

NOTES OF JUNE 24, 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, Police Chief Kevin Walsh (sitting at the Selectmen's table during discussion of Jenness Beach District issues)

Editor's note: For ease in finding particular sections using the archived video and audio on the Town website, the times associated with each section are indicated. These coincide with the times appearing in the black bar at the top of the screen.

Letter from Devin Farrelly regarding Jenness Beach District safety and traffic concerns (6:38:00 p.m.)

After the non-public session ended and the doors were opened, a large crowd entered the courtroom, filling it to capacity. A number of additional persons remained standing in the vestibule. Selectman Mills opened the meeting by stating that he presumed that those present were there regarding to Ms. Farrelly's letter. When it appeared that they were, he announced that this issue would be taken out of order so that "you people can get off of your chest what you want to say..."

Tom Farrelly addressed the Selectmen. He described how 50 pieces of paper had been passed out in the Jenness Beach area, which resulted in 48 people showing up for a meeting at the Rye Library in April. The McGill brothers also showed up. *Editor's note: The McGills are co-owners of Summer Sessions, a surfboard rental and surfing lessons business near Jenness Beach. The brothers spoke in opposition to Warrant Article 15 at the 2013 Deliberative Session, and succeeded in having the Warrant Article amended so that it was only a study. The amendment carried either unanimously, or by an overwhelming majority. In its original form, the Warrant Article would have required permission from the Board of Selectmen to operate certain businesses, including those providing surfing lessons or surfboard rentals. It would also have permitted the Board of Selectmen to "place conditions on their approval so that such activities do not interfere with the public's use and enjoyment of the beach or that are otherwise in the public interest." The meetings of the Beach Use Ordinance Committee are currently ongoing. At the initial May 30, 2013 meeting, the consensus appeared to be that the scope of the Committee's work would be limited to that specified in the Selectmen's charge for the Committee, which mirrored the Warrant Article. It thus appears that a number of issues that came up at the Jenness Beach group's April meeting will not be addressed by the Committee. Mr. Farrelly is on the Beach Use Ordinance Committee, and spoke up at its May meeting in support of expanding the scope.*

Mr. Farrelly continued, stating that none of the group wanted to eliminate surfing on Town beaches. The problem is that a number of behavioral problems have come about as a result of the increase in the number of surfers. One of the beaches is now known as "Rye Beer Beach," with all of the public drinking. *Editor's note: A Town ordinance (number 06) prohibits the consumption of alcoholic beverages on Town beaches from Fort Dearborn (now within Odiorne Point State Park) south to the North Hampton town line.* The beach has gone from being primarily for swimming, to the point

where surfing is now permitted everywhere, with limited exceptions, Mr. Farrelly said. Property values and tax revenues are tied to the quality of the beaches. Mr. Farrelly displayed to the Selectmen a large poster with a number of photographs. He spoke about persons urinating and changing in public, as well as large containers of alcohol being brought to the beach for the preparation of mixed drinks. In contrast to Rye, North Hampton has no surfing, while Hampton has 2 spots that are 715 feet long, which are used on alternating weekends.

Mr. Farrelly stated that he would welcome the opportunity to expand the charter of the Beach Use Ordinance Committee to cover these issues.

Selectman Mills responded that Mr. Farrelly should bring this up, as Mr. Farrelly is a member of the committee. *Editor's note: Selectmen Musselman and Mills are also on the committee.*

(6:51:00 p.m.)

Selectman Musselman stated that, when an ordinance is in place, the Beach Commissioners, Police and Fire Departments and the board of Selectmen can deal with the issue.

Larry R___ of Perkins Rd. road spoke of a person from a "foreign country" illegally parked, who when warned that he might receive a ticket, stated that he does not pay these tickets. There should be permits, available only to Rye residents, for parking on Perkins Rd. The audience applauded. *Editor's note: the "foreign country" is apparently Canada as visitors from that country have been mentioned as particular problems.*

Sally O'Brien, also of Perkins Rd., asked about the process to expand parking by permit only. She stated that people are coming to Rye as they can park for free. Sawyers Beach used to be the surfer's beach, she said. While the lot at Wallis Sands State Beach is 1/3 empty, there are cars parked all along Route 1A, which is free. *Editor's note: Parking costs \$15 a day at Wallis Sands. The State Beach has public restrooms. When people come with large coolers and stay all day in other locations, that is a problem because those locations have no public restrooms, she said. Selectman Mills stated that two years earlier, an attempt to restrict parking to residents had been voted down. Selectman Jenness responded to Ms. O'Brien by stating that the process was a Petitioned Warrant Article, but that they then needed to come out and support it. Editor's note: 2012 Petitioned Warrant Article 19, which would have restricted parking along Old Beach Rd. to permit holders only, on a year round basis, was amended to require only a study by the Selectmen. Selectman Mills made this motion, according to page 119 of the 2011 Town Annual Report. The amended Article 19 failed to pass in the subsequent election by a 581-766 margin.*

(6:59:10 p.m.)

Bob Consentino of Powers Ave. stated that he is a surfer, but believes that more enforcement is needed. The new generation has shown a lack of respect. The public drinking is now blatant, with beer cans visible. It is not even hidden in red cups any more.

Brian Breslin of Old Beach Rd. asked about the impediments to enforcement for the police, and asked whether the issue was not enough policemen, and what was keeping the laws from being enforced as they were 10, 15 or 20 years earlier. Police Chief Walsh responded by listing issues that the Rye Police Department had been involved with on

June 22 and June 23, 2013 (the prior weekend). He stated that, when they have the ability to cross the shale piles, there is no tolerance for alcohol consumption. However, they can't just walk up to people using red cups, they must wait until a drink is mixed and poured.

Chief Walsh stated that the Police Department has 9 officers and 4 part-time officers. There is nobody better than the Rye officers. *Editor's note: although not specified by Chief Walsh, it appears, based on the Town's 2012 Annual Report, that the 4 part-time officers are in addition to 9 full-time officers, and that both figures exclude parking enforcement personnel.*

Chief Walsh read off the statistics on unpaid and uncollectible parking tickets:

	<u>Unpaid</u>	<u>Uncollectible</u>
2008	201	104
2009	206	122
2010	223	112
2011	297	83
2012	430	18

There are 2 part-time employees, year round, focusing on parking, doing "hate mail," letters to those who have not paid. These include mailings to Canada, however it is a stretch to get those paid, with only 50% success. Summonses are sent by certified mail, and they are getting good cooperation from other departments on the service of summonses. There are only 2-3 parking trials per year.

He has been told by the Board of Selectmen not to ask for more people, as some taxpayers are on fixed incomes or have been laid off. There are programs, however, that he has discussed with the Town Administrator. He will not be going into details on these at the current time.

While the courts do not react favorably to having minor parking and dogs on the beach cases brought before them, he believes that these are important. Arresting people for minor things tends to prevent major problems.

Frank McDermott, 30 F Street, stated that Rye is the only town that stands out, in terms of the lack of restrictions, among coastal towns in Massachusetts, New Hampshire and Maine. We should be talking about more restrictions, he said. One possibility would be metered parking, which might provide additional revenues to support part-time officers. If that was done, Rye would not become such a destination. Also, the beach should not be 80 percent available for surfing 24/7.

(7:09:40 p.m.)

Lori Carbajal, 18 Tower Rd., asked why the State Police were not patrolling Jenness State Beach. The State Police used to patrol in Hampton. She also suggested plain clothes officers to monitor drinking. Hampton has auxiliary officers, she noted. In addition, she asked why motorists who did not pay could not be booted.

John Murphy of Ocean Blvd. and Myrica Ave. spoke about problems with U-turns using Myrica Ave. He suggested making some streets one way, at least during the summer. Chief Walsh cautioned that this could be a logistical nightmare, especially if it was one-way only part of the time. Mr. Murphy also stated that the provision for dogs being "under control" is unclear. Leashes should be required as dogs do not respond to

whistles. Selectman Mills cautioned that, going to a Deliberative Session with a dog issue would be putting his life in his hands.

Claudia Hackett, Powers Ave., said that 300-400 people would be needed if a warrant article is introduced, as people would be out in force to vote it down.

Dennis Foss, Foss Circle stated that, if we are dog friendly, Rye will become the dog beach. He also cautioned about fishing on the beach and the danger posed by lost hooks.

Dr. John Doykos, Cable Rd. Ext. asked Chief Walsh what resources he needed. Chief Walsh responded that he wanted at least two more full-time officers. Selectman Musselman asked whether these officers would work only during the summer. Selectman Mills responded that, no, they would be year round. He continued, stating that, seven to eight years ago, there were two officers on a beach patrol. They rode bicycles and went from beach to beach. Chief Walsh confirmed by nodding.

Selectman Mills commented that the trouble starts at 5:00 when the lifeguards go off duty. The crowd reacted in apparent vigorous disagreement. One member of the audience stated that the problems occur throughout the day.

Selectman Jenness stated that safety is one of the prime responsibilities of the Beach Use Ordinance Committee, and stated that she was glad that the people were in attendance at this meeting.

She continued, stating that she favored booting. Selectman Musselman stated that that was why a boot had been purchased. Applause ensued. She spoke about an explosion in use in the past 5-7 years. She stated that, when the issue had been raised, Chief Walsh had cautioned that raising the fines would cause people to run out on them.

John asked about the cost of two more full-time people. Chief Walsh referred to benefits and stated that he was unable to provide a figure. Selectman Mills estimated \$160,000. Selectman Musselman said that it would be a little less than \$200,000. Selectman Mills stated that an additional cruiser would also be required. John stated that more police officers should be the number one priority and asked how much the additional officers would amount to on a per taxpayer basis. Audience applause ensued.

Mike LaBrie, Beach Commissioner, stated that he agreed that more officers on the beach were needed. People aren't even pouring beers into red cups any more, they are drinking them directly out of the bottles. The Town needs to figure out how to get officers on the beach.

Mr. LaBrie was asked about areas for surfers and swimmers and about surfers being given free reign, while swimmers are restricted to flagged areas. Mr. LaBrie warned that confining surfers into a smaller area would be more, rather than less, dangerous. He would like to have a jet ski available to that surfers could be "collared."

Selectman Musselman stated that there had been a suggestion 5 or 6 years ago by the Board of Selectmen with respect to moving flags. The proposal was deemed unacceptable by the Beach Commission as the surfers wanted to be in a "gap" that was to be made a restricted area.

Sharon Consentino, 32 Powers Ave. asked what could be done by the citizens of Rye to help Chief Walsh. She stated that everyone was willing to pay more to get more officers. She asked whether a warrant article was required. She said that she had been shocked to learn that there were only two officers on duty at any given time.

Selectman Mills stated that a warrant article could be voted, but that it was up to the Selectmen and the Budget Committee when they “set” the budget in the fall.

Ms. Constantino asked how this could be brought up for consideration by the Budget Committee.

Selectman Mills stated that there is a public hearing on the budget, typically in January.

Ms. Constantino stated that this still did not answer the question, and asked whether they needed to put it on the ballot, or whether it was strictly up to the Budget Committee.

(7:32:45 p.m.)

Selectman Musselman explained that the budget starts with the Selectmen’s budget, which gets proposed in late September after meeting with department heads. The initial budget then goes to the Budget Committee that meets several times from October through December. Following that process, whether there are funds available beyond the prior budget plus inflation would be known. At that point, a petitioned warrant article could be put together for funding for an additional officer. If it passed it could be implemented.

Jim Cassin, 17 Perkins Rd. stated that he’s getting a feeling that there’s nothing they can do until next year. Chief Walsh responded that he has some specific plans that are being considered, but that he would not get into. He mentioned some help from outside agencies. Applause ensued.

Jane McDevitt asked about meters, and whether their installation would be the up to the State. Selectman Mills responded that Ocean Blvd. is a State highway. He stated that all of the revenue from meters would go to the State. Ms. McDevitt stated that she understood that Hampton kept some of the revenues. Fire Chief Sullivan responded that the State gets all of the revenue from Hampton.

Peter Crawford, 171 Brackett Rd. stated that the earlier description as to the budget process was incomplete. The voters have the power to amend any line of the budget at the Deliberative Session. The total budget is then voted up or down in the election. The Selectmen, however, are constrained by the total budget and retain the flexibility to move allocations between line items. Selectman Musselman added that the power of amendment has limits. Mr. Crawford agreed, responding that there was a maximum increase of 10 percent of the total budget.

Mark Crotty, 12 Perkins Rd. asked State Senator Nancy Stiles what she was doing to help out. She responded that she was introducing bills, but they were being turned down as there was a perception that she kept asking for more money for the seacoast. Mr. Crotty asked about help from the State Police. Chief Walsh stated that the State Police resources were currently very limited.

Diane Tosi, 74 Old Beach Rd. suggested that everyone parking in Rye Beach should have a resident parking sticker. After two unpaid fines, booting could be considered. She spoke about a dangerous situation for the “little people,” in interactions with the surfers. The audience applauded after she finished speaking.

Victor Azzi, Old Ocean Blvd. addressed the issue of how the residents might afford to add two policemen to the force. He said that the \$160,000 cost (including benefits) divided by 2013 residential units would be about \$80 per residential unit.

An unidentified woman raised the possibility that the cost to the Town could be much higher than the cost of additional police if someone is killed in a crosswalk.

Charlie Poor, 18 Perkins Rd. asked whether summer officers could be provided, as in Hampton, where teachers are employed. Chief Walsh stated that obtaining a quality individual for 2-3 months would be difficult at best. He also referred to two unsolved shootings in Rye.

Joe Cummins, 990 Washington Rd. asked about off-season barrels, particularly at the end of Cable Rd., for the disposal of dog waste. Selectman Mills said that owners are supposed to take the waste with them. He stated that this would not be considered, due to the difficulty of dumping the waste out of the barrel when it was frozen. He said that he had spoken with the person that empties the barrels.

Tom Farrelly referred to a conversation with a representative of the Blue Ocean Society who stated that the situation with trash was getting worse. He continued by stating that having the State charge for parking, whether or not Rye receives a portion, would drive the “yahoos,” who have made Rye their home, out. The audience applauded after Mr. Farrelly finished speaking.

Devin Farelly, 18 Gray Ct., then spoke, saying it was great that many people were willing to pay higher taxes to help out with the police. However, once instituted, taxes tend to creep up and grow. She suggested that it would be better to look at parking fees, so that those from outside of Rye who are using the beaches pay for it. She spoke also about the parking revenues of \$15 per car received by Mr. Leary for the parking lot adjacent to Summer Sessions and the Dunes, as well as the revenues received by Summer Sessions without assessment of usage fees. *Editor's note: Mr. Leary owns the Dunes and is the landlord of Summer Sessions.*

Ms. Farrelly also read from a Facebook message sent out by Summer Sessions prior to the 2013 Deliberative Session. It stated that the “Town of Rye wants to limit our access to our beach...” She emphasized the underlined portions as she read it. She went on to indicate that the message encouraged people to attend the Deliberative Session, and it stated that people did not need to live in the Town in order to attend or speak. She stated that the non-residents attending overwhelmed the moderator. Selectman Mills interrupted and stated that the approximately 200 young persons in attendance were not allowed to speak or vote as they were not residents. Ms. Farrelly asserted that they had a chilling effect. Selectman Mills acknowledged this, but reiterated that they were not permitted to speak. Ms. Farrelly asserted that the result was that Article 15 was amended to be a study, rather than action.

Selectman Mills referred to “confidential” e-mails that “they” had gotten copies of. He said that he was referred to in one as “a rich old white dude.” Laughter ensued.

A woman from Tower Ave. in the audience referred to the Jenness Beach Precinct having an additional \$90,000 budget over and above the other precincts. She suggested more revenue for the Jenness Beach Village District and more resident parking.

Selectman Mills corrected the woman, stating that Rye Beach Precinct and the “regular people” in Rye pay more. *Editor's note: According to the Town's 2012 Annual Report, the 2012 tax rate in the Rye Beach Village District is 40 cents per \$1000 assessed valuation, in the Jenness Beach Village District 20 cents, and in the Rye Water District 51 cents. These rates mean annual taxes of \$200, \$100 and \$255, respectively, on a \$500,000 home. The reference to the “regular people” is apparently to those in the Rye*

Water District which, generally speaking, encompasses areas from Rye Harbor northward and excludes residents in the Rye Beach and Jenness Beach Village Districts. Some Rye properties are not in any of the three districts and pay no district taxes. Selectman Mills referred to the Town having to deal with a set of stairs on Old Town Way that the Jenness Beach Precinct put on private property, but that the people on Washington Rd. have to pay for. *Editor's note: This subject was addressed later in this meeting.*

The woman referred to the \$90,000 Jenness Beach budget that “the Crapos are handling.” Selectman Mills asked whether she was the fifth person there, indicating that attendance at these meetings was sparse. *Editor's note: Randy Crapo is one of the Jenness Beach Village District Commissioners.*

There was discussion about the parking lot behind Summer Sessions. The consensus was that parking there was legal, but overnight sleeping was not. Chief Walsh provided a number to call if overnight camping was observed.

(8:05:55 p.m.)

Senator Stiles, State Senator for Rye and surrounding towns, and a resident of Hampton suggested legislation that would enable Rye to enforce parking with meters on Ocean Blvd. and share the revenue with the State, provided Rye provided enforcement. Selectman Mills stated that he did not believe that DOT would agree. Peter Crawford interjected that Senator Stiles was talking about legislation. If there was legislation requiring the DOT to do so, they would have to go along, he said. Senator Stiles agreed that legislation would be needed and that there had been another instance where she had worked to provide sharing of costs.

Selectman Mills stated that he would call for a recess so that “you people can get out of here.” He cited an agenda that might force them to be there until 10:30 p.m.

Correspondence from Rockingham Planning Commission (“RPC”) (8:16:43 p.m.)

Selectman Mills called the meeting back to order.

Phil Winslow, Harbor Rd. indicated that he had come from an RPC meeting in Exeter. He stated that someone was needed to serve on a committee to address scenic byways (i.e. bike paths). Mr. Winslow clarified that this is a second position, in addition to the regular Rye representative on the Rockingham Planning Commission. Michael Magnant suggested that Kim Reed be appointed. Mr. Winslow indicated that Ms. Reed had also been at the meeting in Exeter. He indicated that his interest was in serving as the regular representative to the RPC. No action was taken, and Mr. Winslow promised to keep the Selectmen updated.

Announcement (8:18:50 p.m.)

The Fourth of July fireworks at Parsons Field was announced.

Approval of minutes (8:19:00 p.m.)

The minutes of June 10, 2013 were approved with minor changes. The minutes of the non-public session June 10, 2013 were approved without a change to session II,

changing “investor” to “investigator.” The minutes of the regular June 19, 2013 meeting were approved without changes. Approval of the non-public meeting minutes for June 19, 2013 was deferred as Selectman Jenness had not read them.

Letter from Lois and Jim Champy regarding motorcycle noise on 1A (8:22:00 p.m.)

Lois Champy addressed the letter that she had sent. She complained about not being able to eat dinner due to the noise of motorcycles on Route 1A. She previously worked on noise reduction relating to Logan Airport and has expertise in this area. She stated that New Hampshire has the most lax laws on motorcycle noise of any state that regulates it. The permitted noise level is three times that of Connecticut. Selectman Jenness explained that there have been complaints over the years but that Chief Walsh has responded that Route 1A is a state road. She continued, stating that, by the time the police can respond, the offending motorcycle has already left Rye. Chief Walsh interjected that the legal issue has been resolved. The Town cannot be more restrictive than the State law.

Parking enforcement position (8:31:10 p.m.)

Chief Walsh recommended that Kerry Anderson, daughter of “Bob & Betty” be hired for parking enforcement. *Editor’s note: This is an apparent reference to Bob Eaton, Moderator for both the Town and the School District, and Betty Anderson, a former school board member.* He stated that the Town has two scooters, and that this would not be an increase in staff beyond the current budget. The permission to hire “Kerry Eaton” was granted unanimously.

Job Description, Police Lieutenant (8:32:00 p.m.)

Chief Walsh indicated that this was for a person that was already working. Selectman Jenness complained about the absence of any mention of dealing with domestic violence. Chief Walsh indicated that this was a liason position between the Chief and the staff and that there were a number of responsibilities. The description was approved unanimously.

Web site update with respect to important dates in Rye history (8:35:00 p.m.)

Selectman Jenness stated that this issue had originally come about because of an e-mail from Alex Herlihy. *Editor’s note: Alex Herlihy is Chairman of the Rye Historical Society and President of the Rye Civic League, which provides these notes..* It arose out of work that Alex and Mike Mittelman were doing on the Town flag design. It was determined that 1726 was not the date of Rye’s incorporation. Rather, there were three important dates in the Town’s history:

- a. The founding at Odiorne Point (1623)
- b. The name “Parish of Rye” was established, a change from the name “Sandy Beach.” (1726)
- c. The Town of Rye was actually incorporated (1785)

Selectman Jenness suggested that all three dates be referenced on the Town web site. Selectman Musselman suggested that the seal read “settled 1623,” although Portsmouth might object as they might consider the point of settlement to have been part of Portsmouth at that time. Mr. Magnant responded that there would be nothing that Portsmouth could do about this.

Library participation in Town heating oil contract (8:36:40 p.m.)

Mr. Magnant explained that the Library wanted to take advantage of the contract that the Town had previously awarded to Hanscom’s for heating oil. *Editor’s note: See notes of June 10, 2013 meeting, pages 1-2.* Selectman Musselman stated that he had heard that Library employees were permitted to purchase oil at the Library’s rate. He asked whether that would apply if the Library comes under the Town’s contract. Mr. Magnant stated that that practice had ended in 2009. Selectman Musselman stated that it should be made clear to the Library that this would not be done. It got to be a problem where people were arguing in favor of bidders willing to permit employees to take advantage of the Town rate. Not all bidders offered this.

Victor Azzi spoke. *Editor’s note: Mr. Azzi is one of the Library trustees.* He confirmed that some vendors had offered to permit library staff to take advantage of the lower attractive rates. However, he stated that he would not expect this condition to continue if the Library is brought under the Town’s contract. Public Works Director confirmed that Hanscom’s was OK with adding the Library to the agreement.

Selectman Musselman asked whether a vote was needed. Selectman Mills stated that he would be opposed, as, when employee discounts were available, the Library staff had been invited to participate as Town employees. Then, he explained, he had taken a berating from one of the Library Trustees at a budget meeting. He was accused of being stupid, after the bottom fell out of the market. He explained that that’s why the Library left and never came back. He complained that, for three years, the Town employees had to go out and pay the market price. He explained that the Library is for the Library when it benefits them, and when it doesn’t, “the hell with you.”

In response to a question from Joe Cummins, Dennis McCarthy indicated that the price is \$2.905, five cents less than the prior year.

Selectman Mills asserted that, for the years that it was not under the Town contract, the Library paid more.

Selectman Musselman indicated that, based on this discussion, a vote should be taken. He stated that permitting the Library to participate in the Town’s contract would lower the Town’s tax rate if the price is lower than what the Library can obtain on its own. Past transgressions should be forgiven, he said.

Mr. Azzi asked Mr. McCarthy whether he had asked the Library whether it wanted to participate this year. Mr. McCarthy indicated that he had only asked the prior participants. *Editor’s note: This discussion is apparently related to the Library being asked prior to the contract being put out for bid.* The Library only uses about 2200 gallons annually, he said.

The motion to permit the Library to participate in the Town’s contract carried, Selectmen Musselman and Jenness voting in favor, Selectman Mills voting against.

Abatements (8:45:40 p.m.)

David Hynes, the new Town assessor, came up to sit at the Selectmen's table, quipping that he was glad to see that the crowd had not been there for him. *Editor's note: This was a reference to the large gathering present in connection with Jenness Beach safety and traffic earlier in the meeting. All, or most, of the persons attending in connection with that issue left during the break after that matter had been dealt with. Only a few members of the public remained.* In a jocular preliminary discussion, Mr Hynes noted, that they had all agreed that their taxes could go up. Selectman Musselman quipped that they had also agreed that those closer to the beach could be charged more.

Selectman Jenness had a question about McCann, 10 South Rd. Mr. Hynes explained that the house had its heating system removed in 2012 as it was not functional. He explained that geothermal increases the value substantially, but forced hot water and forced hot air have similar values. Some homes have wood/coal listed as a heating source, even though they do not have central heat, but only fireplaces. Selectman Musselman questioned how a huge house with a \$1.4 million assessed value could have no heating system. Mr. Hynes responded that one had recently been installed.

Selectman Jenness asked about the Ciborowski abatement (one property) and denials (two properties). She indicated that separate votes would be needed.

Selectman Jenness asked about Ameglio abatement. Mr. Hynes explained that there was a reduction for the absence of a heating system, but that the wood deck was larger than had been thought. The net result was a \$100 increase in the assessment. A taxpayer who files for an abatement can have his assessment increased, he said.

Selectman Musselman asked about Wilson. Mr. Hynes indicated that the 1997 or 1998 date built had been changed to 1901. The value thus dropped significantly.

Selectman Musselman stated that he had e-mailed a number of other questions to Mr. Hynes earlier that day. Mr. Hynes stated that he had either visited or driven by a number of properties with issues.

Selectman Musselman asked about Mr. Raynes' property. Selectman Mills indicated that that could not be dealt with, apparently because it was not listed on the agenda. *Editor's note: Mr. Raynes is Chairman of the Conservation Commission. His abatement request had been listed for denial at the June 10, 2013 meeting, however he spoke up in opposition, and the matter was tabled for further study. Selectman Mills had shouted at Mr. Raynes at that meeting when he had spoken without being recognized. See the notes of the meeting.* Mr. Hynes indicated that the lack of response by the end of June would legally be considered a denial. Eight files are left. These, including that of Mr. Raynes, will be dealt with in July. These people will be notified that there is no need to file with the BTLA or Superior Court as they have until September 1 to do so. Mr. Hynes indicated that these remaining 8 files present issues relating to changes of other properties. However, only those who have filed and been denied would be reopened because those who did not file have waived their rights. Mr. Hynes stated that he was not currently aware of any properties that might be subject to change.

The motion to approve the 28 abatements listed on the agenda carried unanimously.

The motion to approve the denials of the Prial, Collier, Bulmer and Northern NE Telephone properties (numbers 29-31 and 33) carried, Selectmen Musselman and Jenness voting in favor, Selectman Mills voting against.

A separate motion to deny abatement for the two Ciborowski properties (item 32), map 014-009 and 011-012 carried, Selectman Musselman and Jenness voting in favor, Selectman Mills voting against.

Joe Cummins asked whether there was a total figure for the abatements granted in this week's set. Mr. Hynes responded no, but stated that he could provide one if the Board of Selectmen requested. Selectman Mills asked about the amount of the overlay. No one could answer the question, however Mr. Hynes responded that he did not think that this was being approached. Selectman Jenness interjected that most of the abatements were small. He stated that the overlay is typically 5 percent. *Editor's note: The overlay is the provision made in the budget for abatements. The total overlay for 2012, as listed on page 16 of the 2012 Town Annual Report, is \$258,261, compared to a total property tax commitment of \$20,192,278, which includes school and county taxes, but not \$727,602 in taxes for the Village Districts. Thus, provisions have been made for abatements of 1-2 percent. Of course, abatements which were denied are still subject to appeal to the BTLA or the Superior Court, so that the loss of revenues to the Town cannot be determined by considering only the abatements already approved by the Selectmen.*

Landfills (Grove Rd. and Breakfast Hill) (9:06:10 p.m.)

Selectman Musselman indicated that this arose out of a request by his firm, CMA Engineers, to reduce the reporting requirements from annual to semi-annual for Grove Rd. *Editor's note: Mr. Musselman has previously reported that his firm, CMA Engineers, is doing work relating to NHDES requirements without charge to the Town.* Mr. Musselman stated that gas migration has not been occurring as the state had feared, thus the sampling period has been reduced, apparently to twice annually, for Breakfast Hill. The reduction in reporting requirements will save him, but not the Town, money, he said.

Resignation of Curtis Boivin from the Planning Board (9:07:55 p.m.)

Mr. Boivin's resignation letter was read. It indicated that he was no longer a resident of Rye due to personal circumstances. Selectman Jenness emphasized the value of the work that Mr. Boivin had done for the Space Needs Committee. She emphasized the time that he had spent measuring at the Town Hall and the expertise that he had, which nobody else on the Committee had.

Discussion about Phil Winslow, Rockingham Planning Commission (9:09:00 p.m.)

Selectman Musselman indicated that Mr. Winslow was interested in serving on the Rockingham Planning Commission rather than the Town Hall Committee. He had said that he could not do both. They will deal with this issue at another meeting. In response to a question from Selectman Mills, Selectman Musselman clarified that Kim Reed was being considered for the position related to bike paths.

Quitclaim deeds to paper streets (9:10:05 p.m.)

Three quitclaim deeds to the Amelia P. Brown Revocable Trust were unanimously approved on the recommendation of Town Attorney Donovan. All were in favor (2 separate motions). Selectman Musselman indicated that the Selectmen had conferred with Town counsel and verified that the deeds were correct. *Editor's note: The Selectmen had previously tabled the issue as they had not understood the deeds that had been prepared. See notes of May 28, 2013 meeting, page 2.*

July Fourth Fireworks (9:12:10)

The motion to approve the Fireworks at Parsons Field on July 4, 2013 was unanimously approved as a Town event coordinated by Jack Tobey & Assoc. as volunteers.

Removal of steps at 32 Old Beach Rd. (9:13:30 p.m.)

Town Administrator Magnant indicated that Mr. Frost, the owner of the property, has written another letter asking the Town to remove the steps. All voted in favor of sending the letter in response that had been drafted by Town Attorney Donovan. The letter states that the Town has an easement and that the steps must remain.

Town Hall Committee (9:14:20 p.m.)

Michael Magnant indicated that Bill Epperson had accepted his appointment to the Committee that afternoon. Selectman Mills read the list of members of the Committee.

Accepted

Elizabeth Yeaton
Kim Reed
Paula Merritt
Victor Azzi
Peter White
Paul Goldman
Peter Kasnet
Lucy Neiman
Bill Epperson
Craig Musselman
Priscilla Jenness

Declined

Phil Winslow

Mel Low
Marty Klenke
Dennis McCarthy
Keriann Roman
Gregg Mikolaities

Not yet heard from

Ned Paul

Non-public session (9:16:00 p.m.)

The Selectmen unanimously, by roll call vote, voted to go into non-public session on a personnel matter.