

**NOTES OF FEBRUARY 1, 2014 RYE DELIBERATIVE SESSION**  
**Morning Session**

Final Revision E – Provided by the Rye Civic League

Present on the stage (left to right as viewed from the audience): Town Clerk Beth Yeaton, Town Counsel Michael Donovan, Selectman Priscilla Jenness, Vice Chairman of the Board of Selectmen Craig Musselman, Chairman of the Board of Selectman Joe Mills, Finance Director and Assistant Town Administrator Cyndi Gillespie, and Town Administrator Michael Magnant. Present at the podium: Bob Eaton, Town Moderator.

Additional persons present from the Town included: Police Chief Kevin Walsh, Fire Chief Skip Sullivan, Public Works Director Dennis McCarthy

Town Moderator Bob Eaton called the meeting was called to order at 9:04 a.m.

*Editor's note: The elapsed times are relative to the call to order. Video and audio recordings were made of the meeting. While this version of this document does not provide links to those recordings, and are not yet useful, a future version of this document will provide links. Check back by reopening your Civic News e-mail or go to the RCL website to see if a new version with video/audio links has been posted.*

**SUMMARY**

1. [Mr. Eaton announced the candidates for elected positions. Seats on the Board of Selectmen, Library Trustees, Budget Committee, Planning Board and School Board are contested.](#)
2. [The Zoning and Flood Plain Ordinance warrant articles received no discussion.](#)
3. [Tracy Degnan of the Rockingham County Conservation District discussed the acquisitions made with the 2003 \\$5 million Conservation Warrant Article.](#)
4. [The attempt to amend the Conservation Warrant Article to ensure implementation of the Selectmen's procedure and prohibit the Selectmen from waiving the appraisal requirement failed.](#)
5. [The history of Town Hall, the current status of the design and the purpose of the \\$250,000 warrant article to complete the design was described. Several voters expressed support.](#)
6. [The additional cost of \\$12,000 for leasing the \\$175,000 front end loader was discussed.](#)
7. [Funding for a new \\$150,000 6-wheel dump truck is requested this year after a one year delay. Voters had no questions.](#)
8. [Whether a suit seeking restoration of Parsons Creek to its former state would interfere with replacement of a culvert at that location was discussed.](#)
9. [Health care cost savings from the \\$9700 \(first year cost\) proposed three year Town employee contract was described. Voters had no questions.](#)
10. [Similar savings are present with the proposed three year Police union contract \(\\$7746 first year cost\). Voters had no questions](#)
11. [Purpose of the \\$65,000 one ton truck was discussed. Voters had no questions.](#)

12. The rationale for the additional police officer was discussed. Selectman Mills disclosed why he had voted against recommending. Voters both expressed support and asked why part-time officers were not a feasible solution.
13. The possible matching grant reducing the cost of a \$300,000 ladder truck to \$15,000 was discussed. Residents questioned the large number of vehicles already housed at the Public Safety Building.
14. Town officials discussed the \$100,000 in funding for the Highway Equipment Capital Reserve and acknowledged that equipment purchased from that reserve is not “free.” The adequacy of the reserve was questioned.
15. The rationale for the \$50,000 addition to the Employees’ Leave Fund was discussed. Voters had no questions.
16. The rationale for the \$5000 addition to the Library Maintenance Fund was discussed. Voters had no questions.
17. Discussion of the operating budget led to questioning of the eight percent spending increase if all warrant articles pass.
18. An attempt to add \$10,000 to the operating budget to address sea level rise ultimately was withdrawn after Town Counsel expressed legal concerns, but not until after vigorous discussion.
19. A seventh grade Rye Junior High student presented her rationale for a non-binding smoke free beach warrant article. Voters had no questions.

Mr. Eaton introduced himself and started the meeting by reading a long list of “friends and neighbors” who had passed away in the past year. Selectmen Jenness then stated that Barbara Flynn, the Town Treasurer from 1982-2005 had passed away in the past week.

Mr. Eaton then introduced the persons sitting at the table on the stage, left to right as viewed from the audience.

### **CANDIDATES**

Mr. Eaton then announced the candidates for town office (all are for 3 years unless noted):

#### Town Moderator (1 seat)

Bob Eaton

#### Board of Selectmen (1 seat)

Joe Mills  
Mae Bradshaw

#### Cemetery Trustee (1 seat)

Roger Philbrick

Library Trustee (2 seats)

Karen Allen  
Brian Klinger  
Judy Terhune

Supervisor of the Checklist (1 seat, 6 years)

Maddie Chichester

Trustee of the Trust Funds (1 seat)

Jeff Balboni

Budget Committee (2 seats)

Skip Page  
Paul Goldman  
Jaci Grote

Planning Board (2 seats, 3 years)

Jerry Gittlein  
Keriann Roman  
Patrick Kane  
Brian Amend

Planning Board (1 seat, 1 year)

Mel Low

Zoning Board of Adjustment (2 seats)

Shawn Crapo  
Paul Goldman

Sewer Commissioner (1 seat)

David Kohlhase  
Robert Burns

School Board (2 seats)

Jeanne Moynahan  
Randy Crapo

Kate Hillman  
Alyssa Tweedie  
Glenn Walker

School District Clerk

Beth Yeaton

Mr. Eaton announced that the Candidates Night, hosted by the Rye Civic League will be held Wednesday, February 19 at 7:00 p.m. at the Rye Public Library. *Editor's note: Alex Herlihy, President of the Rye Civic League announced later in the meeting that there would be a separate night for the School Board candidates on February 20.* Mr. Eaton stated that he would be the moderator of the Candidates Night.

Mr. Eaton announced that the Town election will be Tuesday, March 11 from 8:00 a.m. to 7:00 p.m. at the Rye Elementary School. The School District Deliberative Session will be Wednesday, February 5 at 6:30 p.m. at the Junior High School Cafeteria. *Editor's note: Mr. Eaton postponed that meeting due to snow, and it was held the following night.*

**RULES (8:10 elapsed)**

Mr. Eaton then went through the rules.

**ARTICLES 1-6, ELECTIONS AND ZONING AND FLOOD PLAIN ORDINANCE AMENDMENTS (13:58 elapsed)**

Mr. Eaton explained that Articles 1 and 2 related to elections. There is nothing to debate or discuss, he said. Article 3 relates to ten amendments to the Zoning Ordinance recommended by the Planning Board. Article 4 relates to one amendment to the Rye Floodplain Ordinance also recommended by the Planning Board. Traditionally these have not been discussed at the Deliberative Session as, by law, they may not be amended. There is a right to discuss them if there is a motion. There was no motion.

Mr. Eaton then referred to Article 5. He stated that that, like Article 3, Articles 5 and 6 seek amendments to the Rye Zoning Ordinance. Unlike Article 3, however, they are not proposed by the Planning Board, but by citizen petitions. However, that does not change the fact that they may not be modified at this Deliberative Session. Nonetheless, if a majority wants to discuss them, they may be discussed. He explained that Article 5 has to do with lot coverage in the Business District. No motion to discuss this article was made. He then stated that Article 6 defines "impervious coverage." No motion was made to discuss that article either, so both articles were ordered placed on the ballot as written.

**ARTICLE 7: CONSERVATION BOND, \$3,000,000 (15:54 elapsed)**

Mr. Eaton read this warrant article:

“To see if the Town will vote to raise and appropriate up to the sum of three million dollars (\$3,000,000) to be placed in the Conservation Land Acquisition Fund for the acquisition of conservation easements or open space lands by the Town, all for the permanent protection of appropriate underdeveloped land in the Town of Rye, and to authorize the Conservation Commission and Selectmen to act on behalf of the town in connection with such acquisition of conservation easements or open space lands (subject to the hearing and procedural requirements of NH RSA Chapter 36-A) and to further authorize the issuance of not more than three million dollars (\$3,000,000) of bonds and/or notes in accordance with the provisions of the Municipal Finance Act, NH RSA Chapter 33 as amended, and to authorize the Selectmen to issue and negotiate such bonds and/or notes and to determine the rates of interest thereon? (3/5 ballot vote required.)

Mr. Eaton stated that the article is recommended by the Selectmen 3-0, and by the Budget Committee 8-0. Selectman Jenness moved the article to the floor for discussion, which motion was seconded by Selectman Mills.

**Presentation on use of the \$5 million from the 2003 warrant article (17:30 elapsed)**

**Tracy Degnan**, a Rye resident who is also with the Rockingham County Conservation District made a presentation regarding the article. She stated that she had presented the year before regarding the Goss Barn. She thanked those who voted for the \$170,000 warrant article and stated that the barn is now 95 percent complete, with only a few doors and windows remaining to be put in.

She stated that she was going to discuss what was done with the Open Space Fund that was passed in 2003. She explained the leveraging the bond dollars. Local, state and regional plans are used to support the applications that she helps to prepare from her office in Brentwood. She showed a map of coastal watersheds in Rye, produced by the Nature Conservancy in 2006:

	<u>Acres</u>
Awcomin	890
Bailey’s Brook	560
Lower Berry’s Brook	270
Upper Berry’s Brook	1460
Seavy (sic) Creek/Fairhill	640
Wallis	<u>310</u>
Total	4130

Ms. Degnan then showed a map from the Master Plan, showing protected parcels in 2003.

Ms. Degnan then showed information on the parcels acquired since the bond passed. The Scully parcel on Wallis Rd., 25 acres, was the first parcel protected. This acquisition used a NOAA federal grant source. *Editor’s note: The slide displayed refers*

to NOAA, Coastal and Estuarine Land Conservation Program (“CELCP”). This is a 1:1 matching grant, she stated. The value of that property needed to be matched with the value of like conservation properties.

Ms. Degnan then showed slides of the properties used for this match:

	<u>Location</u>	<u>Acres</u>
Holway	Washington Rd.	22.9
Philbrick Farm Enterprise Trust	Central Rd.	4.69
White (forested wetlands)	Locke Rd.	8.9
Brown	Adjacent to White	12.61

Ms. Degnan stated that the approximately 5 acre Philbrick property is a wet meadow. Although appearing only on a slide title, Ms. Degnan referred to the Goodwin property on Brackett Rd., 36 acres.

Ms. Degnan stated that, after these, NOAA said “good job, would you like to try again.” They did. The next property was Marden, This is located on Washington Rd. Some may have seen the placard on the stone wall. This is 24 acres from their second application. This is a beautiful property, with walking trails, she said. The slide refers to a CELCP match.

The next slide displayed by Ms. Degnan refers to the Sleeper property, 27 acres on West Rd. The slide refers to “[w]etlands; uplands; watershed protection.” An additional map showed the following:

	<u>Location</u>	<u>Acres</u>
Young	Long John Rd.	23.8 (CELCP match, 2007)
Philbrick Farm	Central Rd.	4.69 (CELCP match 2005)
Brindamour	Washington Rd.	67 (NRCS, WRP) (2009)

The Young parcel was used as a match for the Marden parcel, Ms. Degnan said. The Brindamour property was protected using funds from the National Resources Conservation Service, Wetlands Bureau Program. The Philbrick Farm piece was also used for this match.

	<u>Location</u>	<u>Acres</u>
Philbrick Farm Enterprise Trust	Central Rd.	4.69
White (forested wetlands)	Locke Rd.	8.9
Brown	Adjacent to White	12.61

Ms. Degnan then showed a list of additional properties:

	<u>Location</u>	<u>Acres</u>
<u>2005</u> Low (2005)	Washington Rd.	2.77

Pokorny	Appledore Ave.	3.5
<u>2006</u>		
Rand	South Rd.	8.06
Rand	Adj. to Town Forest	12.15
<u>2009</u>		
Joseph (sic)	Washington Rd.	5.48
Joseph (sic)	Adj. to Town Forest	3

Ms. Degnan then provided a second additional list:

	<u>Location</u>	<u>Acres</u>
<u>2008</u>		
Rickert	Behind airfield	10.5
<u>2010</u>		
Splaine	Spring Rd.	14.9
Goss	Harbor Rd.	9.24

Ms. Degnan then showed the final list:

	<u>Location</u>	<u>Acres</u>
<u>2012</u>		
Connell	abuts Town Forest (bargain sale)	18.7
Lium	Washington Rd. (adj. to Holway)	47.6

On the last chart appeared the notation:

“For every bond dollar spent an additional investment in permanent land protection occurred – from donations, grants, bargain sales and land purchased at Town assessed (or less than) values. Success – Town wins!”

Ms. Degnan stated that over 425 acres have been placed in conservation since 2003. For the future acquisitions, leveraging funds will be a top priority. The Conservation Commission is working with the Selectmen on the process. She stated that the USDA has just passed a Farm Bill which may be used for leveraging funds

**Presentation regarding water resources (30:30 elapsed)**

**Danna Truslow**, 1060 Washington Rd., displayed the map identifying Town-owned properties. She spoke about Berry’s Brook and the protection of land for water resources purposes. The lands are not just for walking and wildlife. She showed how Berry’s Brook runs South from Greenland through Rye. *Editor’s note: This was put together by SMP Architects in connection with the recent schematic design of the new Town Hall and the Facilities Master Plan.*

**Amendment to require adherence to the Selectmen’s process document and prohibit waiving of the appraisal requirement (33:40 elapsed)**

**Lynn Joslyn** then moved to amend Article 7. She stated that the amendment would further enhance the article. She stated that the amendment would add, after “Chapter 36-A,” the words “and the Selectmen’s Conservation Commission Land/Easement Acquisition Approval Process dated January 6, 2014, which is incorporated herein.” In addition, at the very end, after “rates of interest therein (sic),” would be added “[t]he Selectmen shall not waive the appraisal requirements of section 2(f) of the Process, but nothing herein shall prevent the Board of Selectmen from imposing additional requirements.”

**Steven Borne** seconded the motion.

Ms. Joslyn stated that this is an enhancement. She appreciates the Conservation Land. This will enhance the ability to get more land, have more trails available and have a process that is open and very, very transparent to the public so that those that go into the voting booth will understand that they are not just going to buy something without knowing what it is.

*(36:53 elapsed)*

Mr. Eaton then asked whether anyone from the Conservation Commission wanted to respond.

**Jaci Grote** expressed concern about how putting this language in the warrant article would affect the ability of the Selectmen to make changes. She also expressed concern as to whether such a change could be inserted in a warrant article appropriating money. She stated that it is already a documented procedure of the Selectmen and that she is not sure that the amendment is necessary.

*(37:45 elapsed)*

Mr. Eaton asked whether Ms. Grote was asking a question. Ms. Grote responded affirmatively. Mr. Eaton stated that one of the questions was whether this was an allowable amendment. Ms. Grote asked whether it was permissible to mix money and procedure. Mr. Eaton stated that he would allow the amendment to be made. The other questions are not appropriate for him to answer.

*(38:15 elapsed)*

**Peter Crawford**, 171 Brackett Rd. stated that, at the end of the warrant article there is a provision stating that “nothing shall prevent the Board of Selectmen from imposing additional requirements.” This would codify the requirements that are in the January 6 document that was agreed to by three members of the Conservation Commission on January 6, but would not prevent the Selectmen from imposing additional requirements. Mr. Crawford then stated that he would like to read a statement that was a page long. Mr. Eaton responded that he would give Mr. Crawford two minutes.

*(39:40 elapsed)*

Mr. Crawford then started to read his statement:

“I would like to speak in favor of Lynn Joslyn’s motion. I support the Conservation Warrant Article, because I believe that Rye is a special place. Where else could I have a one acre lot with deer passing through, yet live 10 minutes walk from the beach and be a little over an hour from a major city? We need to protect our wildlife and our water supplies and provide well-planned public access to protected lands using a focused strategy of conservation land acquisitions.”

“Yet, we as taxpayers cannot afford to buy up all of the developable land. That would cost \$150 million or more. Even if spread out over many, many years, our taxes would skyrocket. We must creatively focus our limited resources where the greatest benefit can be achieved for the least amount of money. It means making certain that we are not overpaying for any land that we acquire. When we overpay, we deplete funds that might be used to acquire even more worthy properties.”

“The process agreed to by the Selectmen and three members of the Conservation Commission on January 6 of this year is essential. I applaud Selectman Musselman in particular for pushing for this long overdue first step.”

“It is frequently claimed that we received eleven million dollars worth of land for the five million dollars in Town funds approved in 2003, due to matching grants. But the lists that I have seen add up to, at most, \$8.4 million dollars. So I asked members of the Conservation Commission for a simple list, by property, with three numbers: (1) how much did the Town pay? (2) how much was contributed in matching funds? and (3) what was the appraised value?”

“After I did not receive answers, I went to the Town Hall and spent a day and a half going through the Conservation Commission records and the minutes of the Board of Selectmen and the Conservation Commission. Under the law, the Conservation Commission must conduct a public hearing and vote to approve each acquisition. The Board of Selectmen must also consent.”

*(41:52 elapsed)*

At this point, a member or members of the audience shouted out “time” at least twice. Mr. Crawford continued reading:

“What I discovered was troubling. The records do not give me comfort that either the Board of Selectmen or the Conservation Commission have followed a consistent and complete process of due diligence in spending

the \$5 million provided by the 2003 Conservation Warrant Article. There is no evidence of notices...”

As Mr. Crawford was reading the above, **Jim Raynes**, Chairman of the Conservation Commission turned his wrist and held out his arm so to show his watch to the Moderator.

Shortly after this, Mr. Eaton interrupted Mr. Crawford in mid sentence, as indicated above, and asked Mr. Crawford whether he was close to the end. Mr. Crawford responded that he was about three-fourths done. Shouts of “time” ensued. Immediately after that, Mr. Eaton stated that Mr. Crawford had 30 more seconds. Mr. Crawford continued:

*(42:20 elapsed)*

Mr. Crawford then completed his sentence, stating that there was:

“no evidence of notices of public hearings in a number of cases. In others, notices were found, but the minutes could not be found in the Town Clerk’s chronological records. Most disturbing, there were a number of properties acquired without appraisals in the file to support the amount paid. Taxpayers should not be supporting something, that the profit, at the expense of taxpayers, where property owners benefit, even if it’s federal matching funds. A system that disburses money without accountability and review engenders taxpayer mistrust and encourages favoritism and even corruption.”

Midway through this last sentence, Mr. Eaton told Mr. Crawford to wrap it up, but Mr. Crawford was able to complete the sentence. He then stated “I urge a yes vote, thank you.”

*(43:03 elapsed)*

Mr. Eaton then reminded the audience that it was a civil meeting, and that he did not want people calling out from the audience.

*(43:16 elapsed)*

**Selectman Musselman** stated that this was the first that they had heard of this idea. He stated that he was certain that the idea was well-intentioned. It has potential benefit. There are a couple of concerns. First, he outlined the process approved by the Selectmen, which would provide publicly-available information to all as they make decisions to approve acquisitions. This is a first shot, he said. There is a clause permitting the addition of provisions. By this warrant article, this makes what was done on January 6 “the requirement.” The intent would be to modify it as they go forward.

As Selectman Musselman started making the comments above, Selectman Mills looked down at the table and closed his eyes.

The second concern, Selectman Musselman said, is that Bond Counsel, not Town Counsel would need to address the language before it could be determined that it is acceptable. It may well be, he said.

Third, Selectman Musselman expressed concern with the sentence at the end regarding appraisals. On some acquisitions he has similar questions, he said. But, in some cases the acquisition may be for a small amount of money, the assessed value is for a larger amount and there is a reasonable certainty that an appraisal would be for more than that. The private owner may also already have an appraisal. Casting into the warrant article that land cannot be acquired without an appraisal may not be in the Town's interest. The process provides a public forum with a number of possibilities to raise questions. Some flexibility may be in the best interest of the Town of Rye.

*(47:46 elapsed)*

Town Attorney **Michael Donovan** reiterated that it was not his opinion as to the lawfulness of the language that matters. When municipalities issue bonds they use "Bond Counsel," which is a very specialized area of the law. Before a bond may be issued there must be an opinion from Bond Counsel that all of the procedures are correct and in conformance with the law. The Department of Revenue cautions against amending the text of bond warrant articles, except as to the amount. He stated that the Town, if the warrant article passes, would not want to be in a position that it could not go forward because bond counsel raised issues with the amendment.

*(49:18 elapsed)*

Mr. Eaton then noted that some new people had arrived and that they should pick up their yellow cards.

*(49:40 elapsed)*

**Steven Borne**, 431 Wallis Rd., stated that everyone is in support of the procedure. This just safety straps it to the money. The provision at the end permits the Selectmen the flexibility to add additional requirements. An appraisal should always be done. If the information is in the open and there are rational reasons to buy a property above the appraisal amount that is fine if everyone knows why it is being done.

*(51:02 elapsed)*

**Selectman Mills** said "Mr. Crawford, I told you the other night that these people..." Mr. Eaton interrupted and told Mr. Mills to address the comments to him. Selectman Mills then stated that the volunteers on the Conservation Commission have done the best that they could. The list was gone through the other night. There were four properties that were gifts. If this goes through these would have needed to be appraised. That's a waste of money, he asserted. Selectman Mills then said: "I told Mr. Crawford the other night, I said 'you think somebody in the Conservation Commission's got their finger in the till' That's the furthest from the truth that I have ever seen and I've been here a hell of a lot longer than you, Mr. Crawford." Mr. Eaton asked Selectman Mills to direct his comments toward the Moderator.

**Ray Jarvis**, Liberty Common stated that he tried to step back and look at the bottom line. He sees two bottom lines here. The Town approved a \$5 million warrant articles and was able to get \$3 million in grants. He is not sure of the details, but that is a lot of money. The second bottom line is that the people doing the managing need flexibility. The amendment, as Mr. Borne said, straps in what has already been agreed to.

They may find that there are better ways to do it and some of the initial protocol needs to be changed. Everybody wants the same goals to protect the Town. Flexibility is needed. The proper time to address issues is at a Selectmen's meeting.

As Mr. Jarvis spoke, Selectman Mills picked up his water glass and walked backstage, stopping to whisper a comment to Attorney Donovan, who nodded. He did not return until the vote on calling the question on the amendment.

*(54:47 elapsed)*

**Mae Bradshaw**, 106 Harbor Rd., responded to Selectman Mills comment regarding gifts. She stated that any gift of significance the donor would need to file an appraisal with the IRS to get credit for the gift. That point is misleading.

*(55:30 elapsed)*

**Jeffrey Quinn**, 71 Cable Rd., came to the microphone and moved to call the question. **Mr. Raynes** seconded. Mr. Eaton stated that Mr. Crawford had been attempting to speak and he allowed him to do so.

*(56:30 elapsed)*

**Mr. Crawford** referred to the requirement exempting gifts under \$5000 from a public hearing, and the need for an appraisal in order to make a determination as to whether that amount was exceeded. The cost of an appraisal can be as low as \$300, Mr. Crawford said. This is just strapping on an added security. The procedure allows the Selectmen to waive any of the information requirements listed in the January 6 procedure. The only thing that we're saying that they cannot waive is the appraisal requirement. This ensures transparency and that the already agreed to process will be followed.

*(57:08 elapsed)*

The vote on the motion to call the question on the amendment carried. The motion to amend then failed.

No one sought to discuss this article further and it was ordered placed on the ballot as written.

#### **ARTICLE 8: TOWN HALL DESIGN, \$250,000 (58:27 elapsed)**

Article 8. Mr. Eaton read the proposed article:

“To see if the Town will vote to raise and appropriate the sum of two hundred fifty thousand dollars (\$250,000) for the purpose of completing the design process, including Schematic Design, Design Development, the preparation of Construction Documents (including drawings and specifications) and the solicitation and analysis of competing construction bids from pre-qualified general contractors for the purposes of renovating the Town Hall 1839 building and building separate, connected new Town Hall office space. This project is under the direction of the Board of Selectmen with the advice and concurrence of the Town Hall Building

Committee. This appropriation is in addition to the operating budget.  
(Majority vote required.)

Mr. Eaton stated that the article was recommended by the Selectmen 3-0 and by the Budget Committee 9-0. Selectman Jenness moved the article to the floor for discussion and Selectman Musselman seconded.

**History of the Town Hall and the process to date (59:32 elapsed)**

**Selectman Jenness** described the process goes way back. At one time, one needed to go to the home of the Town Clerk on Cable Rd. to register a car. Business with the Tax Collector required a visit to that person's house, and the same was true of the Treasurer. The Selectmen would assess property through the windshield of a car. Eventually the Selectmen got an office in a back corner of the Fire Station and the Police operated out of another corner. In the 1990s, the needs for space were so great that the second floor was partitioned down the middle, with offices on one side and meeting space on the other side. Eventually the meeting space was lost to office needs. Nothing has been done to the historic building that cannot be reversed she said.

Selectman Jenness stated that, in 2010, a grant was sought which permitted the geothermal system at the Town Hall to be installed. In 2011, a \$40,000 functions and space needs study was approved. A warrant article to move the process forward to design was defeated in March of 2012. During 2012, a committee chaired by Ned Paul met. A comprehensive report with recommendations was published. The roof was also replaced. In 2013, a \$60,000 warrant article was approved to retain an architect/engineer to prepare schematic designs in keeping with the space needs study. A warrant article for \$9800 relating to the Old Police Station/Trolley Barn was also approved. That study was important as the Trolley Barn came up in every discussion of what would happen to Town Hall. Moisture and fungal spores were found, although not the toxic black type. Cost estimates for three scenarios were provided. The lack of parking all but eliminated the possibility of using the building for offices.

In 2013, a Town Hall Committee was formed. The first meeting was July 25, 2013. The first task was to select the architect. Ultimately, Sheerr McCrystal Palson was selected. Victor Azzi was selected Chairman. Selectman Jenness then turned the meeting over to Mr. Azzi.

**The work of the 2013 Town Hall Committee (1:06:48 elapsed)**

**Victor Azzi** stated that the programming and schematic design phases had been completed. The next step is the design and preparation of the construction documents needed to build a building and to get the final estimated cost. They know pretty much what the building would need to be, the offices and space, the meeting rooms and the people that it would serve, and the site planning and development issues. Mr. Azzi stated that an information sheet was available at the table at the entry to the meeting.

The amount of space that would be required has been reduced somewhat from previous versions, Mr. Azzi said. What made the final solution come together in a way that has been approved by all is that the various issues expressed by committee members

and others choosing to give their opinions have been solved. All of the meetings were open to the public. Some were expressly designed for public input. The proposed solution preserves the character of the existing Town Hall while providing a freestanding addition. Together the two will provide the necessary combined space and provide the large meeting hall. A board room will replace the function currently provided by the courtroom. In the Great Hall, perhaps 200 or more could be accommodated. Everything would be handicapped accessible.

Underneath a plaza would be a corridor connecting the old and new buildings so that they would function as one building. The plaza connects the upper and lower parking lots.

*(1:14:34 elapsed)*

Mr. Eaton interrupted, stating that Mr. Azzi had consumed eight minutes, and asked him to wrap up his presentation.

Mr. Azzi continued, stating that, if the Town is serious about restoring the existing space and creating new space, it will need to complete the design process. They are proposing that the Town provide \$250,000 to fund the design development, construction documents and bidding phases so that, next year, at about this time there would be bids from competing general contractors and a fixed price bid would be available if the Town chooses to build the building. The figure is a not to exceed one. Mr. Azzi stated that he believes that it can be done for less.

*(1:16:27)*

As Mr. Azzi started to show a flyover video of the proposed building, Mr. Eaton interrupted, and stated that Mr. Azzi had 30 seconds remaining. Mr. Azzi pointed out the existing and new buildings, the plaza and the entrances to the buildings and the connection to the parking lot.

*(1:17:06)*

Mr. Eaton requested that Mr. Azzi finish his sentence. Mr. Azzi asked whether he could have a minute. Mr. Eaton relented and permitted him two sentences. Mr. Azzi then let the video continue to run and enumerated the members of the Town Hall Committee, thanking them.

*(1:17:43)*

There was vigorous applause from the audience.

**Alex Herlihy**, 55 Lang Rd. stated that he strongly supported the amendment (sic). A citizen petition in 1975 created all of the office space downstairs. That was an important part of the Town Hall history. Mr. Herlihy mentioned a display on the history of the Town Hall along with information on the auditorium available on the second floor of that building. He stated that about 10 percent of the people who are going to vote in March are present and he encouraged those present to reach out and tell their friends what they had learned.

**Paul Goldman**, 1190 Washington Rd., stated that he is on the Budget Committee and the Town Hall Committee. He is excited about the output. He wholeheartedly supports the project.

**Mae Bradshaw**, 106 Harbor Rd. added her enthusiasm. As Chairman of the Heritage Commission she has participated in the process from the outside, she said. The Space Needs Committee and the Town Hall Committee have been generous in providing time for input regarding architectural standards. She believes that they had a real impact on the need to have a separate building because of the need to have any addition be subservient. She applauds the openness of the committees.

There being no further discussion of the warrant article, Mr. Eaton ordered it placed on the ballot as written.

*(1:21:05 elapsed)*

**Mr. Raynes** moved to restrict reconsideration of Articles 7 and 8. Jane Ireland seconded the motion. The motion carried.

**ARTICLE 9: FRONT END LOADER LEASE, \$45,000 FIRST YEAR COST, \$175,000 EQUIPMENT VALUE (1:22:05 elapsed)**

Mr. Eaton then read Article 9: (3 year lease purchase of front-end loader)

“To see if the Town will vote to authorize the Selectmen to enter into a three year lease/purchase agreement for one hundred seventy-five thousand dollars (\$175,000) for the purpose of leasing to purchase a front end loader for the Public Works Department and to raise and appropriate the sum of forty-five thousand dollars (\$45,000) for the first year’s payment for that purpose. This lease agreement contains an escape clause. This appropriation is in addition to the operating budget. (Majority vote required).”

Mr. Eaton stated that the Selectmen had recommended the article 3-0, and the Budget Committee had recommended it 6-0. Selectman Mills moved to bring the article to the floor for discussion. Ms. Holway seconded.

Public Works Director **Dennis McCarthy** presented the article. He stated that it is not a replacement for the existing front end loader, but rather is a replacement for the bucket dozer which was purchased in 1986. Replacing that would be quite expensive and the equipment is no longer needed because of a change in the way they operate. The lease purchase of the \$175,000 piece of equipment is being done as there are two other pieces of equipment and purchasing the front-end loader would draw the capital reserve down to almost zero. *Editor’s note: In fact, after purchase of the other two pieces, the reserve would be down to approximately \$63,000, before the addition of the \$100,000 by Warrant Article 19, which is not assured of passing. Thus, there would not be enough money to purchase the front-end loader in any case.*

The service life would be 20 years, Mr. McCarthy said. The lease purchase allows the Town to keep a little more money in the reserve and spread the payments out.

Selectman Mills stated that the tax impact is \$.025 per \$1000 on the tax rate.

**Peter Crawford** stated that he supported the need for the equipment. He asked about the additional cost to the taxpayers of leasing compared to paying cash. Mr. McCarthy stated that the rate is about 4 percent for the three year life, or around \$12,000

over the three years. Mr. Crawford stated that, with a little better planning there could have been money accumulated in advance. He believes that the Town is earning .1 percent on the capital reserve and the Town will need to pay 4 percent to lease this equipment.

**Selectman Mills** stated that they try to plan ahead, but things come up. He asked how old the existing equipment is. Mr. McCarthy responded that it is 18 years old. Mr. Mills stated that the CIP Committee attempts to keep things up to date. There is another piece of equipment for \$150,000. There is no cost to the taxpayers for that as the money is in the capital reserve. We try to plan, but things come up, he said. A piece of equipment that is 18 years old, with as much use as they give it, should be replaced, he said.

There being no further discussion, Mr. Eaton ordered the article to appear on the ballot as written.

### **ARTICLE 10: SIX WHEEL DUMP TRUCK, \$150,000 (1:27:24 elapsed)**

Mr. Eaton read the warrant article:

“To see if the Town will vote to raise and appropriate the sum of one hundred fifty thousand dollars (\$150,000) to purchase a new six wheel dump truck to replace an existing older, high mileage six wheel dump truck and to authorize the withdrawal of one hundred fifty thousand dollars (\$150,000) from the Highway Equipment Capital Reserve Fund created in 1994 for this purpose. This appropriation is in addition to the operating budget. (Majority vote required)

Mr. Eaton stated that the warrant article had been recommended by the Selectmen 3-0 and by the Budget Committee 3-0. *Editor’s note: Mr. Eaton misspoke. The Budget Committee approved it 6-0 according to the warrant.*

Selectman Mills moved the article to the floor for discussion. Selectman Musselman seconded.

Mr. **McCarthy** addressed the warrant article. This will replace one of the existing trucks. One is 13 years old, the other is 16 years old. They are both in a foot race for replacement in terms of the amount of money needed to keep them operating. Replacement was proposed the prior year, but they had been asked to defer it for another year. *Editor’s note: See the notes of the December 10, 2012 Board of Selectmen meeting. The Selectmen had originally voted 2-1 to recommend the replacement, but, after Selectman Mills noted that Selectman Jenness’ son works at the Recycling Center, and indicated that she should have recused herself from the vote, she did so. That left the recommendation with only one yes vote. At the December 26, 2012 meeting, she declined to second a motion to recommend replacement of the truck.*

Mr. McCarthy stated that the funds will come from the capital reserve and was anticipated for purchase last year. It will replace truck 106 or 109. The fleet will be reduced by one vehicle.

Selectman Mills explained that the truck had been requested by Mr. McCarthy the prior year. They had twisted his arm and it was deferred but the money stayed in the

bank. That is why it is costing nothing. *Editor's note: This statement is misleading as the tax rate was higher in the year that the money was put into the capital reserve.* The heaviest use is during the winter plowing snow. They lucked out, made it through and got another year out of the truck.

There being no further discussion, Mr. Eaton ordered Article 10 to appear on the ballot as written.

**ARTICLE 11: WALLIS RD. CULVERT, \$150,000 (1:30:06 elapsed)**

Mr. Eaton read article:

“To see if the Town will vote to raise and appropriate the sum of one hundred fifty thousand dollars (\$150,000) for the purpose of replacing the Wallis Road Box Culvert by public bid. Said sum to include engineering services for bidding and inspecting of the project. This appropriation is in addition to the operating budget. (Majority vote required.)”

Mr. Eaton stated that the article had been recommended by the Selectmen 3-0 and by the Budget Committee 3-0 (sic). *Editor's note: The actual vote was 9-0 according to the warrant.* Selectman Musselman moved this article to the floor for discussion and Selectman Mills seconded.

Mr. **McCarthy** stated that there had been some confusion. There are actually three culverts on Wallis Rd. down by Ocean Blvd. One is a twin culvert which is the larger of the two, the other one is a small single culvert that is the closest to Ocean Blvd. *Editor's note: It was unclear where the third one was, or whether Mr. McCarthy meant to say that there were two culverts.* The second one is the original watercourse of the marsh, Mr. McCarthy said. That is the one that they are proposing to replace with a box culvert. They had hoped to do away with it. However in meetings with the State, the EPA and the Army Corps of Engineers, because that is the original watercourse, the Town would not permit it to be filled in. However the Town would be permitted to replace it in kind, which is what they are proposing. They have permitted it to be widened to provide bike lanes and guard rails. It will not provide for an increase in the flow. There is not a hydraulic issue. It is not undersized. The issue is that it is very badly deteriorated and needs to be replaced before it is lost.

**Peter Crawford** asked whether there were any legal issues that might cause this to be considered further.

Selectman **Mills** stated that there is a legal issue with the property abutting this and they have checked with the insurance company's lawyers and there will be no effect.

Mr. Crawford stated that he had discovered a suit in federal court. The landowner at Appledore and Wallis and is seeking to have the marsh restored to its prior state. He said that he assumed that that would mean that the water would again flow under the old culvert.

Selectman Mills stated that they had checked with the insurance company's lawyers and with their own lawyer, and he believes, but is not positive, that they had checked with the opposing counsel to make sure that there would not be any liability. *Editor's note: See the notes of the January 13, 2014 Board of Selectmen Meeting and the*

video at 106:00 elapsed. At that meeting, Town Administrator Magnant indicated that opposing counsel would not be consulted until they are ready to start construction, stating that "...at the appropriate time, just before we're ready to go forward they'll make sure that the attorney for the other party..." Selectman Mills interrupted and either Selectman Mills or Mr. Magnant's completed the sentence, saying "... let them know."

**Michael Donovan**, the Town Attorney added that, at this point, there appeared to be no legal issues with regard to this particular culvert replacement. The suit referenced, which is no secret, as it has been publicized in the local papers, is about different issues. Even if the plaintiff prevailed it would not affect this particular culvert proposal, he claimed.

**Janice Ireland** called the question. Mr. Crawford read from the filing in federal court and its statement: "Order Defendant to restore Parsons Creek and the Property to its original condition." That would restore it to go back under the old culvert, which might not be big enough, he said.

The motion to call the question, which received no second, carried.

Mr. Eaton ordered Article 11 to appear on the ballot as written.

**ARTICLE 12: TOWN EMPLOYEES COLLECTIVE BARGAINING AGREEMENT, \$9700 FIRST YEAR COST (1:35:33 elapsed)**

Mr. Eaton read the warrant article:

"To see if the Town of Rye will vote to approve the cost items included in the Collective Bargaining Agreement reached between the Town of Rye Board of Selectmen and the Rye Town Employees Association affiliated with Teamsters Local 633 of New Hampshire, which calls for the following increases in salaries and benefits at the current staffing level."

Mr. Eaton then described the table that appears in the warrant:

Year	<u>Estimated Range of Increase over prior year</u>	
	<u>Base 2%</u>	<u>Max 3.5%</u>
2014 (9 mos.)	\$9,700	
2015 (12 mos.)	\$13,190	\$23,083
2016 (12 mos.)	\$13,454	\$23,890

Mr. Eaton then continued reading from the warrant article:

"The range in years 2015 and 2016 is a minimum and maximum amount determined by a Cost of Living Adjustment (COLA)."

"And further, to raise and appropriate the sum of \$9,700 for the 2014 fiscal year, such sum representing the additional cost attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels in accordance with the most

recent collective bargaining agreement. This appropriation is in addition to the operating budget. Majority vote required.”

Mr. Eaton stated that the article had been recommended by the Selectmen 3-0, and by the Budget Committee 9-0. Selectman Musselman moved the article to the floor for discussion. Selectman Mills seconded.

Shawn Crapo then moved to restrict reconsideration on articles 9, 10 and 11. Mr. Marion seconded the motion. The motion carried.

Mr. Eaton again asked for a second, which was made this time by Selectman Jenness. Selectman **Musselman** stated that this contract relates to the Public Works staff and provides a three year contract. There was give and take on both sides. In exchange for a normal cost of living increase, which is the same arrangement as in prior years, the Collective Bargaining Agreement addresses the real problem, which is that employee health insurance costs are going through the roof, which has been the case for ten years. The union has agreed to increase the premium for current single employees a little bit, and for future employees hired beyond March, there will be new options for health insurance that are a bit less expensive. They are beginning to make some inroads in terms of an agreement on lowering the health insurance increase. Similar arrangements appear in Article 14, he said.

There was no discussion on this article, so it was ordered placed on the ballot as written.

**ARTICLE 13: AUTHORIZE A SPECIAL MEETING IF ARTICLE 12 IS DEFEATED (1:40:12)**

Mr. Eaton read the warrant article:

“Shall the Town of Rye, if Article 12 is defeated, authorize the Board of Selectmen to call one special meeting, at its option, to address Article 12 cost items only?”

Selectman Musselman moved the article to the floor for discussion, which was seconded by Selectman Jenness. Mr. Musselman stated that this is a standard warrant article that follows a collective bargaining agreement warrant article. There was no further discussion so Mr. Eaton ordered it to appear on the ballot as written.

**ARTICLE 14: POLICE COLLECTIVE BARGAINING AGREEMENT, \$7746 FIRST YEAR COST (1:40:56 elapsed)**

Mr. Eaton read the warrant article:

“To see if the Town of Rye will vote to approve the cost items included in the Collective Bargaining Agreement reached between the Town of Rye Board of Selectmen and the Rye Town Police Association affiliated with Teamsters Local 633 of New Hampshire, which calls for the following increases in salaries and benefits at the current staffing level.”

Mr. Eaton then described the table that appears in the warrant:

Year	<u>Estimated Range of Increase over prior year</u>	
	<u>Base 2%</u>	<u>Max 3.5%</u>
2014 (9 mos.)	\$7,746	
2015 (12 mos.)	\$10,534	\$18,434
2016 (12 mos.)	\$10,745	\$19,079

Mr. Eaton then continued reading from the warrant article:

“The range in years 2015 and 2016 is a minimum and maximum amount determined by a Cost of Living Adjustment (COLA).”

“And further, to raise and appropriate the sum of \$7,746 for the 2014 fiscal year, such sum representing the additional cost attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels in accordance with the most recent collective bargaining agreement. This appropriation is in addition to the operating budget. Majority vote required.”

Mr. Eaton stated that the Selectmen had recommended the warrant article 2-1, and the Budget Committee 9-0.

Selectman Musselman moved the article to the floor for discussion, which was seconded by Selectman Mills. Selectman Musselman stated that it was the same speech as the one for Public Works employees, except that this is for police. There was no further discussion so Mr. Eaton ordered it placed on the ballot as written.

**ARTICLE 15: AUTHORIZE A SPECIAL MEETING IF ARTICLE 14 IS DEFEATED (1:43:13 elapsed)**

Mr. Eaton read the warrant article:

“Shall the Town of Rye, if Article 14 is defeated, authorize the Board of Selectmen to call one special meeting, at its option, to address Article 14 cost items only?”

Selectman Musselman moved the article to the floor for discussion, which was seconded by Selectman Mills. Selectman Musselman stated that it was a standard article as before. There no further discussion so Mr. Eaton ordered it placed on the ballot as written.

**ARTICLE 16: ONE TON TRUCK, \$65,000 (1:43:46 elapsed)**

Mr. Eaton read the warrant article:

“To see if the Town will vote to raise and appropriate the sum of sixty-five thousand dollars (\$65,000) to purchase a new one-ton truck to replace an existing older, high mileage ¾ ton truck and to authorize the withdrawal of sixty-five thousand dollars (\$65,000) from the Highway Equipment Capital Reserve Fund created in 1994 for this purpose. This appropriation is in addition to the operating budget. (Majority vote required.)”

Mr. Eaton stated that the warrant article was recommended by the Selectmen 3-0, and by the Budget Committee 6-0. Selectman Mills moved the article to the floor for discussion, which was seconded by Selectman Musselman.

**Mr. McCarthy** addressed the warrant article. He stated that this was a regularly scheduled piece of equipment which replaces one of the ¾ ton pickup trucks. There are currently two of these. One is eight years old and the other is eleven years old. Oddly enough, the newer one is costing more money than the older one. It will be almost a year before the truck can be bought, so a decision will be made at that time as to which one should be replaced. The ¾ ton trucks are used for plowing and hauling equipment, and are a little bit light which may be the reason for the higher repair cost. Typical service life for pickup trucks in Public Works is ten years, which is what they are scheduled for in the replacement program. There are sufficient funds in the capital reserve for this.

**Selectman Mills** that the fact that the vehicle is older is in the warrant article. They have used it as much as they can. This vehicle is used to plow Appledore, Ocean View, Park Ridge and Odiorne Dr. and smaller streets like that, and down at Rye Beach: Myrica Ave. and Breakers Rd. There is no cost to the taxpayers as they have put the money in the capital reserve. *Editor’s note: Again, this is misleading as the taxes were higher than they otherwise would have been when the money was placed in the reserve.*

There was no further discussion on Article 16, so Mr. Eaton ordered it placed on the ballot as written.

Mr. Gould then moved to restrict reconsideration on Articles 12 through 16. The motion was seconded by Shawn Crapo. The motion carried.

**ARTICLE 17: ADDITIONAL FULL TIME POLICE OFFICER, \$46,915 FIRST YEAR COST (1:47:33 elapsed)**

Mr. Eaton read the warrant article:

“To see if the Town will vote to add one (1) full-time patrol officer in the Rye Police Department and to raise and appropriate the sum of forty-six thousand, nine hundred fifteen dollars (\$46,915) to fund the position for the last six months of calendar year 2014. This appropriation is in addition to the operating budget. (Majority vote required).”

Note: The amount of \$46,915 to fund the position for six months in 2014 includes wages and benefits based on present figures plus the required outfitting equipment. The costs to fund this position for a full year based

on present figures for wages and benefits plus uniform allowance would be \$88,326.30.”

Mr. Eaton stated that the warrant article had been recommended by the Selectmen 2-1, and by the Budget Committee 6-0.

Selectman Musselman moved the article to the floor for discussion, which was seconded by Selectman Jenness. Mr. **Musselman** stated that this is an additional operating budget appropriation to permit the addition of a police officer. This has been discussed over the last six months. It was initially proposed because of a significant need to increase police presence at the beach to deal with misbehavior issues that they had all talked about all year regarding open container, safety issues, and a variety of other issues at the beach. Last summer they were about 1 ½ officers short and the Police Chief almost spent the entire summer at the beach.

This addition was initially discussed for the purpose of increasing the presence there. Selectman Musselman stated that he became convinced that this was necessary for two other reasons. Compared to coverage of other New Hampshire communities of similar size with similar summer populations, the police complement is a little less than the others. The other reason is that this will allow the graveyard shift to be covered, in the middle of the night, by two officers rather than one. There have been experiences in Rye and other communities creating concerns. It would be much safer with two on every shift. A number of issues can be addressed with the one warrant article.

Selectman Jenness spoke to echo what Selectman Musselman had said. She would not want anyone to be out there alone. The summer does not start on June 1. There can be problems the first hot day.

*(1:51:43 elapsed)*

**Mae Bradshaw**, 106 Harbor Rd. stated that her father had been a police officer for 33 years. She stated that she is very much in favor of this. The police get 26.8 percent of their calls over the entire day during the graveyard shift. Thirty six percent of the arrests occur during that shift which is covered by one person. The crimes are like those in New York City. She enumerated criminal mischief, theft, sexual assault and disorderly conduct. They are having to do a lot with one officer. She hopes that the community stands behind this.

*(1:52:48 elapsed)*

Peter Crawford asked Selectman Mills why he voted not to recommend the warrant article.

**Selectman Mills** responded:

“Well, Mr. Crawford, you’re a slow learner because I sat within two feet of you...”

Mr. Eaton interrupted and instructed Selectman Mills to direct his comments toward the moderator. Selectman Mills continued, saying:

“I was disappointed with the police response last year at the beach. The residents at the beach came to us, and implored us to get the police down

there because of the stuff that was going on and I got upset with Mr. Walsh, Chief Walsh, and he can attest that I was, when he was there most of the time I was there. And, I wanted the men to come down and work, and do overtime in shorts and t-shirts and just be undercover people, catching the people that surfers supposedly were getting complaints, the surfers were changing clothes in the people's back yards. That's not right. It's not fair. And one guy's daughter was ten years old, standing out there and some guy's undressing himself. That's not right. And then the other thing was the drinking, the alcohol on the beach. And, Kevin and I have no problems, okay, it's just that I expressed my opinion and I'm sorry that that's the way it went but I, I, I go to the beach and I pay attention to the beach and what's going on down there."

*(1:54:25 elapsed)*

**Alex Herlihy**, 55 Lang Rd., stated that this must be an issue in every coastal community. In the old days there used to be multiple police officers hired for the summer. Perhaps that is not practical, but he asked for an explanation as more than one extra officer is needed for the warm weather at the beach.

Police **Chief Walsh** stated that it is difficult to hire part-time officers. If they're starting in law enforcement they will go off to another community. Officer Sullivan was half way through the process in Hampton, is an outstanding officer, and "we stole him." That's what's going to happen. It is difficult to find someone that wants to do beach duty on a part-time basis.

What Selectman Musselman described is a year-round thing. Chief Walsh stated that he had been a police officer in Rye since 1994. In 2004 they started to see a change in the crimes reported. These included nighttime burglaries while people were asleep in their homes. The burglars cut land lines and went in, and they do not care if people are home and in bed. In 2009 an individual broke into a home. He is now awaiting trial for another crime. The residents heard a noise and thought it was one of their kids.

He needs the flexibility as a manager to shift the personnel to handle the influx of people in the summer. He will shift the hours and the daytime/nighttime mix. There are nine full-time officers and four part-time officers. It is difficult to get the part-timers to come in because they have other obligations. He can change the hours of the full-timers more easily. Your safety is number one, he said.

There was applause.

*(1:57:40 elapsed)*

**Mr. Crawford** said that he supported what Mae Bradshaw said, and stated that he strongly supported the need for an additional officer. He stated that he had had a conversation with Chief Walsh and that he understood that this was going to provide the flexibility to have 1-2 officers on the beach during the summer. He asked Chief Walsh whether that understanding was correct.

Chief Walsh stated that the additional officer could be scheduled for the beach or remain on the night shift. There will be that flexibility. There are already two officers on duty. There will be flexibility depending on what is going on in Town. It is really weather related. That is how they operate in the summer.

Jane Dawcom moved the question. The motion was seconded by Jane Ireland. The motion carried. Mr. Eaton ordered Article 17 to appear on the ballot as written.

*(1:59:32 elapsed)*

Mr. Eaton stated that a break would now be taken for 10 minutes. There would be another break at 12:30 p.m. for pizza. It would be sold this year, with any profit going to the Junior High School. The meeting will resume at 11:15 p.m., he said.

**ANNOUNCEMENT REGARDING ADDITIONAL CANDIDATES NIGHT**  
**(2:22:30 elapsed)**

Mr. Eaton called the meeting back to order. He repeated the rules on permitting non-voters to speak and noted that a number of new people had arrived who may not have checked in with the clerks. The yellow card will be needed to vote.

**Alex Herlihy** announced that there had been a change on candidates night. Thursday, February 20 at the Library will be the date for the School Board candidates. All of the others will remain the previous night, Wednesday the 19<sup>th</sup>. *Editor's note: Mr. Herlihy is President of the Rye Civic League.*

**ARTICLE 18: MATCH FOR \$300,000 FIRE TRUCK, \$15,000 (2:23:52 elapsed)**

Mr. Eaton read the warrant article:

“To see if the Town will vote to raise and appropriate the sum of three hundred thousand dollars (\$300,000) to purchase a fire department ladder truck to replace a 1988 ladder truck. This amount is to be offset by the Assistance to Firefighter Grant in the amount of two hundred eighty-five thousand dollars (\$285,000) with the remaining amount of fifteen thousand dollars (\$15,000) to be raised by general taxation. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the ladder truck is received or by December 31, 2019, whichever is sooner. This appropriation is contingent upon the receipt of the grant. Should the grant not be awarded the appropriation would lapse and not be expended. (Majority vote required.)”

Mr. Eaton stated that the warrant article had been recommended by the Selectmen 3-0 and by the Budget Committee 6-0. Selectman Mills moved the article to the floor for discussion. Selectman Musselman seconded.

Fire **Chief Sullivan** came up to speak to the article. He started saying “Joe Mills, 295 Lafayette Rd.” There was laughter. He stated that the only amount they were asking for was the \$15,000 to match an Assistance to Firefighters Grant. They have asked for the money to purchase a pre-owned pumper/ladder truck to replace the 1988 ladder truck. A new vehicle would be \$700,000.

Selectman **Mills** stated that 295 Lafayette Rd. is the Alzheimer's unit. That is what Chief Sullivan was referring to, he said. He stated that, if the grant is denied, the

money will be in the bank, but the \$800,000 would need to be raised. Chief Sullivan confirmed.

*(2:26:34 elapsed)*

**D.J. Blouin**, 426 Wallis Rd., stated that he had lived in Town a long time. Every time he drives by the Public Safety Building he gets upset because he sees things that have been bought with grants that the Town does not need, like an armored assault vehicle and a ladder truck when there is not a house in town over three stories. The only thing that he has seen a ladder truck do in this Town is put wreaths up at Christmastime. He offered ladders from his own construction business so that firefighters could do this without the ladder truck. Since 2001, fire departments have gotten blank checks, and everybody here has been willing to write them in the name of public safety. But, it is a waste of money. Continuing to spend money because half of it comes from the government is foolish.

Selectman Mills stated that the assault vehicle does not belong to the Town. That is owned by Portsmouth and Newington. It is only there because they have no place to store it in Portsmouth. Mr. Blouin attempted twice to interrupt Selectman Mills and state that the Public Safety Building had been built too large, but Mr. Eaton asked him to sit down.

*(2:28:14 elapsed)*

**Steven Borne**, 431 Wallis Rd., supported what Mr. Blouin had said. When the tour of the Safety Building had been done to look at whether the space upstairs could be used, he was counting vehicles and there are a lot of them. Grant money is not free. It's still our money, even though it comes from the U.S. government. He advised prudence.

There was no further discussion, so Mr. Eaton ordered Article 18 to appear on the ballot as written.

**ARTICLE 19: HIGHWAY EQUIPMENT CAPITAL RESERVE, \$100,000 (2:28:57 elapsed)**

Mr. Eaton read this warrant article:

“To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000 (sic) to be added to the Highway Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the operating budget. (Majority vote required.).

Mr. Eaton stated that the Selectmen had recommended this warrant article 3-0 sand the Budget Committee 6-0. Selectman Mills moved the article to the floor for discussion. Selectman Musselman seconded.

**Dennis McCarthy** addressed the warrant article. This is where the funds for the equipment discussed earlier come from. The \$100,000 has been added in each of the past several years. It is for the actual replacement of the equipment within the CIP program. The easiest way to explain it is that the Town owns 15 pieces of equipment registered to Public Works. That includes small trucks, the six wheel trucks, the plows, the loaders

and everything else. The total value is \$1.5 million. The average service life is about 15 years. The pickup trucks last 10 years. Plows last 15 years. Heavy equipment lasts 20-25 years. The \$1.5 million divided by the 15 year average life is \$100,000, the payment needed to keep the department where it is in terms of equipment. With the recent acquisition decisions they want to reduce this to a smaller amount. The equipment put on the warrant earlier in the day is not part of this \$100,000. That will be paid for with money already in the fund. This \$100,000 is to offset future purchases.

**Steven Borne**, 431 Wallis Rd., asked about putting less money in. He referred to Table G from the CIP Plan. Every year there is a plan to buy capital equipment, he said. After this year there will be \$63K left. Next year will be O.K. because \$135K is needed and there will be \$163K in the reserve. The dump truck will bring that down to \$28K. Although another \$100K would be added, they will be trying to buy a \$135K truck plus make the lease payment, a total of \$190K. To him, it looks like there is underfunding if they are going to keep on track. He does not believe that \$100K is enough.

**Cyndi Gillespie** stated that the lease payment would be appropriated as part of debt service in 2015. There is also an escape clause in the lease, in case they choose not to continue the lease.

*Editor’s note: It appears that Mr. Borne was using figures from a prior CIP plan, however the figures from the most recent plan support his point, even considering that the lease payments would not be made out of the reserve. Using the final 2014-2019 CIP plan data, and assuming \$100K in annual funding passes, and that the three related 2014 warrant articles pass, there would be a problem in 2017:*

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
<i>Beginning balance</i>	\$278,000	\$163,000	\$198,000	\$163,000
<i>Less: Equipment purchases</i>	<u>(\$215,000)</u>	<u>(\$ 65,000)</u>	<u>(\$135,000)</u>	<u>(\$190,000)</u>
<i>Balance before funding</i>	\$ 63,000	\$ 98,000	\$63,000	<b>(\$27,000)</b>
<i>Add: Annual funding</i>	<u>\$100,000</u>	<u>\$100,000</u>	<u>\$100,000</u>	<u>\$100,000</u>
<i>Equals: Ending balance</i>	\$163,000	\$198,000	\$163,000	\$73,000

*Since the warrant article to add \$100,000 to the reserve cannot be assured of passage, and in any event the funds are not added to the reserve until the end of the year, there would be insufficient funds to purchase the equipment currently in the CIP plan. The \$190,000 is for a cat crawler. If that is not needed because the front end loader would replace it, then Mr. McCarthy may be correct. However, it is still in the CIP plan.*

Mr. Crapo called the question, but Mr. Crawford was standing so was permitted to speak.

**Mr. Crawford** asked whether the \$100,000 would affect the tax rate this year. Town Finance Director Cyndi Gillespie confirmed that it would. Mr. Crawford referred to a comment made earlier about money coming out of the capital reserve not affecting the tax rate. He said that that is true, however this just changes the year of the tax impact. It doesn’t mean that there is no tax impact from buying highway equipment. Ms. Gillespie stated that this is a planning tool for funding the needs. Mr. Crawford stated that he agreed with that but wanted to clarify that it was not “free money.”

Jane Ireland seconded the motion to call the question. The motion passed.

Mr. Eaton ordered Article 19 placed on the ballot as written.

There was a motion to restrict reconsideration on Articles 18 and 19 by an unknown person. That was seconded by Selectman Mills. The motion passed.

Mr. Gould then moved to restrict reconsideration on Article 17. Mr. Boynton seconded. The motion passed.

**ARTICLE 20: ACCUMULATED LEAVE FUND, \$50,000 (2:35:10 elapsed)**

Mr. Eaton read the warrant article:

“To see if the Town will vote to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be placed in the expendable general trust fund known as the Town Employees’ Accumulated Leave Fund, established pursuant to RSA 31:91-a by Article 14 of the 1990 Rye Town Meeting for the purpose of funding Town Employees’ accumulated leave accounts. This appropriation is in addition to the operating budget. (Majority vote required.)”

Mr. Eaton stated that the Selectmen had recommended this article 3-0, and the Budget Committee 6-0. Selectman Mills moved the article to the floor for discussion. Selectman Jenness seconded the motion.

Selectman Jenness stated that there was a current balance of \$155,247.79 in the account. The DRA recommends funding at 50 percent of the liability, which today is \$482,309, fifty percent of which is \$241,655. We are quite a ways beneath that goal, she said. Last year three people left that required payouts from this account: two police officers and the Deputy Town Clerk/Tax Collector. The reason for this warrant article is to bring the account back. It will not reach the fifty percent even with this addition, she said.

There was no further discussion on this article, so Mr. Eaton ordered the article placed on the ballot as written.

**ARTICLE 21: LIBRARY BUILDING MAINTENANCE TRUST, \$5000 (2:37:10 elapsed)**

Mr. Eaton read the warrant article:

“To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Rye Public Library Building Maintenance Expendable Trust Fund established by Article 14 at the 2005 Town Meeting under the provisions of RSA 31:19-a, as a maintenance fund for the Rye Public Library building. This appropriation is in addition to the Library’s operating budget. (Majority vote required.)”

Mr. Eaton stated that the Selectmen had recommended this article 3-0, and the Budget Committee 9-0. Selectman Musselman moved the article to the floor for discussion, which motion was seconded by Mr. Mills. Mr. Eaton stated that **Victor Azzi**, a Library Trustee, would speak to the article.

*(2:37:54 elapsed)*

Mr. Azzi pointed out that the Library Building is different from other Town buildings. If something happened with the furnace, for example, or the roof blows off, they do not have access to the Town reserves. In accordance with the language the Trustees can make the decision to disburse. There is a current balance of \$17,000. Considering all of the possible exigencies it is prudent to add to the reserve.

*(2:39:28 elapsed)*

There was no further discussion on this warrant article so Mr. Eaton ordered it placed on the ballot as written.

Shawn Crapo moved to restrict reconsideration of Articles 20 and 21. Jeanne Moynahan seconded the motion. The motion passed.

**ARTICLE 22: OPERATING BUDGET, \$9,079,898 (2:39:34 elapsed)**

Mr. Eaton read the warrant article:

“Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling nine million seventy-nine thousand eight hundred ninety-eight dollars (\$9,079,898)? Should this article be defeated, the default budget shall be eight million seven hundred twelve thousand two hundred one dollars (\$8,712,201) which is the same as last year, with certain adjustments required by previous action of the Town or by law, or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.) NOTE: This operating budget warrant article does not include appropriations in ANY other warrant articles.”

Mr. Eaton stated that the article was recommended by the Selectmen 3-0 and by the Budget Committee 9-0. Selectman Jenness moved the article to the floor for discussion. The motion was seconded by Selectman Musselman. Selectman Jenness stated that the warrant article was unanimously approved by both the Board of Selectmen and the Budget Committee.

**The effect on the tax rate of the budget and warrant articles (2:41:34 elapsed)**

**Peter Crawford** referred the audience to the sheet that was passed out. If all of the warrant articles pass, the total spending would be \$9,975,000 as opposed to last year’s budget of \$9,049,000, he said. The money for the two trucks of \$215,000 coming from the capital reserve would need to be deducted from the \$9,975,000 but that is still about a

\$700,000 increase if all of the warrant articles pass, which is about eight percent. He stated that he computes that that would result in a 50 cent increase on the tax rate.

Last year the taxes went down even though the spending was up. That was due to a number of reasons, including a concern that the tax revaluation might result in more abatements than actually were needed. He asked whether he was correct as to those figures and whether the Town was looking at a 50 cent tax rate increase if everything passes.

*(2:42:58 elapsed)*

Selectman **Mills** responded that “it’s like shooting a dart in a board and hoping you hit the bulls eye.” After Mr. Eaton cautioned him, he stated that he was explaining how the budget works. He continued, saying:

“These people were asked to do their budgets in August and September and they are guesstimates, okay. It’s like, I’m glad you mentioned it, the budget. And, I was thinking about this as I was going up Lafayette Rd. the other day; Atlantic Fuel was \$3.749 a gallon. We went out to bid in July, last year, for the Town’s oil. We are paying now, for the Town buildings, \$2.909 per gallon of oil. I haven’t heard you say that we did a good job with that.”

*(2:44:02 elapsed)*

**Paul Goldman**, 1190 Washington Rd., stated that he was Chairman of the Rye Budget Committee. He wanted everyone in Town to hear from him that they had a “due diligent process,” as they have every year. It starts around the September time frame and is zero based, based on needs and a bottom up process. There have been lots of iterative discussions. We have a lot of capable people, and he wants to give credit to Cyndi Gillespie and the Town Finance Organization, the Board of Selectmen, the Town Administrator’s Office and all of the Committee, Commission and Department heads who engaged in this process in a very diligent process.

Mr. Goldman stated that he trusts his judgment and the judgment of these people. He prefers a process that works and an output based on a good process. Yes, you can add everything up and say it’s greater than 10 percent. There is a reason why the operating budget is a separate warrant article. That is to make it visible to all of the voters so that they understand the process and the need and make their own decisions. He trusts the process and believes in it and he supports the outcome. There was mild applause.

*(2:46:09 elapsed)*

**Steven Borne**, 431 Wallis Rd., stated that he believes that everyone does work to do an excellent job. He stated that, if people want to understand the dynamics of the budget there are a few presentations on the table that show the trends of the budget and it’s posted online.

### **Amendment to add \$10,000 to address climate change**

**Mr. Borne** stated that he would like to make an amendment. He referred to a meeting that his wife had attended at the library on sea level rise. He had asked some questions about what was in the Master Plan with regard to rising sea levels. He found that Rye is not doing as much as surrounding communities. He stated that he would like to add an amendment providing \$10,000. He read the language. "Include \$10,000 to support the beginning of a plan and report for Rye to address rising sea levels." Peter Crawford seconded the motion.

Mr. Eaton stated that he had a question for legal counsel. He asked whether this raised a concern as to whether this issue had been noticed to the Town as it is not covered by any line item in the budget.

**Mr. Donovan** said "probably so, although I do believe that there would be a way to amend this article that did not raise that problem. This way of doing it is not one of those ways."

Mr. Eaton stated that "based on advice from Town Counsel, I will rule this amendment to be out of order because it is, raises a new subject not noticed to the Town in the warrant."

**Mr. Borne** said "I would ask that the attorney, that if he does know a way to rephrase that so that it would be appropriate that he does make such motion so that it can be added."

Mr. Eaton responded, saying "I'm not sure he's your attorney Mr. Borne..."

Mr. Borne interrupted, saying that "Excuse me, I think, I believe the Town is paying him to be here today so as the Town representative, please do so." Mr. Eaton stated "I leave that up to your discretion."

Mr. Donovan said that he would if the Town Meeting wanted him to. Mr. Eaton then called for a vote. The show of yellow cards was, he said, too close for him to tell. He asked for Mr. Goldman to count the seats on his side (the right side facing the stage) and Mr. Winslow to count the other side, including the bleachers. The vote was 65-44 in favor of having Mr. Donovan offer his opinion and Mr. Eaton so requested.

*(2:50:58 elapsed)*

**Mr. Donovan** stated that if someone wanted to amend the budget to increase it by \$10,000 and identify the line item such as the Planning Board line item which is where studies of that type normally come out of, then that would be a legal amendment.

Mr. Eaton asked whether the Selectmen, in such a case, would be required to fund that purpose. Mr. Donovan stated that it would likely be up to the discretion of the Selectmen, but the money would be there and the sentiment of the Town at the Deliberative Session would be known.

Mr. Borne started to make his amendment. Mr. Eaton interrupted, stating that he needed it to be in writing. There was a pause while Mr. Borne wrote down the amendment and then handed it to Mr. Eaton. Mr. Eaton read the amendment, which was to add at the end, prior to "majority vote required," "include \$10,000 to support the beginning of a plan and report for Rye to address rising sea level to budget item 01-4191-11-46." Mr. Eaton stated that he assumed that he was also moving to amend the total budget amount to \$9,089,898. Mr. Borne confirmed. Peter Crawford seconded the motion.

*(2:54:10 elapsed)*

Mr. Eaton asked Mr. Donovan whether that passed muster. Mr. Donovan confirmed that it would.

**Shawn Crapo**, 676 Central Rd., stated that he was also a member of the Budget Committee. He said that, while rising sea levels may be in need of study, people had sat here all day long for separate articles. We are now on number 22, he said. As Mr. Goldman pointed out, the reason that they are separate from the overall operating budget is so that they can receive individual consideration. “We go over stuff from \$25 software to \$100,000 purchases.” That has been gone over by the Selectmen and with us. It gets vetted, he said. This would result in an amendment. In order to not vote for the \$10,000, you’d have to not vote for the Town budget, which would cause us to go to the default budget. He does not believe that even Mr. Borne intended that. Twenty-five signatures can be obtained and next year there can be a warrant article specific to this. “At this point, in this budget process, I think it’s defeative (sic) of the entire process to make this amendment.”

**Selectman Musselman** made two points. He asked whether Mr. Borne would consider making a friendly amendment to place it under the emergency management line item. Mr. Borne declined, stating that it should be part of the Master Plan, and would then come to emergency management to implement. However, it needs to be part of the plan, and \$10,000 will not sink the vote on the budget.

Selectman Musselman asserted that they are acting in this regard. Mr. Winslow represents the Town on a State Commission that is investigating sea level rise. We are awaiting new FEMA maps that are coming early in 2014 that may change how everyone looks at potential coastal flooding going forward. We need to look at this. It is a long-term issue. We should determine the appropriate next steps and what the cost is. We do not know whether this is not nearly enough money or whether it is too much. He suggested that they come back to Town Meeting next year with this point well taken. We’re not ready, he said.

**Mel Low** stated the Planning Board is updating the Master Plan. This issue is in Chapter 6. The charge has been given to the Town to look into the “rising tide.” They have not looked into the cost. There is a lot of work going on with the State of New Hampshire and the Town of Hampton. He stated that he agrees with Mr. Musselman. Just to throw \$10,000 at a problem does not make sense. There will be public review on the Master Plan. He welcomes everyone to come.

*(3:01:10 elapsed)*

**Alan Gould**, 1210 Washington Rd. urged everyone to vote against the amendment. There is a well vetted process. Town officials and department heads spend hours and hours poring through this budget. Ten thousand dollars would be a lot of money for many of these departments. To throw \$10,000 at a problem because someone’s wife came back from a meeting at the Library would set a bad precedent, he said. Applause ensued.

Selectman **Mills** asked Phil Winslow to explain the commission that he is on.

**Phil Winslow**, 100 Harbor Rd., stated that he was on the Rockingham Planning Commission and also a New Hampshire Commission on coastal hazard risk. The latter is chartered to run through 2016. The objective is to gather information as to the potential

impact on the coast, including roads, harbors and seawalls. At the last meeting there were four separate state agencies which made presentations. Mr. Winslow referred to Cameron Wake's presentation at the Library. Mr. Wake stated that things do not necessarily need to be done immediately, Mr. Winslow said.

**Paul Goldman**, 1190 Washington Rd., Chairman of the Budget Committee, stated that there may be things that are legal to do. However, he also respects the process that they have gone through. He has no problem, in theory, with the notion that has been brought forward, however there is a process in place to deal with it through budgeting cycles. "It can be vetted through a fine and fair and proper process," he said. Typically, this meeting deals with numbers that have already been vetted and discussed. That is all well and good, but he has a problem with dealing with something that has not been through the process.

*(3:05:30 elapsed)*

**Victor Azzi** stated that he had been waiting and wondering for at least four or five years when, if and whether this issue would finally come to the table. He did not think that it would come in this form. He stated that:

"I don't think \$10,000 spent in that way, at this time, by that Board will buy us anything particularly useful. The problem I see is that this Town, or the people who are responsible for making decisions and giving guidance to this Town have been ignoring, for one reason or another, or several reasons or other, what most other towns have already identified years ago."

Mr. Azzi stated that regional planning commissions, most of the nation and all of the other towns on the New Hampshire seacoast had already identified this issue. He referred to Seabrook, Portsmouth and New Castle and the other towns in between. "[A]ny responsible planning organization needs to grasp the issue and do something. The Town of Seabrook led the State of New Hampshire." The identification and mapping of vulnerable areas was done 3-4 years ago, Mr. Azzi said. When people ask the Planning Board about what is being done about this issue, and what is in the Master Plan, they pretty much get silence. The last Master Plan update was a 2009 revision of the 2006 plan. That is virtually silent on this issue.

The reason that it has not been made public is perhaps the scrutiny that would come from that. This is not a FEMA implementation issue at this point. People should become aware of what the realities are. It's going to take some major changes in the attitudes of people in this Town and perhaps even in changes to the budget. "There are too many people that are trying to bend the science or ignore the science. They are the people that are appropriately called the naysayers or the deniers and saying 'this is all a political conspiracy.'" At this point the audience reacted and Mr. Eaton called for quiet. He asked Mr. Azzi to try to wrap it up, nonetheless. Mr. Azzi then did. There was applause

*(3:10:18 elapsed)*

Mr. Eaton stated that Mr. Donovan had a further comment. **Mr. Donovan** stated that he would need some humble pie. Although it may be a close call, he had been looking at some of the detail of the budget law. If the purpose was not identified at the budget hearing then it cannot be added to budget by an appropriation, although a line item in the budget can be increased, to designate it for a specific purpose would violate the budget law. If the budget went forward in this manner, the Department of Revenue would say that the money could not be spent for a purpose that had not been identified.

Mr. Eaton stated that, given that it was a close call, he would permit the amendment to go forward, however, the voters should understand that it may later be deemed illegal and the additional appropriation might be rejected. He stated that there were now about 20 people who wanted the floor. He recognized Mr. Borne for a brief comment.

Mr. Borne stated that it had been brought up at the public hearing. He asked whether they had enough money and the response was that they didn't. If it would simplify things he would offer to strike the \$10,000. He wants a documented way to show that solid progress had been made by next year.

Mr. Eaton stated that Mr. Donovan had asked him to clarify that the DRA would not reject the appropriation, but the purpose for which it was made.

Frank Drake started to speak, at which point Mr. Eaton asked him what Mr. Borne had just said. Mr. Drake spoke about Mr. Borne being "willing to strike the \$10,000 from his amendment and just go with getting on the record, in the amended article, the request of the Town getting its butt in gear..."

There was then a discussion about whether Mr. Borne was withdrawing his amendment. Mr. Borne responded that he was agreeing to strike the \$10,000. Mr. Eaton then asked what would be left. Mr. Borne referred to the report and plan. Mr. Eaton stated that he did not know how a report and a plan could be put into an operating budget warrant article. Mr. Eaton reported that Mr. Borne was dropping the whole thing. He asked whether the person seconding the motion would agree to that. Mr. Crawford agreed to do so.

Mr. Eaton reported that Mr. Crapo had called the question and Mr. Marion had seconded. The motion carried.

Mr. Eaton order Article 22 to appear on the ballot as written.

Mr. Gould made a motion to restrict reconsideration, which was seconded by Ms. Moynahan. The motion carried and reconsideration was restricted on Article 22.

Selectman Mills asked whether Article 24, smoke free zones, could be moved ahead of Article 23. He stated that he did not believe that Isabella Hillman need to listen to what was going to happen with Article 23. "There might be some language in there that she's never heard before," he said. Mr. Eaton responded, "hope it's not coming from you Mr. Mills," Mr. Eaton reported that Mr. Marion had seconded the motion. There was no discussion on the motion. The motion carried.

#### **ARTICLE 24: SMOKE FREE BEACHES (3:15:23 elapsed)**

Mr. Eaton reported that Ms. Hillman was a young junior high student who has spent a lot of time working on this, but given her age is not a registered Rye voter. He

asked whether anyone objected. There were no objection. Selectman Mills ceded his chair on the stage to Ms. Hillman. The audience applauded.

Mr. Eaton neglected to read Article 24, but the text is as follows:

“(By petition) Shall the Town of Rye adopt a non-binding resolution declaring all town beaches as Smoke-Free Zones. Estimated cost: \$25.00/sign, 10-15 signs +/”

“This article is recommended by the Selectmen. (3-0)

This article is recommended by the Budget Committee. (9-0)”

Mr. Eaton indicated that the article had not been moved to the floor. Selectman Mills moved the article to the floor and it was seconded by Selectman Musselman.

Isabella Hillman stated 4.5 trillion cigarette butts become litter each year. They are the most littered item in the world. In 2012, the Blue Ocean Beach Society volunteers picked up 46,813 butts from Northern Massachusetts to Southern Maine. In just one day, 230,000 cigarette butts were collected from California beaches. New Hampshire Surfriders does not keep data, but can confirm that cigarette butts are the most picked up item at their monthly beach cleanups. Second hand smoke is classified as a known carcinogen by the EPA.

Continuing, Ms. Hillman stated that more than 250 chemical compounds in tobacco smoke are known to be harmful, and 69 are known to cause cancer. Second hand smoke has higher levels of carcinogens than exhaled smoke and has smaller particles which makes their way into bodies, especially of children, more easily. Cigarette butts do not biodegrade. They can take years to decompose, during which time toxic chemicals leach into the water, including benzopyrene, arsenic, acetone, lead, formaldehyde, and toluene. Tobacco causes 1764 deaths in New Hampshire annually and costs the State’s economy \$800 million in health care costs. There are 180 municipalities in the U.S. with smoke-free beach ordinances. The Town of York, Maine passed a smoke free beach ordinance two years ago and cigarette butt litter has been reduced dramatically. The State of Maine bans smoking on beaches in State Parks.

Applause ensued.

Mr. Eaton, hearing no further discussion on Article 24, moved Article 24 to the ballot as written.

### **RECESS CALLED (3:19:35 elapsed)**

Mr. Eaton stated that, at this point, he believed that they were in for a big debate. He called for a recess. He reported that the pizza had arrived and that the meeting would reconvene at 12:45 p.m.