

**TOWN OF RYE - BOARD OF SELECTMEN
MEETING
Wednesday, October 15, 2014
6:30 p.m.
Rye Town Hall**

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

Others Present: Town Administrator Michael Magnant and Asst. Town Administrator/Finance Director Cynthia Gillespie.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Musselman called the meeting to order at 6:32 p.m. and led the Pledge of allegiance.

II. ANNOUNCEMENTS

- Chairman Musselman noted that voting will take place on November 4th.
- Vice-Chair Jenness noted that town property is not the place for yard sale signs; such as, the garden areas along Cable Road.

III. CONSENT AGENDA ITEMS

- A. Email rec'd 9/17/14 from Bruce Johnson, Webster Selectman re: a warrant article for the next town meeting (for inclusion in the meeting record)
- B. Sign request: Friends of Pulpit Rock Tower, Inc. for a 2'x2' sign at Parsons Field announcing public tours of Pulpit Rock Tower on Saturday, 11/8/14, 10:00 a.m. – 2:00 p.m. The sign is requested for one week prior to the event.
- C. Letter from Patricia Weathersby, Friends of Pulpit Rock Tower, Inc. thanking the Public Works Dept. for donating wood chips at the Pulpit Rock Tower.
- D. Webster at Rye requests permission to hold a raffle during its annual Holiday Fair to benefit the activities fund on Saturday, December 6, 2014, 9:00 a.m.-3:00 p.m. with the winners to be announced at 3:00 p.m.
- E. Sign request: Webster at Rye requests permission for a sign at Parson's Field for the Annual Christmas Fair to be held on Saturday, December 6, 2014, 9:00 a.m. – 3:00 p.m. The sign is requested for one week prior to the event.

- F. Sign request: Rye Civic League requests permission for a sign at Parsons' Field announcing Candidates Night on Tuesday, October 21, 2014 at 6:30 p.m. The sign is requested for one week prior to the event.

Motion by Joseph Mills to approve the consent agenda items as presented. Seconded by Priscilla Jenness. All in favor.

IV. DISCUSSION ITEMS

A. PUBLIC HEARING: CAPITAL IMPROVEMENTS PLAN 2015-2020.

The purpose of the hearing is to consider the approval and adoption of the CAPITAL IMPROVEMENTS PLAN 2015-2020. The plan may be seen in the Rye Planning Board Office and the Board of Selectmen's Office, 10 Central Road, Rye, NH during regular office hours.

At 6:35 p.m., Chairman Musselman opened the public hearing for the Capital Improvements Plan (CIP) 2015-2020.

Ned Paul, CIP Committee Member, reviewed the CIP for the Selectmen. The CIP for 2015-2020 was compiled by a subcommittee of the Board of Selectmen. The charge is to prepare and recommend a program for municipal capital improvement projects over a period of at least six years with input from town department heads. The Committee met twice monthly, in a public session, from April through September. Public comment and questions were strongly encouraged at the meetings. The Committee wishes to thank everyone that was involved with the CIP for their dedication to maintaining and improving the quality of life in Rye.

Members of the CIP Committee:

- **Ray Jarvis – Chairman**
- **Mae Bradshaw – Clerk**
- **Ned Paul**
- **Phil Winslow – Planning Board Representative**
- **Jeanne Moynahan – School Board Representative**

Mr. Paul submitted a document to the Board outlining fourteen key projects for 2015. He reviewed the document for the Selectmen.

Chairman Musselman stated that before money is spent on planning for the Rye Community Center a committee should be formed for that project. The committee should have representation from the Recreation Commission and also have town staff involved, along with citizens involved with the recreation programs. That would provide lots of input and interest from the community if this project is going to happen. He continued that the Town is carrying a lower number than last year for the bridge at Rye Harbor. It was changed to the lower number to look into rehabbing the bridge at less cost. This has been pushed out to 2018. Speaking to the Public Works Director, he stated that he would hope that he would begin to investigate that

project in order to make a decision. If it is going to be rehabbed it should be done soon. If the Town waits it will be more likely a new bridge will have to be built.

Referring to the Community Center Committee idea, Vice-Chair Jenness stated that if the Recreation Commission handles this project simply within the commission they would be working in a "vacuum". It needs to have a wider spread than that. She continued that she likes the layout of the documents presented by the CIP Committee.

Chairman Musselman stated that estimating the rise in the tax rate is probably not a fair characterization. The tax rate gets set on expenditures, set values and revenue. The tax rate is dictated by several things. The tax rate rises and falls regularly.

Mr. Paul noted that the transfer station renovation is not represented in the documents because it came in late in the process. It should be part of the CIP next year.

Chairman Musselman opened to the public for comments or questions.

Paul Goldman, 1190 Washington Road, stated that he appreciates and congratulates the CIP Committee for putting this document together. In regards to the town hall boiler and oil tank (listed on the document), he asked if this would be a priority 2 given the Town Hall Project.

Town Administrator Michael Magnant stated that he spoke with the Committee about including the boiler and the oil tank. There is an understanding that the boiler and tank are going to wait until some decisions are made in regards to the building.

Mae Bradshaw, CIP Member, pointed out that priority 2 items are really maintenance issues that are over \$10,000.

Peter Crawford, 171 Brackett Road, stated that the Town needs to decide what they want to do and how much they want to spend for the community center if it is done. He thinks that 2.5 million is more than what would pass; however, something needs to be done for recreation. He also spoke in regards to his concerns on the conservation bond for 2017.

Hearing no further comments or questions, Chairman Musselman closed the public hearing at 7:10 p.m.

Motion by Priscilla Jenness to accept the Capital Improvements Plan 2015-2020. Seconded by Joseph Mills.

Chairman Musselman stated that this is a great document and a lot of work has gone into it. He is sure that the town staff helped quite a bit as well. He thanked everyone for their effort.

All in favor.

Motion passed.

B. PUBLIC HEARING: ZBA & Planning Board Fee Increase

The purpose of the hearing is to hear public input regarding the proposed fee increase for the Zoning Board of Adjustment and the Planning Board as follows:
Legal notification fee raised from \$50.00 per application to \$80.00 and a charge of \$8.00 per applicant for a sign to post on the applicant's property.

At 7:10 p.m., Chairman Musselman opened the public hearing regarding the ZBA & Planning Board Fee Increases.

Planning Administrator Kimberly Reed spoke to the Board in regards to the fee increases. The proposed changes to the fees are as follows:

- Application fee - \$100.00 (same as before);
- Legal notices - \$80.00 (increase from \$50.00);
- Abutter notices - \$8.00; and
- Signs – \$8.00 (to be posted on the property seven (7) consecutive days before meeting.)

Planning Administrator Reed stated that this proposal was brought to the Planning Board and they are not going to require the signs at this time. However, they agree with the increase to the legal notice.

Paul Goldman, 1190 Washington Road, Board of Adjustment Member, stated that one of the issues for the members is finding a property even when they are given an address. In many cases, he has not been able to find a property when going out to view the site. A sign would help to clear up that issue.

Peter Crawford, 171 Brackett Road, stated that he is disappointed that the Planning Board does not want to post the signs. He thinks this is a valuable process.

Hearing no further comments, Chairman Musselman closed the public hearing at 7:22 p.m.

Motion by Priscilla Jenness that the Rye Board of Selectmen favor the legal notice fee change from \$50.00 to \$80.00 and the ZBA signs, which will be posted on the applicant's property. Seconded by Joseph Mills. All in favor.

C. Meeting Minutes:

1. Meeting, Monday, September 22, 2014, 6:30 p.m., Town Hall

Motion by Joseph Mills and seconded by Craig Musselman to approve the minutes of September 22, 2014 with the following corrections:

- Page 1, under announcements, it should be noted that they are in the process of finalizing the winning flag design with the software. The winning design has already been selected.

- Page 4, last paragraph should read: **Public Works Director, Dennis McCarthy,...**

All in favor.

Motion passed.

2. Meeting, Thursday, October 2, 2014, 5:30 p.m., Town Hall

Motion by Joseph Mills to approve the minutes of October 2, 2014, 5:30 p.m., as presented. Seconded by Priscilla Jenness.

3. Non-Public Session, Thursday, October 2, 2014 (1) Per RSA 91-A:3, II (e)
Litigation

Motion by Priscilla Jenness to approve the minutes of the Non-Public Session, October 2, 2014, as presented. Seconded by Joseph Mills. All in favor.

D. Conservation Commission – Wallis Road Properties, LLC A-P checklist documents

Chairman Musselman stated that he has reviewed the documents and they look fine. He thinks they have the information that was requested. The next step is to decide whether a site walk should be scheduled and to set a date for consideration of the Board of Selectmen of the acquisition.

It was agreed that a site walk should be scheduled.

Attorney Tim Phoenix, representing Wallis Road Properties, LLC, explained that he and Attorney Chris Keenan, representing the Conservation Commission, have been working on the draft for the Purchase and Sale Agreement. Once a proposed closing date is set the agreement can be completed.

- **Site Walk scheduled for Monday, October 20th, 4:00 p.m.**

E. Parson's Creek Grant

Planning Administrator Kimberly Reed, along with **Emily DiFranco, FB Environmental** and **Sally Soule, NH DES**, spoke to the Selectmen in regards to the revisions made to the 319 Grant proposal for phase two of the cleanup of the Parson's Creek Watershed.

Comments from the public were heard from:

- Victor Azzi, Old Ocean Blvd.

The Selectmen agreed that Mrs. Reed could move forward with the grant.

F. Kim Reed – GIS Presentation

Planning Administrator Reed presented the Geographic Information System (GIS) that was set up for the Town by CAI Technologies within the past year. The Town can now view property record data, print abutters labels and look at map layers on the town website. This replaces the Vision Appraisal System. She reviewed how to use the system on the Town website.

Town Staff who helped implement the GIS Parcel Data System included:

- Planning Administrator Kimberly Reed;
- Town Administrator Michael Magnant;
- Tax Assessor David Hynes; and
- Public Works Director Dennis McCarthy

G. Kim Reed – FEMA community rating system

Planning Administrator Reed spoke to the Selectmen in regards to reapplying for the community rating system, which it was a part of up until 2009.

The Selectmen agreed to move forward with the process.

H. Recreation Department requesting permission to replace Commissioner Mark Luz who has not been an active participant for the past nine months.

Recreation Director Lee Arthur spoke to the Selectmen in regards to Commissioner Mark Luz who is no longer able to make the commitment to the Recreation Commission due to his work schedule. She has been unable to reach Mr. Luz and would like to replace him on the Commission. She believes he is intending to resign from the Commission but has not formally done so at this time.

The Selectmen agreed that Ms. Arthur should try to contact Mr. Luz again before they make a decision on his position.

I. Dennis McCarthy, Public Works Director – Kitchen Waste Program.

Public Works Director Dennis McCarthy spoke to the Selectmen in regards to the Kitchen Waste Program.

J. Dennis McCarthy, Public Works Director – Road Closures
1. Wallis Road Box Culvert

Mr. McCarthy explained that one of the things that was keeping the price up was that they were trying to keep the road open. The contractor can reduce the cost by \$10,000 if he can get a one

week road closure. This will bring the project into the range of the budget for the project. He recommends that they allow for the road closure, which may be less than one week.

Motion by Priscilla Jenness to move forward with the road closure of Wallis Road for one week. Seconded by Craig Musselman. All in favor.

2. Brackett Road Water Service

Mr. McCarthy explained that he got a request from a contractor doing water service on Brackett Road. The request is for a one day closure, which may extend into two days.

The Selectmen agreed the residents in this area should have prior notice of the closure.

Motion by Joseph Mills for a two day road closure on Brackett Road, between Washington and Wallis, with prior notice to residents and proper signage. Seconded by Priscilla Jenness. All in favor.

K. Dennis McCarthy, Public Works Director – Bid Results

1. DPW Fencing
2. Survey Services

Mr. McCarthy submitted the bid results for both projects to the Selectmen for their review. The bids will be awarded to the low bidders in both instances.

L. Dennis McCarthy, Public Works Director – Solid Waste Tipping fees for 2015

Mr. McCarthy submitted a summary of the tipping fee proposals. Three proposals were received by the District from Covanta, EcoMaine and Waste Management, Inc. (He reviewed the proposals for the Board.) He noted that Waste Management would be best for the Town of Rye.

Chairman Musselman noted that the district has authorized CMA Engineers to negotiate contracts with both Covanta for some of the communities and Waste Management for others. The contracts are in negotiation and they hope to have something by November. The deal is dependent upon Waste Management accepting the RFP requirements. If they don't, he thinks Covanta is an excellent option. He agrees that Waste Management would be better for the Town, as long as they live up to the contractual requirements.

Mr. McCarthy noted that the proposed budgets for 2015 are prepared on the old figures. He asked the Selectmen their thoughts on the proposals. He needs to bring the Selectmen's preference back to the District.

Motion by Joseph Mills that the Selectmen prefer Waste Management, Inc.'s proposal, as long as their contract meets the requirements of the District's RFP. Seconded by Priscilla Jenness. Vote 2-0. Abstained: Craig Musselman.

M. Dennis McCarthy, Public Works Director – the location of a stone wall in the ROW at 63 South Road

Mr. McCarthy explained that he has received a request from a property owner on South Road to extend a stone wall about 3 or 4ft into the Town's right-of-way, in order for the wall to be tucked into the ledge on his property. The stone wall is 3ft high and will be installed by Bluestone Landscape. The Town will have a hold harmless agreement and may request that the section of wall be removed if needed.

Motion by Joseph Mills to approve the "tie in" of the stone wall based on the Public Works Director's approval. Seconded by Craig Musselman. All in favor.

- RFQ's – Contractors for the Town Hall Project (added to agenda)

Town Administrator Michael Magnant stated that they put out the RFQ to prequalify contractors for the Town Hall Project. They received eleven responses. A Town Hall Subcommittee was established to review the proposals. The subcommittee came up with a list of four firms for bidding:

- Milestone Construction – Concord, NH
- Meridian – Guilford, NH
- Hutter – New Ipswich, NH
- DEW Construction – Williston, VT

He noted that references of the four firms are being checked. At this point, all references have come back fine with no issues. He would like permission from the Selectmen to contact the firms to let them know the results of the short list.

Chairman Musselman noted that the four firms were the consensus of the group. He also noted that Hutter is a client of his firm, CMA Engineers, and he will be abstaining from this vote.

Motion by Priscilla Jenness to move forward with sending a letter to the four firms that have been selected, stating they have been selected to bid, and notifying the other firms that they have not been selected. Seconded by Joseph Mills.

Vote: 2 – 0. Abstained: Craig Musselman.

N. Discussion about hiring Owner's Representative/Clerk of the Works for town hall project.

Chairman Musselman explained that if and when the Warrant Article is approved for the Town Hall construction the Town is in need of someone to play a dual role, as a Clerk of the Works and to serve as the Owner's Representative. The person would represent the Town as the work is coming together and ensuring it is properly coordinated. As issues need to be decided they would act as the representative to the owner. It should be a professional and someone that is hired to play that role. This is not a role that the Town Hall Committee can or should play

because decisions need to be made on an ongoing and timely basis. At that time, they will be dealing with quality of construction and scheduling issues and not the nature of the facility. There will be some issue that will go back to a Town Hall Committee that meet a couple of times but would not deal with construction issues on an ongoing basis. He noted that the Town Administrator has come up with a first draft for a request for proposals. He continued that it would be better to go through the process now, knowing that it would not move forward if the project is not voted up in March. The Town would know who it is, the cost and the qualifications of the individual. He asked the Selectmen if they would like to authorize the Town Administrator to move forward with an RFP for an Owner's Representative/Clerk of the Works.

The Selectmen agreed to move forward with the RFP.

- O. Date for Deliberative Session: First day, Saturday, January 31 – Last day, Saturday, February 7, 2014. *Selectmen please vote on date and snow date.*

Motion by Joseph Mills to approve the Deliberative Session date of January 31, 2015 with a snow date of February 7, 2015. Seconded by Priscilla Jenness. All in favor.

V. CORRESPONDENCE

- A. Letter rec'd 9/26/14 from Cathleen Crowley re: issues she is having with water run-off and sand in her driveway.

Public Works Director McCarthy will look into Mrs. Crowley's concerns.

- B. Letter rec'd 10/1/14 from E. Scott McQuade re: beaver infestation in town.

Mr. McCarthy will research other towns to see how they handle this issue.

VI. NEW BUSINESS

- None

VII. OLD BUSINESS

- A. Quit Claim Deed to Paper Street – Quit Claim deed to Loretta Platt. Approved by Atty. Donovan. *Tabled from 9/8/14 (Motion and Signatures required.)*

Motion by Priscilla Jenness to approve the Quit Claim Deed to Loretta Platt as shown by Attorney Donovan's paperwork. Seconded by Joseph Mills. All in favor.

VIII. PUBLIC RECOGNITION

Fire Chief Tom Lambert stated that the night that Lieutenant Gallant was awarded the Medal of Valor the department also received a unit citation. This is a citation that was received along with 24 other departments for their response to the Miami fire.

IX. OTHER BUSINESS

- **None**

ADJOURNMENT

Motion by Joseph Mills to adjourn at 9:29 p.m. Seconded by Priscilla Jenness. All in favor.

Respectfully Submitted,
Dyana F. Ledger

Town of Rye Board of Selectmen
 PUBLIC HEARING
 October 15, 2014, 6:30 p.m., Rye Town Hall

The purpose of the Hearing is to consider the approval and adoption of the CAPITAL IMPROVEMENTS PLAN 2015-2020.

Name (please print)	Address	Signature
MAE Bredshaw	106 Herbold Rd	Mae Bredshaw
PAUL GOLDMAN	1190 WASHINGTON ROAD	Paul Goldman
Lee Arthur	Town Hall	Lee Arthur
Peter Crawford	171 Brackett Rd	Peter Crawford
Tim Phoenix	127 Pers. H Ave Portsmouth	Tim Phoenix
Sally Kibby	535 Wallis Rd	Sally Kibby
Tracy DeGren	RCCD / 41 Park Ridge	Tracy DeGren
Jim Payne	5 24 Fair Hill Ave	James Payne
DENNIS MCCARTHY	RYE DPW	Dennis McCarthy
Deidre Smyrnos	92 Clark Rd	Deidre Smyrnos
Synde Kraitt	190 South Rd.	Synde Kraitt
THOMAS S. LAMBERT	RYE FIRE+RESCUE	Thomas Lambert
Victor Azzi	1100 Old Ocean Blvd	Victor Azzi
Cecilia Azzi	1105 Old Ocean Blvd.	Cecilia Azzi
Kevin Walsh	RYE POLICE	Kevin Walsh
Sally Soule	NH DES	Sally Soule
Emily DiFranco	FB Environmental	Emily DiFranco
Kimberly Reed	Town of Rye Planning & Dev	Kimberly Reed
Oraig Musselman	Rye BOS	Oraig Musselman
PERSCILLA TENNESS	Rye BOS	Perscilla Tenness
JOE MILLS	BOS	Joe Mills

Town of Rye Board of Selectmen
PUBLIC HEARING
 October 15, 2014, 6:30 p.m., Rye Town Hall

The purpose of the Public Hearing is to hear public input regarding the proposed fee increase for the Zoning Board of Adjustment and the Planning Board as follows.

Legal notification fee raised from \$50.00 per application to \$80.00 and a charge of \$8.00 per applicant for a sign to post on the applicant's property.

Name (please print)	Address	Signature
Mae Bradshaw	106 Harbor Rd	Mae Bradshaw
NO PAUL	48 Pine St	NO PAUL
PAUL GOLDMAN	1190 WASHINGTON ROAD	Paul Goldman
LEE ARTHUR	TOWN HALL	Lee Arthur
Peter Crowford	171 Brackett Rd.	Peter A. Crowford
Lin Phoenix	177 Perrot Rd South	Lin Phoenix
Sally King	535 Wadsworth Rd	Sally King
Tracy Dagnan	41 Park Edge	Tracy Dagnan
Timothy	24 Fair Hill	Timothy
DENNIS MCCARTHY	RYE PL	Dennis McCarthy
Debra Smyrns	92 Clark Rd.	Debra Smyrns
Lynde KARIN	190 South Rd	Lynde Karin
THOMAS S. LAMBERT	Rye Fire & Rescue	Thomas S. Lambert
Victor AZZI	1100 Old Ocean Blvd	Victor Azzì
Cecilia AZZI	1100 Old Ocean Blvd.	Cecilia Azzì
Kevin WASH	Rye Police	Kevin Wash
Craig Musselman	Rye Bus	Craig Musselman
PRISCILLA JENNNESS	Rye BOS	Priscilla J. Jenness
JOE MILLS	Bus	Joe Mills

10-15-14 Consent item A

Janice Ireland

From: Bruce Johnson <bjohnson@webster-nh.gov>
Sent: Wednesday, September 17, 2014 8:34 PM
To: Bruce Johnson
Subject: Warrant Article Request Please

Dear Select Board/City Council:

Every year at annual school district meetings or city council meetings across the State, discussions and votes pit struggling taxpayers against children in need of an education. The reason for this is a funding formula that does not include meaningful contributions by the State of New Hampshire.

It is time to correct this, and for the State to step up and increase its contributions so that local property taxpayers are not overly burdened, and so that all children receive a decent education. If a town form of government, would you please discuss putting the following warrant article on your annual town meeting warrant? If a city form of government, would you please discuss putting this this forward to your councilors for consideration? I am doing just that right here in Webster, New Hampshire. In addition, I have the support of my peers, as well as from Selectmen from neighboring communities, and as well as from some of our state representatives.

"Resolved that the State of New Hampshire provide a comprehensive meaningful system of funding for State Education needs. To see if the Town will vote to ask our governor and our state legislators to reform state funding for education with that reform to be directed to significant reduction of property taxes. The record of the vote approving this article shall be transmitted by written notice from the Select Board to the governor and state legislators informing them of the instructions from their constituents within 30 days of the vote."

Imagine the impact if all 221 towns and 13 cities present this to our representatives. Change may finally take place. Please feel free to contact me with any questions, comments, or concerns.

Bruce Johnson
Webster Selectman

10-15-14 Consent item C

Friends of Pulpit Rock Tower, Inc.
26 Neptune Dr.
Rye, NH 03870



Dennis G. McCarthy
Town of Rye
Department of Public Works
309 Grove Rd.
Rye, NH 03870

September 30, 2014

Dear Dennis:

I wish to thank you and the crew at Rye Public Works for the generous donation of wood chips at Pulpit Rock Tower. The new wood chips have allowed us to greatly improve the access to and grounds around the tower and arrived just in time for our next public tour date. From the moment our request was made, your crew was helpful, positive and went above and beyond our expectation with the offer of dropping the woodchips at our site. I honestly don't know what we would have done without your help. Rye DPW exemplified public service and helped improve an important piece of Rye's history. Thank you again.

Very Truly Yours,

Friends of Pulpit Rock Tower, Inc.

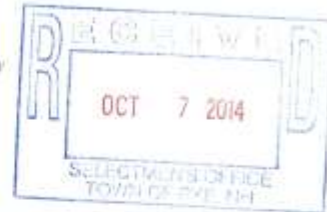
Patricia M. Weathersby, President

cc. Board of Selectmen, Town of Rye

10-15-14 Consent Item D



A Skilled Rehabilitation, Nursing Care and Retirement Community



October 1, 2014

Rye Board of Selectmen
10 Central Rd.
Rye, NH 03870

Dear Selectmen:

Webster at Rye will be holding its annual Holiday Fair to benefit the activities fund on Saturday, December 6, 2014 from 9:00 am- 3:00 PM. We would like to conduct a raffle in conjunction with the holiday fair to raise funds for the activities department. The raffle items are donations from staff and family members as well as from local businesses. The raffle tickets will be sold at Webster at Rye with the winners being announced at 3:00 PM on the afternoon of the fair.

It is my understanding that the Board of Selectmen need to approve our request to hold the fund-raising event. Please accept this letter as our request for your consideration and approval at the September Selectmen's meeting.

The Rannie Webster Foundation, d.b.a. Webster at Rye, is a 501(c)(3) organization. Our Federal Tax Identification number is 02-0331198.

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Kerry Robertson AOC".

Kerry Robertson, Activities Coordinator

795 Washington Road • Rye, NH 03870
☎ TEL (603) 964-8144 • FAX (603) 964-1483 ☎
info@websteratrye.com • www.websteratrye.com

10-15-14 Consultant E



October 1, 2014

Dear Selectmen:

Webster at Rye will be holding its annual Christmas Fair to benefit the Activities Dept. on Saturday, December 6, 2014 from 9:00 – 3:00 pm.

I am writing to request permission to display a sign advertising the fair at the telephone pole located at the intersection of Washington Road and Lang Road. It is my understanding that the sign may be posted for one week and can be no larger than 2' x 2'.

Please respond at your convenience. As in the past, I appreciate your support of this community event.

Very truly yours,

Kerry L. Robertson
Activities Coordinator

10-15-14 Disc. item B

MEMORANDUM

To: Selectmen
Cc: Mike Magnant, Town Administrator
Cyndi Gillespie, Assistant Town Administrator/Finance Director
From: Kimberly Reed, Planning/Zoning Administrator
Subject: **Fees**
Date: September 18, 2014

Dear Selectmen:

On Wednesday, September 17, 2014, The Zoning Board had a work session to go over forms, signs and applications. At that time, I requested two (2) fee changes. The first for legal notification be increased to \$80.00 from \$50.00 to cover the costs of the Portsmouth Herald. The Applicant pays for the legal notice and some applications are shorter than others. The average cost of other town's is a charge of \$80.00. The Portsmouth Herald charge is:

"\$24.19/column inch in the paper, and \$30 flat charge for online posting and a typical legal is 2 columns wide, so basic is 2x2 or 4 column inches, \$96.76."

The second request is that the Board would like Applicant's to place signs on their property when they are before the Zoning Board so that abutters and non-abutters may see the sign and know that the property will be making potential changes that may impact them. The Board looked at various signs and costs. During the budgeting, I will be asking for a line item of \$500.00 to buy signs. At this time, we request that the board be able to charge applicant's \$8.00 per sign that they would buy from the Town to place on their property. The fee of \$8.00 would be sufficient to cover the costs of town purchasing the signs up front.

The Board has agreed with the fee schedule, attached and the increases. I request that the Board of Selectmen approve the ZBA fees as presented with the changes pursuant to NH RSA 41:9-a for acceptance and a vote on the fee schedule.

Thank you,



TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 41 CHOICE AND DUTIES OF TOWN OFFICERS

Selectmen

Section 41:9-a

41:9-a Establishment of Fees. –

I. A town may, by majority vote at any annual or special meeting, authorize the board of selectmen to establish or amend fees, as provided in this section. Such a vote shall continue in effect until rescinded.

II. Following such vote, the board of selectmen, without further vote of the town, may establish or amend fees or charges for the following purposes:

(a) The issuance of any license or permit which is part of a regulatory program which has been established by vote of the town.

(b) The use or occupancy of any public revenue-producing facility, as defined in RSA 33-B:1, VI, the establishment of which has been authorized by vote of the town.

III. Such fees or charges shall not exceed, in the case of licenses or permits, an amount reasonably calculated to cover the town's regulatory, administrative and enforcement costs.

IV. Prior to the establishment or amendment of any such fees, the selectmen shall hold a public hearing, notice for which shall be given at least 7 days prior to the hearing by posting in 2 public places in the town and by publication in a newspaper of general circulation in the town. The notice shall include the proposed schedule of fees.

V. This section shall not be deemed to prohibit a town from delegating authority over specific fees to another official or official body of the town. This section shall not supersede other provisions of law concerning the establishment or amount of specific types of fees.

Source. 1989, 38:1, eff. June 11, 1989.

Pursuant to NHRSA 41:9-a
Approved by the Board of Selectmen

ZONING BOARD
Fee Schedule
(Amended _____)

NOTIFICATION FEES:

Notification fees (\$80.00) for legal advertisements are required and you request or cause a continuance, you must pay another notification fee.

A fee of \$8.00 is required for each abutter, applicant/owner, engineer, architect, land surveyor, soil scientist whose professional seal appears on any plat submitted; and all holders of conservation, preservation or agricultural preservation restrictions, as defined in RSA 477:45.

A fee of \$8.00 is required for an applicant to purchase a public hearing notification sign for the applicant to place on their property for seven (7) days prior to the hearing. Applicant may pick up the sign in the Building Inspector's Office.

APPLICATION FEES:

- A. A single application to the Zoning Board: \$100.00 + \$80 Notice + \$8.00 sign + ea. abutter
- B. If applicant applies for multiple applications (i.e. variance application + special exception) \$25.00 for an additional application
(i.e. admin appeal + variance application)

To purchase:	Rye Land Development Regulations booklet:	\$10.00
	Rye Zoning Ordinance	\$10.00
	Rye Master Plan	\$10.00

(These are available on the Town Website at http://www.town.rye.nh.us/Pages/RyeNH_BComm/Planning/index)

\$24.19/column inch in the paper, and \$30 flat charge for online posting of the legals

Legals are 2 columns wide, so basic is 2x2 or 4 column inches, \$96.76

TYPE OF USE	Minimum Number of Required Parking Spaces
	(whichever is greater)
Other outdoor, recreational or, amusement Facilities	1 per 4 patrons at capacity

500.3 Location of Parking Spaces: No off-street parking shall be located within the required front yard area nor within ten (10) feet of any lot line in any district.

500.4 Off-Street Loading: In addition to the required off-street parking spaces, uses shall be provided with adequate off-street loading spaces.

SECTION 501 SIGNS AND OUTDOOR ADVERTISING:

501.1 Permitted Size of Signs: There shall be permitted in the following zones no sign larger than:

- A. In any residence district, no signs larger than four (4) square feet.
- B. In any Business District, no signs larger than sixteen (16) square feet.
- C. In any Commercial District, no signs larger than twenty-five (25) square feet.
- D. In any Public Recreation District, no signs at all other than municipal or State signs no larger than sixteen (16) square feet.

501.2 Special Exception to Size Limitations: The Board of Adjustment may allow in any zone, as a special exception, a non-illuminated temporary sign of a size not to exceed thirty-two (32) square feet in area for a period not to exceed one (1) year. In Commercial Districts, the Board may allow as a special exception a sign of a size not to exceed sixty-four (64) square feet in area.

501.3 Number of Signs Per Lot: No more than one (1) sign advertising or promoting a single business or activity (including "For Sale" signs) shall be permitted upon any lot or tract of land in single ownership, except as a special exception, provided nevertheless, that in commercial or industrial districts, up to three (3) signs upon such a lot or tract of land in single ownership promoting a business or activity carried on upon the same lot or tract of land may be permitted, and any larger number only as a special exception.

501.4 Illumination Criteria: No sign in any district shall be flashing or animated; nor shall it be illuminated by other than incandescent or fluorescent light; nor shall any illuminated sign of advertising lighting outline any part of a building such as a gable, roof, sidewalk or corner. Wherever sign "area" is referred to herein, it shall mean the area of one side of a not more than two-sided sign, or one-half of the total area of a sign of not more than two sides.

501.5 Construction Requirements: Every sign shall be constructed of a durable material and shall be maintained in good condition and repair at all times.

10-15-14 Disc. item H



September 30, 2014

Town of Rye Board of Selectmen
10 Central Road
Rye, NH 03870

Dear Board of Selectmen,

The Recreation Commission would like to notify you that Mark Luz of 2 Maple Avenue has not been an active participant on the Recreation Commission for the past nine months and would like permission to replace him. He has started a new position with West Coast responsibilities. He indicated that he would be stepping down in the attached e-mail. We have not been able to reach him since that correspondence. His term will expire March, 2016.

Mark Luz has been a Recreation Commissioner since December of 2007 and has contributed greatly to the accomplishments of the Recreation Department.

If you have any questions or concerns I can be contacted at 498-0546.

Sincerely,

La.
A handwritten signature in blue ink that reads "Janet Stevens". The signature is written in a cursive style with a large initial "J".

Janet Stevens,
Rye Recreation Commission Chairperson

10 Central Road, Rye, NH, 03870
Tel. (603) 964-6281 Fax (603) 964-1516

10-15-14 Disc item I

RYE PUBLIC WORKS
309 Grove Street
Rye, New Hampshire 03870
Telephone (603) 964-5300
Fax (603) 964-9708
dmccarthy@town.rye.nh.us

Date: September 11, 2014
To: Deidra Smyrnos, Recycling Committee - Chairman
From: Dennis G. McCarthy, Public Works Director *DMC*
Subject: Kitchen Waste Program

To date, the Town has incurred the following costs associated with the Trial Kitchen Waste Program.

Biodegradable Bags:

10 cases of 13 Gallon Kitchen Waste Bags at \$68.72 per case. Each case has 12 boxes of bags and each box has 12 bags per box resulting in 144 bags per case at a per bag cost of \$0.48.

Kitchen Pails:

The 50 five gallon pails, tops and covers cost \$551.76; for an individual cost of \$11.04 each.

Totes:

Two 96 gallon totes cost a total of \$179.96; for an individual cost of \$89.98.

Mr. Fox Collection & Disposal:

Transportation and disposal of the kitchen waste by Mr. Fox is costing \$12 per tote per week plus a fuel surcharge of 10% resulting in a cost of \$13.20 per tote per week. This disposal rate is based upon a quoted tipping fee of \$60 per ton and an assumed weight of 400 pounds per full tote.

Time Frame:

The trial period began the week ending, Saturday July 12, 2014. The trial program has run nine (9) weeks as of Saturday, September 13, 2014.

Cost Analysis:

Using Mr. Fox's weights as of Sept 13th the Town will have recycled 7,200 lbs. of kitchen waste at a cost of \$237.60.

In addition, it is anticipated that we have used approximately 225 bags, based on 25 bags per week times nine weeks. At \$0.48 per bag we have expended \$108.00 for bags.

This brings the total operational cost up to \$345.60 to dispose of 7,200 pounds or 3.6 tons of kitchen waste; resulting in a cost of \$96.00 per ton.

10-15-14 Disc item K

RYE PUBLIC WORKS
309 Grove Street
Rye, New Hampshire 03870
Telephone (603) 964-5300
Fax (603) 964-9708
dmccarthy@town.rye.nh.us

Date: September 26, 2014
To: Michael Magnant, Town Administrator
From: Dennis G. McCarthy, Public Works Director
Subject: DPW Fencing & DPW Survey – 2014

Results of the bid openings for the above referenced projects held on September 25, 2014 were as follows:

FENCING

FIRM		QUOTE
Platinum Fence,	P.O. Box 452, Hampton, NH 03844	\$11,825.00
GC/AAA Fence, Inc.	294 Durham Rd., Dover, NH 03820	\$12,400.00
Upright Fence	3601 Lafayette Rd., Portsmouth, NH 03801	\$12,775.00
Four Seasons Fence	15 Banfield Rd., Portsmouth, NH 03801	\$13,630.00
Fences Unlimited	25 Indian Rock Rd., Windham, NH 03087	\$14,355.00

SURVEY

FIRM		QUOTE
Eckman Engineering, LLC	1950 Lafayette Rd., Suite 301, Portsmouth, NH 03802	\$3,750.00
Fieldstone Land Consultant	206 Elm St., Milford, NH 03055	\$4,970.00
Ambit Engineering, Inc.,	200 Griffin Rd., Unit 3, Portsmouth, NH 03801	\$5,400.00
Jones & Beach Engineers, Inc.	85 Portsmouth Ave., Stratham, NH 03885	\$5,495.00
Jim Verra & Assoc., Inc.	101 Shattuck Way, Suite 8, Newington, NH 03801	\$5,589.00
MSC Engineers, Inc.	170 Commerce Way, Suite 102, Portsmouth, NH 03801	\$5,775.00
Doucet Survey, Inc.	102 Kent Place, Newmarket, NH 03870	\$8,486.00

I am currently analyzing the bids for conformance with the request for proposals and will present my recommendations at the next Board of Selectmen's meeting.

10-15-14 Corres. A



September 25, 2014

Cathleen L. Crowley
901 Washington Road
Rye, NH 03870

Mr. Joseph G. Mills, Jr., Selectman
10 Central Road
Rye, NH 03870

Dear Mr. Mills:

I am having a problem with water run-off and sand in my driveway and side yard. There is a small drainage ditch dug east of my driveway that I try to keep clean. It is constantly filling in and is not helping with the run-off. I have to shovel sand off my driveway several times a year. The run off is also causing erosion of my side yard.

I would greatly appreciate it if you could have someone look into this matter.

Sincerely,

Cathleen L. Crowley

10-15-14 Corr B

9/29/14
To Rye Selectman,
C/o Dennis McCarthy
Highway Department.
Rye NH 03870



My name is E. Scott McQuade and I live at 750 Central Road in Rye Beach.
We currently have another beaver infestation in the wetlands that border our land.
They seem to have dammed up the culvert on Red Mill, and another on the island between our home and our neighbor.
The reason I say this is that the water level on our property is very high, and when I destroyed one dam 2 weeks ago on our property, the water stayed at the same level. The dam was rebuilt within days.
EEL Pond seems to be low right now but that is in part due to our water not draining through.

What I would like to propose, and maybe set a precedent dealing with beavers is as follows:

1. The town will be responsible for cleaning/opening the culvert on Red Mill.
2. With an active beaver population, they will re-build back in the culvert within days hence the town will have to continually, spend funds to come back and keep clearing the culvert.
3. At some point to stop this cycle the town would need to trap the beavers to stop the culvert from constantly being blocked.

My proposal is that we hire a professional trapper immediately, and I will split this cost on a 2/3-to-1/3 split. Meaning I am willing to pay 2/3 of the cost and the town will pay 1/3

One trapper recommended by JP Pest Services is Fred Sheppard from Deerfield (603-463-7473):

- a) Set up fee \$250.00
- b) Every beaver trapped is an additional \$125.00

Please consider this very fair proposal which in the end will save the town labor and equipment expense.

Sincerely,

E. Scott McQuade
603-661-6921