI indicating the mistake, and had arrived Monday.

As Selectman Mills opened and read the various bids, there were a number of provisions with separate hourly rates as well as charges for evaluating or reevaluating parcels. Below are the hourly rates, which do not provide the full picture as there are

other rates for “pickups” and special services, such as defending assessments before the BTLA:

CHNA	\$35/hour
Granite Hill	\$45/hour
Cochran Consulting	\$60/hour
Unknown (blue cover, white back)	\$80/hour
MRI (Municipal Resources)	\$47/hour

During the opening of bids, Selectman Mills asked Town Administrator Magnant whether he was planning on taking any more time off that week, apparently indicating that Mr. Magnant would need to review all of the bids. Town Administrator Magnant stated that he hadn’t taken any time off that week as it was Monday. He continued, stating that he was thinking about becoming an assessor.

After the MRI bid to Salem was opened, Selectman Musselman commented that it would be interesting to compare it to the rate they gave Rye. Later in the meeting, Mr. Magnant revealed that the only bid to Salem was for pickups, at \$20 per, the same rate as provided to Rye.

After someone asked what Rye was currently paying Mr. LeBlond’s firm, Cindi Gillespie revealed that it was \$47/hour for 28 hours per week, 47 weeks a year.

Acceptance of grants to Police Department

A FEMA grant of \$1270.61 (reimbursement for Hurricane Sandy) and another for \$895 for bulletproof vest reimbursement from the Department of Justice were unanimously approved.

Event permit, Cycle the Seacoast

Police Chief Kevin Walsh addressed this request. There are 25, 50 and 100 mile options for riders, with some sections of the routes within Rye and others outside. Chief Walsh said that he had discussed the rules of the road with the organizers. They will be seeking to ride single file for safety reasons, even though the event is on a State road. *Editor’s note: During the recent election, a town ordinance prohibiting riding more than single file, originally adopted by the Selectmen, was narrowly approved by voters, 554-537. Chief Walsh has said that the ordinance would not be in effect on State roads.* Selectman Mills stated that the application was very thorough. Selectman Musselman asked whether a charitable organization was named as beneficiary. Chief Walsh responded that it was for the American Lung Association. The motion to approve the event permit was approved unanimously.

Permission to Bauer Construction to access the beach to repair three sea walls

Greg Bauer addressed this issue. As he stood up, Selectman Mills exclaimed “this guy’s next, oh my God.” Selectman Mills asked whether the plan was to access the beach via “F” Street, and whether that would be a problem because part of the street is concrete. Mr. Bauer responded that the equipment would access the beach via an unpaved part of the road. Selectman Musselman asked when the work would be done.

Mr. Bauer responded that it would be sometime the following week, depending on the tides. There are 2 ½ days of work, he said. Selectman Mills asked whether the equipment would need to be taken back to “F” Street each night because of the tides. Mr. Bauer responded that it would need to be. Mr. Magnant asked whether pictures should be taken beforehand. Selectman Mills responded that they should be. There was discussion about the seawalls having been altered in the past during the repair process.

After Selectman Musselman moved to grant permission for three properties, and Selectman Mills indicated that there were five locations, it was revealed that one of the lots had either two or three structures on it, and there was a property which had already had its seawall repaired. Mr. Bauer maintained that he had previously gotten permission from the selectmen for that property when he came before them earlier. *Editor’s note: see notes of October 22, 2012 meeting.* Mr. Bauer maintained that other contractors do work without having gotten permission. Mr. Magnant stated that the Town is overdue for a protocol and permit application for these situations. He stated that the Town controls the right of way. There was discussion about issues arising from work done on Mr. Tosi’s property adjacent to the beach.

After Selectman Mills asked Mr. Bauer whether he agreed that there were four lots, Mr. Bauer stated that there were, but one had already been done. The motion to approve the three properties, made earlier by Selectman Musselman, was unanimously approved. There were conditions that there be restoration to the previously existing condition and that completion be prior to April 15. Selectman Mills indicated that he was approving grudgingly.

Updated personnel policy

Cindi Gillespie revealed that additions included a provision for interim appointments, seasonal and temporary positions, and a clarification of the part-time position definition. There is also a clarification of the Comp 2500 provision in Appendix C and a new COLA. *Editor’s note: The Comp 2500 reference is apparently to a new process whereby the Town is obtaining health insurance at a higher deductible level than before, but reimbursing employees for expenditures above a different, lower, level, so that economically, employees are not affected by the increase in the deductible. “COLA” is an apparent reference to cost of living adjustment.*

Selectman Musselman indicated that the document refers to a \$5000 deductible, of which \$4800 is paid by the Town and \$200 reimbursed. He said he is looking for a provision relating to retirees. He understands that both retirees and spouses of deceased Town employees also are eligible for reimbursement of the deductible. Ms. Gillespie stated that there is a separate policy for widows and widowers, but that nowhere in writing is it stated that retirees are eligible for reimbursement of the deductible. Selectman Musselman stated that there appeared to be an undocumented practice. He’s trying to clarify this for the record.

Mae Bradshaw, a Town resident in the audience, asked whether Town Counsel had reviewed the policy recently. Ms. Gillespie responded that it had been first adopted in 2010/2011 and was reviewed at that time. Mr. Magnant stated that he had not reviewed these particular changes. Ms. Bradshaw suggested that it might be a good idea to have him review this before it is approved.

Selectman Musselman looked somewhat frustrated. Mr. Magnant stated that these were simply changes in definitions. Selectman Musselman said that nothing had changed. Mr. Magnant stated that there were no substantial changes. Ms. Bradshaw responded that this was an evolving area of the law, with greater risk of litigation over employee issues. Selectman Musselman stated that Town Counsel would not get into an uncodified policy. He suggested that they adopt the policy and then “run it by” Town Counsel. The new policy was approved unanimously.

Rye Driftwood Garden Club Plant Sale

One of the Selectmen revealed that the Club is now also seeking to have a raffle in addition to the plant sale requested. Selectman Jenness stated that there is a new person doing the event this year. This event funds everything that they do in Town. The problem is that the sign at the Rye Traffic Circle won't be approved, nor will the sign at Washington and Central Rd. The sign at the end of Lang Rd. is usually OK. The request for a sign on the Church lawn, while on Town land, should be turned over to the Church for approval as a courtesy. Also, the Church needs to be contacted as to whether there are any wedding plans that could interfere, and there needs to be a backup plan in case there is a funeral.

Selectman Mills stated that it should go through the Church as many people in Town think that the church owns the land. *Editor's note: the reference to the "Church" is to the Congregational Church adjacent to Town Hall. The parking lot of the Church is owned by the Town.* One of the selectmen indicated that the Town owns the land up to the door of the Church. Selectman Jenness continued, stating that Police Chief Walsh would need to look at the parking and traffic issues. Chief Walsh, when asked, indicated that everything had gone smoothly the prior year.

Selectman Jenness made a motion to approve the sign at the end of Lang after the Church approves the other sign. All were in favor. She subsequently amended the motion to provide for review by Chief Walsh of the traffic pattern, and to approve the raffle. All were in favor. It was noted that the signs at the Rye Traffic Circle and Washington Rd. were denied.

PSNH tree trimming

Town Administrator Magnant indicated that the Board of Selectmen had conditionally approved the trimming of trees in 10 locations, pending Planning Board approval. The Planning Board has now approved the tree cutting. The motion to approve the cutting carried unanimously. After Selectmen Mills asked who would pick up the wood, a discussion ensued. Public Works Director Dennis McCarthy indicated that typically all of the branches are chipped. The Recycling Center will take the chips if they have the capacity. Special arrangements might be needed for larger limbs. Also, if abutters ask, they will be given the branches.

Correspondence regarding Recycling Committee

The letter from Susan Anderson, Lisa Moll and Deidre Smyrnos was read. It proposed an educational outreach on recycling and referred to a summer population of 20,000 according to the Rye Police Department. It stated that visitors leave their trash along the roads and do not participate in recycling.

Selectman Mills interrupted and said that mandatory recycling does not apply to those who have Waste Management pick up their trash. Selectman Jenness stated that the Town used to have a very active Recycling Committee. However, any effort must occur under the Public Works Director.

Public Works Director Dennis McCarthy stated that most towns have Recycling Committees. Typically they work through the Public Works Director.

Selectman Jenness asked whether this would be a subcommittee of the Energy Committee. The response was that that was not being proposed.

Selectman Musselman, who had been vigorously stroking his moustache, began to speak. He stated that he had worked with more Recycling Committees than Mr. McCarthy. They are typically formed when a change in the process is desired. Perhaps it would be better to call this a Recycling Education Committee.

Ms. Moll suggested that this could come up in the charge. She agreed with Selectman Musselman's suggestion that this would go through the Public Works Director.

Ms. Anderson stated that she had talked with Mr. McCarthy. One of the earlier documents had referred to a Recycling Education Committee.

Ms. Smyrnos stated that they would like permission to study neighboring towns and come up with best practices. Selectman Jenness stated that they would "chew on" this and come up with a charge. Selectman Musselman said that, if the committee does what Ms. Smyrnos suggests, they must start with the Board of Selectmen.

One of the prospective committee members referred to 2012 recycling revenues of \$80,000 and \$138,000 saved in shipping and disposal fees. She stated that these figures could be increased with more recycling.

Selectman Musselman stated that many communities have converted to single stream, with recycling mixed in. Looking at other towns will reveal that Portsmouth, Hampton, Exeter and Stratham all do this.

One of the prospective committee members stated that there is only a 33 percent participation rate. The other 67 percent are not recycling. Just walk along Ocean Blvd. during the summer, she said. She suggested that blue barrels could be provided along the coast.

Selectman Mills asked who would pick up the barrels. Selectman Musselman suggested that the entire matter be taken under advisement. One of the prospective committee members stated that this could all be done at no cost. Selectman Jenness stated that this could be put into a workable charge. Selectman Mills said that you can tell who is not recycling. You hear a clang when they throw their bags in the bin. One of the committee members said that revenues could be brought in to fund the Town Hall and Recreation needs.

Ray Jarvis, a Town resident present in the audience stated that he did not understand the benefit of limiting the charge. Anything proposed would go through two levels of government. They are suggesting that the flexibility of the committee be limited. The committee would provide knowledge and enthusiasm.

Selectman Musselman responded that he is in favor of doing things differently than they are now done. Five to six years ago they were not ready. Economics, site and market analyses will need to be done.

Mr. Jarvis stated that he's seeing preconceived notions. They seem to want to know where things are headed first. The ideas should be permitted to stand on their own. The committee members need to know that they're being listened to. If constraints are imposed, they may only get 6 ideas out of 20 bubbled up.

Mae Bradshaw asked how the Energy Committee had been formed. Selectman Jenness stated that that was an ad hoc committee. Selectman Mills stated that the Energy Committee had to be constrained. Selectman Musselman stated that there had been some misunderstandings.

One of the prospective committee members stated that there had been no change at the Transfer Station since the 1980s. Selectman Jenness responded that that's part of the discussion.

One of the prospective committee members asked what the next step would be. Selectman Musselman responded that the ball was in the selectmen's court. Selectman Jenness stated that it was good to have their enthusiasm and energy. She stated that that was why she had suggested that it be a subcommittee of the Energy Committee. Laughter ensued.

Little League Bake Sale at Recycling Center

Public Works Director Dennis McCarthy indicated that there is no conflict as to April 6. The Girl Scouts have completed their sale. The identity theft guy has been there once. *Editor's note: see notes of March 11, 2013 meeting. There was discussion regarding the various persons and groups that wanted to use the Recycling Center, including the Girl Scouts to sell cookies, the Boy Scouts to sell popcorn, and Bob Sheesley to pass out a government publication on identity theft. Mr. Sheesley acknowledged that he does work with Legal Shield, which has a product related to identity theft.* Selectman Musselman asked whether Mr. Sheesley had been selling. Police Chief Walsh stated that he had come by and Mr. Sheesley was trying to avoid presenting it in that manner. Selectman Musselman indicated that he was still concerned.

Selectman Jenness made a motion to approve the bake sale for the Little League on April 6, which motion was approved unanimously.

Letter from Portsmouth Hospital regarding care during cardiac arrest

The letter from Portsmouth Hospital was read. It referred to extraordinary care by Rye Fire & Rescue Personnel during a cardiac arrest incident. *Editor's note: see notes of January 14, 2013 meeting. A 52 year old man had collapsed during a pick up ice hockey game at which Rye paramedic MacGlashing was present.* Selectman Mills asked Police Chief Walsh why letters are never received about the Rye Police Department. "Don't you ever catch robbers?" he asked. Fire Chief Sullivan stated that they follow the ABC principle: ambulance before cruiser. He indicated that no identifiable cause had been found for the cardiac arrest. Mass. General Hospital is researching. He praised the forward thinking by Mr. MacGlashing and another as to the hypothermia protocol used.

He referred to the man as a “promising and young person.” He requested that the man’s name be omitted when the letter is published in the minutes. Selectman Mills stated that he had omitted the name when he read the letter. He then admonished Police Chief Walsh to “go and catch criminals.”

Letter regarding statewide reverse 911

A letter regarding reverse 911 calls from the New Hampshire Department of Safety was read. It asserted that this was available statewide regardless of location and provided the ability to warn hundreds of people. Police Chief Walsh stated that he hopes that it works. It had not worked well in the incident with Chief Maloney last year.

Editor’s note: Greenland Police Chief Maloney was shot dead in a standoff during a drug raid in Greenland last year. Selectman Mills referred to a situation on Washington Rd. where apparently there was a police officer on or near a person’s property with a flashlight. A resident who had not been notified of this was going to go outside with a gun. Town Administrator Magnant suggested that the matter of the reverse 911 system be turned over to the two chiefs. Selectman Musselman so moved. The motion carried unanimously.

Police Chief Walsh stated further that there were problems with the system interacting with FairPoint and Comcast. *Editor’s note: FairPoint is the local phone provider, Comcast provides cable TV and Internet service, and also offers local phone service.* Chief Walsh indicated that they had been “basically crippled” during the Maloney incident and had to go back to the old way of knocking on doors.

Selectman Jenness asked what would happen if elementary school was canceled. Mr. Magnant responded that the system related only to serious emergencies. Police Chief Walsh stated that all of the technology is not connected. Selectman Jenness noted that the letter said that the system was in effect. Chief Walsh said that that was news to him.

Letter from Victor Azzi volunteering to be involved with Town Hall building committee

Selectman Mills stated that this letter had been received. He immediately suggested that it be put on file, as they have not done anything yet on Town Hall. Selectman Jenness noted that there had been several successful votes, there needs to a prioritization. First priority would be a study of the Old Police Station, the second would be the records storage study so that they could get some idea of storage needs. *Editor’s note: Three warrant articles relating to Town Hall passed in the March 12, 2013 election. Article 4, providing \$60,000 for the preparation of schematic designs of Town Hall, passed 699-384. Article 5, providing \$9800 to study use of the Old Police Station for records storage or other uses, passed 691-391. Article 8, providing \$25,000 to improve records retention for the Town, passed 668-431.*

Mae Bradshaw asked whether, in the contemplation of the Selectmen, there would be separate committees for each of these. Selectman Jenness responded that, no, the first two matters would be contracted out. There is a question of how much compaction of the records can occur. Then they will need to develop the charge for a committee. Selectman Musselman stated that selection of a technical building committee was premature. Over the next year only the schematic design would be done. There needs to

be a community decision as to what would be located here (i.e. at Town Hall) and what would be across the street, i.e. at the Old Police Station. The committee would probably be a diverse group.

Ms. Bradshaw asked whether the three selectmen would be framing this. Selectman Musselman stated that the first step was to get out the RFPs for the Old Police Station and storage studies. Selectman Jenness noted that the warrant articles had some delineation of the scope. Selectman Musselman noted that they already had a proposal for the facility across the street. Selectman Musselman stated that the committee could recommend the architect. Ms. Bradshaw stated that it was important that the process be understood so that “we don’t annoy you.” Selectman Mills responded “really.”

Cub Scout Fund Raiser at the Recycling Center

Editor’s note: According to the agenda, the Cub Scouts had sought March 30, April 20 and May 18 for fundraisers. Selectman Mills noted that three dates constituted a lot of time. Selectman Jenness indicated that they were turning this into a money maker. Public Works Director McCarthy interjected “not for the town.” He stated that the Cub Scouts had moved their date and the Girl Scouts had already conducted their cookie sale. *Editor’s note: see notes of the March 11, 2013 meeting. The two groups had sought the same day and there had been a suggestion that one of the scout groups select a different day.* Selectman Mills stated that this was the first time that they had had a request for multiple dates. Suppose another group wanted to use the Recycling Center on one of these dates, he said. Selectman Jenness moved to approve the March 30 date, which motion carried unanimously. She said that the Cub Scouts could reapply for the other dates later. In the meantime there may be applications from other groups.

Michael LaBrie appointment for another year on Beach Commission

Editor’s note: see notes of March 11, 2013 meeting. At that time, Mr. LaBrie had indicated that he planned not to seek reappointment to the Beach Commission. There was discussion regarding him staying on another year to assist with the study of the impact on the beaches of various groups and businesses, as contemplated by 2013 warrant article 15. At the election the next day, warrant article 15 passed, 590-487.

Mr. Magnant announced that he had spoken with Mr. LaBrie, and that he was willing to remain for another year. Selectman Musselman moved to reappoint Mr. LaBrie to the Beach Commission for an additional year. The motion carried unanimously.

Reappointment of Daryl Kent to the Historic District Commission

Selectman Musselman indicated that Mr. Kent had been an excellent member. Mae Bradshaw, a Town resident in the audience, pointed out that he would be an excellent member of the Town Hall building committee. Selectman Musselman indicated that they had tried, but had been unable to persuade him to serve. The motion to reappoint Mr. Kent carried unanimously. Selectman Musselman praised Ms. Bradshaw for a recent creative idea relating to the Isles of Shoals.

Appointments to the Heritage Commission

Editor's note: according to the agenda, Jane Holway, who was currently a regular member of the Heritage Commission, advised the Board that she would not be seeking reappointment as a regular member but would like to be appointed as an alternate. Selectman Jenness moved to appoint Ms. Holway to a three year term as an alternate, ending in 2016. All were in favor. Selectman Jenness then moved to appoint Peter White as a regular member for a three year term. All were in favor.

Recreation and Conservation Commission appointments

Mark Luz was unanimously reappointed to the Recreation Commission for a three year term. Sally King, Suzanne McFarland and Lawton Struble were all reappointed to the Conservation Commission for three year terms. Mr. Struble's name had not appeared on the agenda, but it was mentioned that he was seeking reappointment.

Appointment of Mae Bradshaw to the CIP Committee

Selectman Mills, looking stern, admonished Ms. Bradshaw that the role of the CIP Committee was to make suggestions, and that what they do is not "cut in stone." Selectman Musselman stated that that is particularly the case with regard to years four and five. Ms. Bradshaw responded that she expected Ray Jarvis to keep her quiet for a year or so. *Editor's note: Mr. Jarvis is Chairman of the CIP Committee.* Selectman Jenness moved to appoint Ms. Bradshaw to the CIP Committee, which motion carried unanimously.

Mosquito Commission, Charles Moore not seeking reappointment

The motion to accept the resignation of Charles Moore and to send him a letter of appreciation carried unanimously. Selectman Musselman noted that he thought "Ted" had someone else lined up. *Editor's note: This is an apparent reference to Ted Merritt of the Mosquito Commission.*

Alex Herlihy announcement on new History of Rye, discussion of house numbers

Alex Herlihy, Chairman of the Rye Historical Society, announced that the Historical Society was starting a new history of Rye. The last one had been done in 1905, although there was an informal one done in 1962. Reference was also made to the book, "Just Rye Harbor." They will be looking for contributions to the new history of Rye.

Mr. Herlihy also noted that the Town Museum did not have a photograph of the Selectmen. He requested permission to take one at the end of the meeting, which permission was granted.

Mr. Herlihy then noted that the 400th anniversary of Portsmouth would soon be celebrated. He noted, however, that David Thompson settled in Rye, not Portsmouth. Of

course, neither town existed at the time. *Editor's note: according to the monument near Odiorne Point, David Thompson arrived in 1623.*

Mr. Herlihy noted that there was a safety issue relating to house numbers, and suggested that the Town might want to facilitate uniform sets of house number plaques, similar in concept to the blue on white ones used in France.

Fire Chief Sullivan noted that there is a Town ordinance on this issue. The Building Inspector has asked for enforcement authority. The worst situation is in the Rye Beach Village District.

Mae Bradshaw suggested that the new member of the Heritage Commission should come up with a way to provide house numbers. Discussion turned to numbers on mailboxes, but Selectmen Jenness noted that not everyone has a mailbox. She does not, she said.

Ray Jarvis, a Town resident, then asked for an opportunity to speak. Selectman Mills noted that the "Oracle from Liberty Common wants to speak." *Editor's note: Mr. Jarvis lives on Liberty Common.* Mr. Jarvis stated that, as a member of the Zoning Board of Adjustment, he is often unable to find the houses that they are being asked to grant variances for. He suggested that no application should go forward if there is not a house number. Sometimes the numbers are on a row of mailboxes across the street and one cannot tell which is which. At times, narrow roads must be navigated, and this is dangerous.

Selectman Mills stated that he had seen Ray Jarvis driving and it is dangerous.

Mae Bradshaw suggested an historic numbering system.

Selectman Jenness stated that this was a good thought, but what if people did not want this. Ms. Bradshaw responded that providing something for free might work.

Report on plowing by Public Works

Selectman Mills noted that Public Works Director Dennis McCarthy had done a good analysis of winter plowing. He had not seen an analysis of this type in prior years. He noted that it was marked confidential. Selectman Musselman asked why this could not be shared. He suggested that it be placed in the file for the meeting. There appeared to be no opposition.

Mr. McCarthy noted that there had been 66 inches of snow so far this season. That is 6 inches above the normal snowfall and there are two months to go in the season. It has been a tough year for the beaches with the storms.

Article about North Hampton and mutual aid

Selectman Musselman noted that there had been an article in the paper about North Hampton refusing to respond to mutual aid calls from Stratham. He stated that he hoped that Rye had not been hesitating to respond to mutual aid calls. Selectman Mills stated that he listens to the calls and Rye has been going to North Hampton. Fire Chief Sullivan noted that he is secretary of the mutual aid district, which includes 41 communities. North Hampton may be in jeopardy as the agreement has requirements in terms of notice.

Non-public session

The Board of Selectmen voted to go into a non public session regarding a legal matter. After Selectman Mills indicated that a non-public session would be needed, Selectman Musselman noted that a roll call of the selectmen was required, which roll call was then taken.