

**TOWN OF RYE - BOARD OF SELECTMEN
MEETING
MONDAY, JUNE 24, 2013
6:00 p.m.
Rye Town Hall**

Selectmen Present: Chairman Joseph Mills, Vice-Chair Craig Musselman and Selectman Priscilla Jenness.

Others Present: Town Administrator Michael Magnant

6:00 p.m.

I. CALL TO ORDER

Chairman Mills called the meeting to order at 6:03 p.m. and led the Pledge of Allegiance.

II. NON-PUBLIC SESSION Per RSA 91-A:3, II (a) Personnel

At 6:04 p.m., Priscilla Jenness made a motion to go into a non-public session, per RSA 91-A:3, II (a) Personnel. Seconded by Craig Musselman.

Roll Call vote: Jenness – Yes; Musselman – Yes; Mills – Yes.

At 6:38 p.m., Priscilla Jenness made a motion to come out of Non-Public Session. Seconded by Craig Musselman. Roll Call Vote: Jenness – Yes; Musselman – Yes; Mills – Yes.

Motion by Craig Musselman, seconded by Priscilla Jenness, to seal the minutes of the Non-Public Session. Roll Call vote: Jenness – Yes; Musselman – Yes; Mills – Yes.

6:38 p.m. RECONVENE PUBLIC MEETING

At 6:38 p.m., Chairman Mills opened the public meeting.

Note: *The following Correspondence items were taken out of posted agenda order. (As shown in minutes.)*

Correspondence:

- A.** Email rec'd 4/15/13 from Devin Farrelly re: Jenness Beach District safety & traffic concerns

Thomas Farrelly spoke to the Selectmen. He stated that a lot of people have expressed some of the frustrations over some of the changes on the beach. He noted that no one wants to eliminate or ban surfing. That is not what the group is about. Most of the people are more concerned that what is going on at this beach could lead to a situation where some type of curtailment of surfing could end up taking place because of the liability. He continued that it is not all about surfing. It is the behavior that has come along with it. The group wants to take a collaborative approach. However, they want to get a serious discussion going. This beach went from a swimmers' beach to where surfing was tolerated. Now it is becoming a surfers' beach where swimming is not necessarily as tolerated. The people feel

threatened and are afraid to be in the water. Everyone knows that the beach is an asset to the Town. A lot of the property values are tied to the quality and integrity of that beach. Tax revenue is tied to those values. He stated that he also knows that the Selectmen fought really hard for beach access, however, he thinks that it has been too open ended on beach access. Many residents who have been in Rye for years will not go to the beach anymore. He commented that there needs to be a balance.

Mr. Farrelly reviewed the issues and concerns of the group:

- Traffic;
- Crosswalks;
- Changing in public;
- Alcohol;
- Safety;
- Congestion; and
- Increased crime.

He also spoke on the surfing concerns. He continued that he serves on the Beach Use Ordinance Committee. He would like the Selectmen to consider having the purpose of the Committee to include trying to address some of these issues.

Vice-Chair Musselman noted that the Committee can address some of the issues; however, in terms of enforcement issues that is not the job of the Committee.

Larry Wilkins, Perkins Road, noted his concerns on parking and the availability of parking for Rye residents.

Sally O'Brien, Perkins Road, expressed her concerns on parking.

Bob Constantino, Powers Avenue, expressed his concerns in regards to surfing and enforcement. He also expressed concerns on safety issues.

Frank Breslin, Old Beach Road, spoke in regards to enforcement.

Police Chief Kevin Walsh addressed the concerns of Mr. Breslin. He noted that there are two officers on around the clock with the exception of 1 a.m. and 7 a.m. There are nine officers with four being part-time. They are committed officers and some of the best that he has ever worked with. He commented that there was a staff meeting before the summer started and all of the concerns that are being discussed at this meeting were addressed. In regards to parking, in 2012 there were 430 parking tickets. The uncollectable tickets were 18 in 2012. The parking staff is committed. There are two employees part-time working year round doing the work of eight. He noted that the Town has a good collection rate and the parking trials are maybe two or three per year. He reiterated that the Department has nine officers and are doing the best they can. The officers' shifts have been reorganized multiple times to have the maximum amount of officers and efficiency on at any time. Chief Walsh stated that he appreciates all of the support of the residents. However, it is important for the residents to know that the Department is hearing the concerns and is doing the best it can with what they have.

Frank McDermott, F Street, spoke on having more restrictions. He also spoke on the Police Department having more resources for enforcement.

Laurie Carbajal, Tower Avenue, spoke on having State Police patrolling the Jenness Beach area.

Joe Murphy, Myrica Avenue, expressed his concerns on traffic safety. He also spoke on dog control on the beach.

Dennis Foss, Foss Circle, spoke in regards to his concerns with dogs being allowed on the beach.

In regards to public safety, **John Doykos, Cable Road Extension**, asked Chief Walsh what would be needed in terms of manpower.

Chief Walsh replied that two more full-time officers are needed year round.

Dr. Doykos pointed out that public safety is what everyone is concerned about. He asked why this would not be a primary issue. The Chief should be provided with the manpower to increase public safety.

Selectman Jenness stated that the Beach Committee is working on this now and their task is safety. This is the primary responsibility for that Committee. She thinks the problems are increasing exponentially and is not sure where it will end. It is something that everyone needs to work on and there will not be an instant solution.

Chairman Mills asked Mike Labrie for his thoughts.

Mike Labrie, Beach Commissioner, stated that he agrees with everything that he has heard. He understands that Chief Walsh has resource issues. There needs to be officers on the beach and the Town needs to figure out how to make that happen.

Sharon Constantino, Powers Avenue, spoke on hiring more officers for the Police Department.

Vice-Chair Musselman reviewed the Town Budget process.

Jim Cassin, Perkins Road, asked if there is anything that can be done for this summer.

Police Chief Walsh explained that he has specific plans for the Department and has solicited help from outside agencies to curtail some of these issues.

Diane Tossi, Old Beach Road, expressed concerns on parking.

Victor Azzi, Old Ocean Boulevard, spoke on the costs to add two police officers to the Department.

Charlie Poor, Perkins Road, asked if it was possible to provide extra officers just in the summer.

Chief Walsh explained that it is hard to hire quality officers for a seasonal position.

Joe Cummins, Washington Road, spoke on having a trash barrel at the end of Cable Road in the off-season.

Thomas Farrelly stated that he called Jen Kennedy from the Blue Ocean Society to inquire about the beaches. She stated that the trash is getting worse; the beach is in steady decline and will keep getting worse until no one will want to go there anymore. At times, her group has not been able to clean the beach because the volunteers cannot find a place to park. He continued to express concerns on the parking.

Devin Farrelly, Gray Court, spoke in regards to reviewing the parking issues and fines before hiring more officers.

Senator Nancy Stiles spoke in regards to parking meters at the beach.

Chairman Mills asked for further comments or questions. None were heard. He called for a five minute recess at 8:08 p.m.

At 8:17 p.m., Chairman Mills reconvened the public meeting.

Correspondence:

- F. Letter rec'd 6/18/13 from Rockingham Planning Commission (RPC) re: An invitation to appoint a representative to serve on a Project Advisory Committee to update the 1996 Corridor Management Plan (CMP) for the NH Coastal Scenic Byway.

Phil Winslow, 100 Harbor Road, stated that he was at a RPC Meeting and it was discussed to have a representative on the Project Advisory Committee. That representative would not be the same RPC representative for the Town.

Town Administrator Michael Magnant suggested that Planning Administrator Kimberly Reed become the representative for the Project Advisory Committee.

The Selectmen agreed.

III. ANNOUNCEMENTS

- The Fourth of July Fireworks will be held at Parsons Field on Thursday, July 4th.

IV. APPROVAL OF MINUTES

- A. Meeting, Monday, June 10, 2013, 6:30 p.m. at Town Hall

Selectman Jenness noted the following correction:

- Page 4, 5th paragraph reads: The Selectmen agreed to send a letter in opposition of this proposal to the County Commissioner Representative. Should read: **The Selectmen agreed to send a letter in opposition to this proposal to the County Commissioner Representative.**

Motion by Craig Musselman to approve the minutes of June 10, 2013 as amended. Seconded by Priscilla Jenness. All in favor.

- A-1. Non-Public Session, Monday, June 10, 2013 Town Hall
(1) Per RSA 91-A:3,II (a) Personnel

Motion by Craig Musselman to approve the Non-Public Session of June 10, 2013, number 1, as presented. Seconded by Priscilla Jenness. All in favor.

Non-Public Session, Monday, June 10, 2013 Town Hall
(2) Per RSA 91-A:3,II (a) Personnel

Selectmen Jenness noted the following correction:

- Page 1, last paragraph: It should be noted that investor should be investigator.

Motion by Craig Musselman to approve the Non-Public Session of June 10, 2013, number 2, as amended. Seconded by Priscilla Jenness. All in favor.

B. Meeting, Monday, June 19, 2013, 4:00 p.m. at Town Hall

Motion by Craig Musselman to approve the minutes of June 19, 2013 as presented. Seconded by Priscilla Jenness. All in favor.

B-1. Non-Public Session, Monday, June 19, 2013 Town Hall
(1) Per RSA 91-A:3,II (1) Personnel

- **Tabled to the July 8th Selectmen's Meeting.**

Note: *The following Correspondence item was taken out of posted agenda order. (As shown in minutes.)*

Correspondence:

B. Letter rec'd 6/10/13 from Lois & Jim Champy re: noise from motorcycles on 1A

Lois Champy, Church Road, spoke with the Selectmen and Chief Walsh in regards to the increasing noise from motorcycles on Route 1A.

V. AGENDA ITEMS

A. Police Chief Kevin Walsh – Permission to hire for one parking enforcement position

Police Chief Walsh spoke to the Selectmen in regards to filling the parking enforcement position. The position will be filled by Carrie Anderson of Rye.

Motion by Craig Musselman to grant permission to hire Carrie Anderson to fill the parking enforcement position. Seconded by Priscilla Jenness. All in favor.

B. Job Description – Police Lieutenant

Chief Walsh spoke on the Police Lieutenant job description.

Selectman Jenness noted that the description is really broad. It covers a tremendous amount of duties and responsibilities. However, there was nothing in the job description about dealing with domestic violence. She wondered if it needed to be in there.

Chief Walsh explained that the position is a liaison between the staff and the chief. The lieutenant will be overseeing all of the items in the job description as well as domestic violence.

Vice-Chair Musselman asked if this is a change from the previous description.

Chief Walsh explained this is an updated description from the previous.

Motion by Craig Musselman to approve the Lieutenant job description as presented. Seconded by Priscilla Jenness. All in favor.

C. Change to Town web site – important dates in Rye's History

There was discussion on important dates in Rye's History that should be listed on the Town web site. Town Administrator Magnant will make the agreed upon corrections.

D. Oil bids

Town Administrator Magnant stated that he received a message from the Library Director requesting to be included with the Town's oil purchase. The Selectmen had approved awarding the bid to Hanscom's of Portsmouth at a previous meeting.

Vice-Chair Musselman stated that the library should be made aware that the Town is not allowing employees to buy oil under the contract.

Victor Azzi, Old Ocean Boulevard, stated that some oil companies were offering the same pricing for the employees as an incentive to get the library contract. That is not expected to continue.

Chairman Mills stated that he is opposed to allowing the library to be included in the Town's contract. The library employees were included in the lower pricing when the Town was offering it to employees. However, during the years that the Library negotiated its own oil contract, the Town employees were not offered the lower pricing. Only library employees were able to benefit from the lower pricing.

Joe Cummins, Washington Road, asked the pricing for the season.

Public Works Director, Dennis McCarthy, replied that the pricing is 2.905.

Vice-Chair Musselman stated if the price is less than what the Library can get on its own the taxes will go down because it is cheaper and he would be in favor of doing it.

Director McCarthy stated that before he does the RFP for the bid each year he asks everyone if they are 'in or out'. They should not be waiting to see what the pricing is before they commit.

Motion by Craig Musselman to allow the Library to come in under the Town's oil bid. Seconded by Priscilla Jenness. All in favor.

E. ABATEMENTS – Motions required

1. The Assessor recommends approval of the following abatements.

	Owner	Address	Map/lot
1	RYE BEACH LLC	8 SEA ROAD	002-023
2	VIRGINIA MCCANN	10 SOUTH ROAD	002-046
3	GEORGE SOPHINOS	44 CAUSEWAY ROAD	002-078
4	WILLIAM BERNDT III	750 SOUTH ROAD	003-025
5	CHARLES & JANE TUFTS	299 SOUTH ROAD	004-053
6	GLENN & VIRGINIA CARR	27 PINE STREET	052-053
7	JAMES MCKENNA	25 PERKINS ROAD	052-144
8	CELESTE CHRISTO	12 RICHARD ROAD	052-155
9	TODD DOUGLAS	17 GRAY COURT	053-025
10	DOROTHY BREEN	8 POWERS AVENUE	053-029
11	ROBERT HACKETT	10 POWERS AVENUE	053-030
12	MELISSA ETHIER	61 GROVE ROAD	007-077
13	CAROL GALLUP REV TRUST	41 FIELDING WAY	081-020
14	RICHARD & TRUDY BRADY	24 CABLE ROAD	084-003
15	ROBERT STRAUTEN	99 OLD BEACH ROAD	084-127
16	SCOTT & TAMARA PERKINS	39 OLD BEACH ROAD	084-150
17	LEWIS DOKMO	1 STRAWS POINT	091-011
18	PHILIP & MAE WINSLOW	100 HARBOR ROAD	092-007
19	STELLA CIBOROWSKI TR	139, 0, 0 LAFAYETTE ROAD	010-006
20	DAVID MARCHEFKA	35 DOW LANE	010-070
21	DEIDRE LARKIN	356 WASHINGTON ROAD	016-190
22	FRANCIS & JUDY SCOTT	1237 OCEAN BLVD	173-003
23	AMEGLIO BEACH HOUSE LLC	1228 OCEAN BLVD	173-039
24	WILLIAM & VALERIE WILSON	1252 OCEAN BLVD	173-051
25	JOANNE HARDIN	32 SHOALS VIEW DRIVE	202-037
26	JONATHAN & MADGE SHAFMASTER	29 WENTWORTH ROAD	026-011-002
27	MOORE FAMILY TR, KENNETH MOORE	27 WENTWORTH ROAD	024-061-001
28	HARRISON IRREV TRUST	16 WENTWORTH ROAD	026-018

Dave Hynes, Town Assessor, reviewed the recommended abatement approvals and denials with the Selectmen.

Motion by Craig Musselman to approve the twenty-eight (28) abatements as recommended by the Assessor and listed on the agenda as Item E1, which lists owner, address, map and lot number for each of the respective abatements. Seconded by Priscilla Jenness. All in favor.

2. The Assessor recommends denial of the following application resulting in no change in existing assessments.

	Owner	Address	Map/lot
29	GERARD & KELLIE PRIAL	143 LOVE LANE	004-040
30	JAN COLLIER	118 HARBOR ROAD	092-011
31	EDWARD & VIRGINIA BULMER	1643 OCEAN BLVD	013-020
32	STELLA CIBOROWSKI TR	139, 0, 0 LAFAYETTE ROAD	014-009, 011-012
33	NORTHERN NE TELEPHONE	334 SAGAMORE ROAD	019-070, PCROW2, PRTOWN, PCROW

Motion by Craig Musselman to deny the abatements as listed on the agenda as Item E2, numbers 29, 30, 31 and 33. Seconded by Priscilla Jenness. Vote: 2-1. Opposed: Joseph Mills.

Motion by Craig Musselman to deny the abatement as listed on the agenda as Item E2, for Stella Ciborowski TR, map 014, lot 009 and map 011 and lot 012. Seconded by Priscilla Jenness.

Vote: 2-1. Opposed: Joseph Mills.

VI. CORRESPONDENCE

- C.** Letter rec'd 6/10/13 from NHDES re: Grove Road Landfill post-closure reporting obligations.

Vice-Chair Musselman explained that this is a request from CMA Engineers on behalf of the Town to reduce the reporting that is required for the Grove Road Landfill. It has changed from an annual report to a semi-annual report.

- D.** Letter rec'd 6/10/14 from NHDES re: Breakfast Hill Landfill post-closure methane monitoring obligations.

Vice-Chair Musselman explained that CMA was required to monitor the gas wells three times per year and sample the water wells twice per year. CMA requested that the gas wells be put on the same schedule as the water wells. The State has agreed. He noted that the gas migration has not been happening as the State had thought and it is being monitored on an appropriate schedule.

- E.** Letter rec'd 6/11/13 from Curtis Boivin re: Notice of his resignation from the Planning Board effective immediately.

Chairman Mills read the letter from Curtis Boivin regarding resignation from the Planning Board.

Selectman Jenness stated that a letter should be sent from the Selectmen thanking him for his service and emphasizing the work that he did on the Space Needs Committee. Mr. Boivin had expertise that no one else had to offer.

The Selectmen accepted Mr. Boivin's resignation with regret.

VII. NEW BUSINESS

- None

VIII. OLD BUSINESS

- A.** Quit Claim Deed to Paper Streets – 3 Quit Claim deeds to Amelia P. Brown Revocable Trust. Approved by Atty. Donovan. (*Motion and Signatures required*)
Tabled from 5/13/13.

Motion by Craig Musselman to direct the Assessing Department to change tax map 20.2, lots 13 and 14, per the recommendation of the Town Attorney. As presently shown on tax map 20.2 lot 13 includes all of the original Fair Hill Plan lots 96 and 95. Lot 14 includes all of the original Fair Hill Plan lots 93 and 94. The Assessor is directed to change the tax maps to reflect the deeds as recorded in the Rockingham County so that the easterly half of Lot 95 goes with Lot 96 and the westerly half of Lot 95 goes with lots 93 and 94. Seconded by Priscilla Jenness. All in favor.

Motion by Craig Musselman to issue three (3) quitclaim deeds to the Amelia P. Brown Revocable Trust for paper streets adjacent to tax map 20.2, lots 8, 9, 10 and 13 as described in town counsel's letter dated May 22, 2013. Seconded by Priscilla Jenness. All in favor.

- B.** July 4th Class C fireworks shoot at Parsons Field by Jack Tobey (*Motion required*)
To approve the Fireworks at Parsons Field on July 4, 2013 as a Town Event coordinated by Jack Tobey and assistants, acting as volunteers on behalf of the Town of Rye.

Motion by Craig Musselman to approve the fireworks at Parsons Field on July 4, 2013 as a Town Event coordinated by Jack Tobey and assistants, acting as volunteers on behalf of the Town of Rye. Seconded by Priscilla Jenness. All in favor.

- C.** 32 Old Beach Road Concrete steps

Town Administrator Magnant stated that a letter was received from Mr. Frost asking for the Town to remove the steps. The Selectmen referred it to Attorney Donovan. Attorney Donovan has responded once again that there is an easement over that property and there is no need to remove the steps. He has provided a letter that the Selectmen can send to Mr. Frost.

Motion by Craig Musselman to send the letter from Attorney Donovan to Mr. Frost. Seconded by Priscilla Jenness. All in favor.

- D.** Town Hall Committee

The Selectmen reviewed the list of Town Hall Committee Members:

Those who have accepted:

- Priscilla Jenness
- Craig Musselman
- William Epperson
- Elizabeth Yeaton
- Kimberly Reed
- Paula Merritt
- Victor Azzi
- Peter White
- Paul Goldman
- Peter Kasnet
- Lucy Neiman

Those who have declined:

- Phil Winslow
- Keriann Roman
- Gregg Mikolaities
- Melvin Low
- Martin Klenke
- Dennis McCarthy

IX. PUBLIC RECOGNITION

- None

X. OTHER BUSINESS

At 9:16 p.m., Craig Musselman made a motion to go into a non-public session, per RSA 91-A:3, II (a) Personnel. Seconded by Priscilla Jenness.

Roll Call vote: Jenness – Yes; Musselman – Yes; Mills – Yes.

At 9:38 p.m., Priscilla Jenness made a motion to come out of Non-Public Session. Seconded by Craig Musselman. Roll Call Vote: Jenness – Yes; Musselman – Yes; Mills – Yes.

Motion by Craig Musselman, seconded by Priscilla Jenness, to seal the minutes of the Non-Public Session. Roll Call vote: Jenness – Yes; Musselman – Yes; Mills – Yes.

ADJOURNMENT

Motion by Craig Musselman to adjourn at 9:39 p.m. Seconded by Priscilla Jenness. All in favor.

Respectfully Submitted;
Dyana F. Ledger