

RCL 2019 VOTER PREPARATION

Pre-deliberative recorded Video: [Click Here](#)

Warrant Articles

March 12th 8am to 7pm

Rye Elementary School

[Go to www.ryecivicleague.org](http://www.ryecivicleague.org) election support to
access the links in this document

Contact: civicnews@ryecivicleague.org

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Position	Candidate(s) on ballot
1 Board of Selectmen (3 years)	Bill Epperson
2 Budget Committee (2 seats, 3 years)	Peggy Balboni, Mae Bradshaw
1 Cemetery Trustee (3 years)	Frank Drake
1 Library Trustees (3 years)	Victor Azzi
1 Trustees of the Trust Funds (3 years)	Chris Nee
2 Planning Board (2 seats, 3 years)	Pat Losik, Tim Durkin
1 Planning Board (1 seat, 1 year)	Jeff Quinn
1 Zoning Board of Adjustment (3 years)	Robert Patten
Sewer Commission (3 years)	David Adams
1 School Board (2 seat, 3 years)	Margaret Honda, Scott Marion
School Board Treasurer	Elizabeth Strandwitz

Article 3 Amendment 1; Building Code Ordinance Change [Click Here](#)

Adds Tax Map 23/Lot 1, 0 Port Way, to the Wireless Telecommunications Facilities District and Map

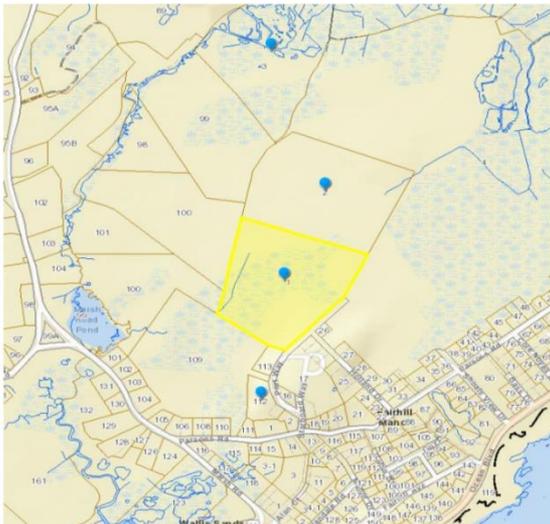
[Click Here](#) for full picture. [Click Here](#) to see Conservation Land in that area

Cell Tower Zoning Ordinances are 10 pages [Click Here](#). Removes the requirement to get a variance for a non-permitted use (other variances might still be needed). The northernmost parcel in the district is currently near the Elementary School, which, according to Verizon, would not provide coverage as far as Odiorne Point.

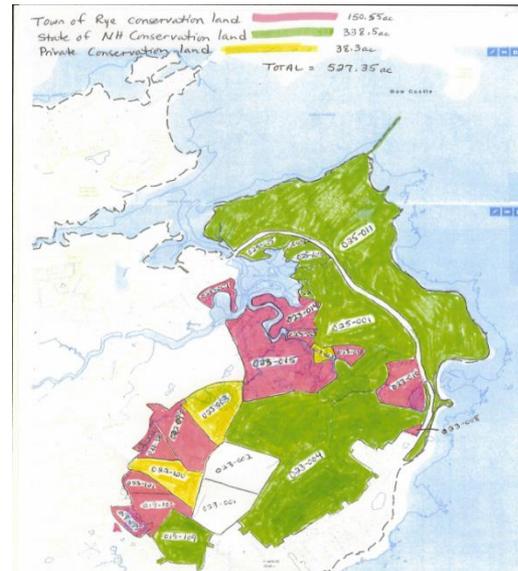
Pros: If other related warrant articles pass and the Planning Board (and ZBA if necessary) approve a tower at Port Way, Verizon has agreed to withdraw their Brackett Rd. application.

Cons: Shifts cell tower impact to Parson's Road residents and conservation lands.

Ordinance 1 adds Tax Map 23 Lot 1 to the Wireless Telecommunications Facilities District



[Click Here](#) to see posted picture



[Click Here](#) to see posted picture

Article 3: Building Code Ordinance Change (overlay district currently) [Click Here](#)

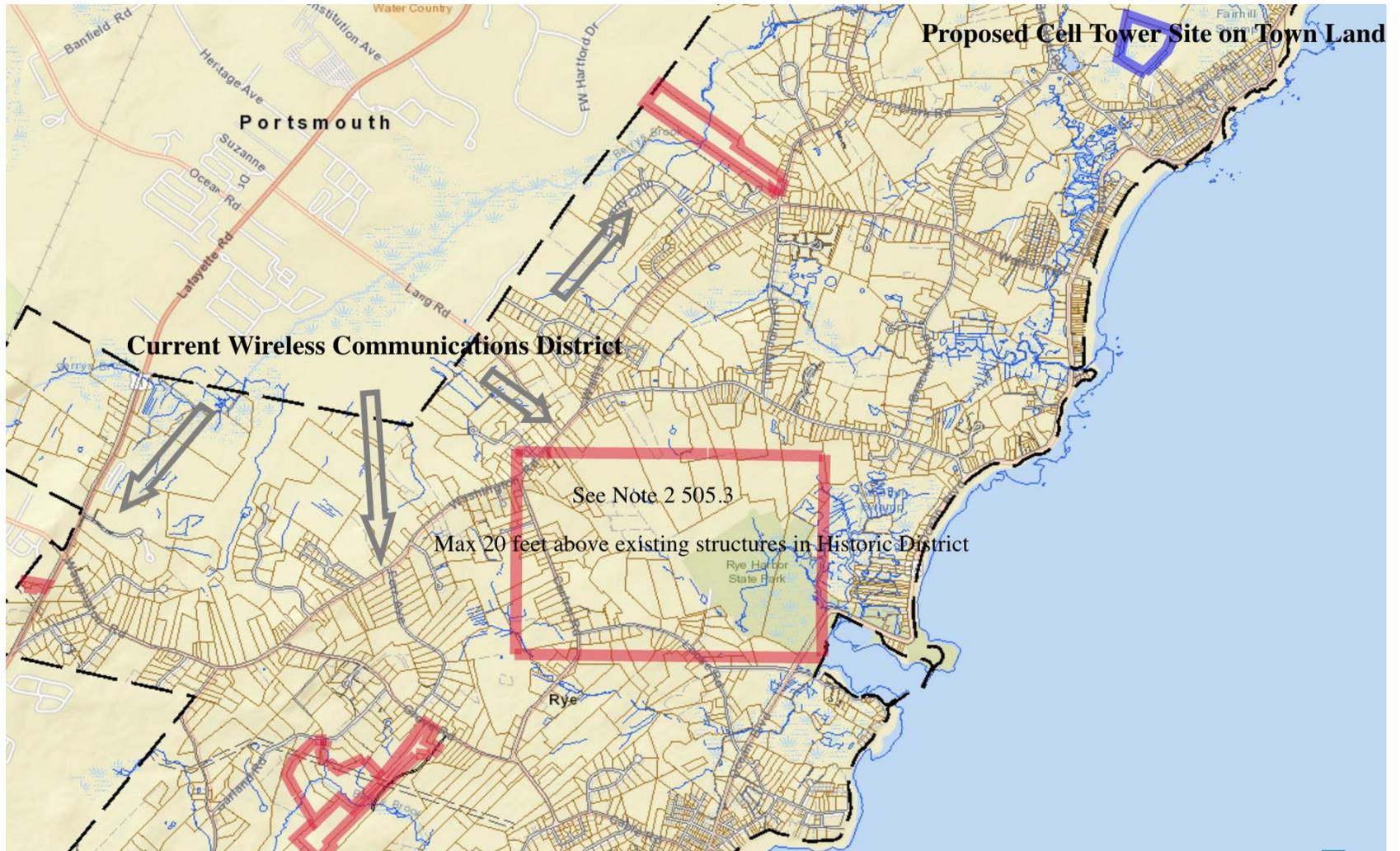
<u>Map/Lot</u>	<u>Location</u>	<u>Present Use</u>	<u>Controlled By</u>	<u>Map Key</u>
10/4-1	Breakfast Hill	New Water Tank	Rye Water Dist.	TC-1
7/108; 108-1; 109 & 112	South from Garland Rd.	Water wells & pumping (See Note 1 below)	Rye Water Dist.	TC-3
Map 12	Rye Center	(See Note 2 below)		TC-2
18/34	Lang's Corner	School Soccer Field	Rye School	TC-5
7-96	Off Grove Rd.	Conservation Land	Rye Conservation Comm. (Adopted 2003)	

*Portion of "Perkins Heirs Parcel," west of Grove Road, Conservation Land, Rye Cons. Com. (Adopted 2004)

Note 1. At site TC-3 towers and other telecommunication facilities are prohibited within the 400 ft. sanitary radius exclusion zone of the Rye Water District water wells. (Revised 2009)

Note 2. Within the Rye Center Historic District, wireless telecommunications facilities may be mounted only upon existing structures, including Bethany Church, provided that such facilities do not exceed 20 feet height above the existing structure. Any structure and/or facility shall require the approval of the Rye Historic District Commission, in accordance with Section 303.

Article 3: Building Code Ordinance Change (overlay district now & proposed) [Click Here](#)



Article 4 Amendment 1: Removes the requirement to vote in corrections [Click Here](#)

There have been many mistakes in our ordinances. Changes will not have to go through the voter (openness). Permission is only limited to cross referencing, indexing and correction of typographical errors.

Pros: When mistakes are made, they can be corrected without placing on a warrant article

Cons: Hides the volume of mistakes and it does not state the process that will be used for correcting mistakes, other than the need for a hearing. Corrections may alter the meaning without voter approval.

Article 4 Amendment 2: Frontage defined.

Changes “contiguous” to “continuous” in frontage requirements for Retirement Community Developments, Multi-family Developments and Conservation Land Developments to be consistent with the definition of “frontage.”

Pros: Removes potential ambiguity from the use of different words.

Cons: The old word “contiguous” may be more clear.

Article 4 Amendment 3: Access to lots [Click Here](#)

The issue came up a few years ago with Marjorie Way, but was not resolved. Came up again with 0 Harbor Rd. (Goss). Currently, the ordinance separately requires that access to a property be across its own frontage and that there be sufficient frontage. It does not require that the driveway cross the same frontage as is used to comply with the minimum. Thus, driveways have been placed across short stretches of frontage. Developers were using frontage that included wetlands to meet the frontage requirements and locating driveways on a lot side that was less than the minimum frontage.

The change requires that driveways cross frontage that is long enough to meet the minimum. [Click Here](#) for more detail.

Pros: Removes ambiguity on what can be included in the frontage requirement.

Cons: May make development on lots with multiple frontages more difficult to get approved..

Article 4 Amendment 4: Yard Requirements for Corner Lots [Click Here](#)

For Corner Lots there was confusion over which side is the Front, as there are different requirements for Front/Back set backs and side set-backs. Some lots only have three sides so this also caused confusion.

Pros: Provides a consistent way of assigning the set back requirements.

Cons: Removes flexibility from developers.

Article 4 Amendment 5: Principal Building not Main [Click Here](#)

Several definitions in the zoning ordinance in turn refer to the “main dwelling” or “main building,” without defining it. These are changed to refer to the “principal building,” and a new definition is added for “principal building.” “Principal building” is used elsewhere in the ordinance so this avoids two wordings that mean the same thing.

Pros: Tightens the definitions and removes wording that might arguably refer to something different.

Cons: No redundant text to read.

Article 4 Amendment 6: Lot coverage calculation [Click Here](#)

The zoning ordinance includes various lot coverage limits (i.e. 15% in the Single Residence District, 30% in the General Residence District, etc.). The various districts have different criteria relating to what is considered “coverage” for purposes of calculating compliance with the limit. This makes the criteria match and expands the list of what is considered “coverage” to include decks, patios, sidewalks, carports and “other impervious surfaces,” in the calculations.

Pros: Forces applicants to include items that were not previously considered, helping ensure that there is adequate pervious surface on each lot to infiltrate water.

Cons: May prevent construction of previously exempt items, especially if the principal building already covers much of the lot’s area.

Article 4 Amendment 7: Driveways [Click Here](#)

Adds driveway definition and makes it consistent to the Land Development Regulations.

Building Code: [Click Here](#)

Zoning Ordinances: [Click Here](#)

Land Development Regulations: [Click Here](#)

Article 5: Floodplain Ordinance

Adopts a new Floodplain Ordinance and replaces the old one in its entirety.

Old: 2018 Floodplain Development and Building Ordinance [Click Here](#)

Proposed: Floodplain Development and Building Ordinance [Click Here](#)

Pro: Allows us to adapt this new version that contains clearer descriptions and sources of information.

Con: There was not much communication about the changes and why they help.

2011 Voters say Yes, we should invest in the current building:

Town votes (610 Yes, 455 No) \$40K to study whether the existing Town Hall building is worth renovating and evaluate space needs. AG Architects reports we should invest in the Town Hall building and presents 15,000 sq. ft. plan for renovation and a large connected building.

2012 Voters halt AG Plan, say look at the space we need:

Town voted down (830 No, 484 yes) the \$135K to proceed further with AG Design.

Petitioned Warrant Article passed (1,070 Yes, 268 No) to look at other options and space needs per employee of similar towns. Space Needs Committee (SNC) reduces need to 10,500 sq. ft, estimates \$2.1 million cost.

2013 Funding approved for developing designs:

Town votes (699 Yes, 384 No) \$60,000 for new sample (schematic) designs. New architect (SMP) hired. Town Hall Committee selects option of second building connected with underground passageway.

2014 Funding approved for completing a design :

Town votes (932 Yes, 710 No) \$250,000 to complete the design, now 12,500 sq. ft. Detailed design drawings and associated construction documents are completed by the architect. Project is put out to obtain bids from four pre-selected construction firms.

2015 Town says No to \$4.1 million and BOS launches survey:

Town votes down \$4.1 million (887 No, 575 Yes) for renovating Town Hall and constructing connected building

Town Hall building selected for the Seven to Save State program

Town spends > \$6,000 for survey that provides parameters for moving forward

2016 Town says No to both of the Selectmen's Town Hall articles

Town votes down (856 No, 703 Yes) spending another \$60,000 studying and costing five options for town offices

Town votes down (1261 No, 320 Yes), purchase of the property next to the Public Safety Building for \$460K

2017 Town says No to all but a free design of a Town Hall tear down

BOS-supported tear-down/rebuild replica article failed. Renovate and expand petitioned article failed. Each got only 22%.

Article to spend \$500K for Town Hall painting, ADA and energy efficiency improvements failed but got 45% of the vote.

Free design work to tear down Town Hall passed with 55% of the vote.

2018 Town says No TD Bank, No Tear Down

Petitioned warrant to tear down Town Hall and build a new building gets only 45%, 60% was needed.

Purchasing of the TD Bank property fails, getting 45%.

Studies show Town Hall in good shape. Structural reinforcement and foundation changes are only needed if expanded. See 2018 report.

- **2009 town-commissioned** ANIX report determined that “no structural deficiencies were noted in the original building or additions and all walls appeared to be plumb and sound.”

Michael Magnant
February 8, 2011
Page 3

2.0 RESULTS AND RECOMMENDATIONS

Foundation

Based on our visual observations of the perimeter foundation walls, we found that the existing foundation walls have only minor cracks and/or deterioration of mortar joints. During our visit, the foundation walls showed no signs of overstress or excessive settlement. Although the top and bottom of the foundation walls were concealed and we could not verify the existing condition of these elements, it is our opinion that the existing foundation is in good condition. We recommend filling in the cracks in the poured concrete sections of the walls with pressure grout. At the granite walls, we recommend that the deteriorated/cracked mortar be removed and new mortar be installed. Both of these recommended repairs are to help prevent future deterioration due to water infiltration.

- **September 11, 2014:** SMP Architecture and Steffensen Engineering detail, for Town Hall subcommittee, needed structural changes due to >50% expansion of building proposed. See: RCL [Meeting Notes](#) Video of meeting: [Click Here](#)
- **December 2018** Groundroot Historical Structure Report finds Town Hall sound.

[Click Here](#) for report [Click Here](#) for recorded video

Trolley Barn/Police Station as office space:

\$422K to repurpose the existing building

\$400K to \$500K to rebuild on that site

Departments moved:

Sewer Department has moved to Rye Beach Village District Building

Recreation has moved to the old modulars at the Recreation area

Buildable space we paid for:

Public Safety Building included \$40,000 additional structural cost so that the space above the apparatus bay could be used for future use. See space possibilities [Click Here](#)

2015 UNH Survey of 1332 residents said preferred options are:

37% Renovate and expand TH 15% Demolish TH and rebuild

29% Leave TH as is 10% Repurpose TH and move out

Article 6: \$3,500,000 Tear down existing Town Hall and Build a new Town Hall

[Click Here](#) for the full text

Background: Similar to last year's petitioned warrant article this would raze the existing town hall and approve moving forward with a new building utilizing a 30 year bond. Deliberative Session added the estimated 30 year cost with interest (\$5.9 million).

Supporting web site: [Click Here](#)

Warrant Article warning; [Click Here](#)

Message to voters: [Click Here](#)

2018 General Specifications: [Click Here](#)

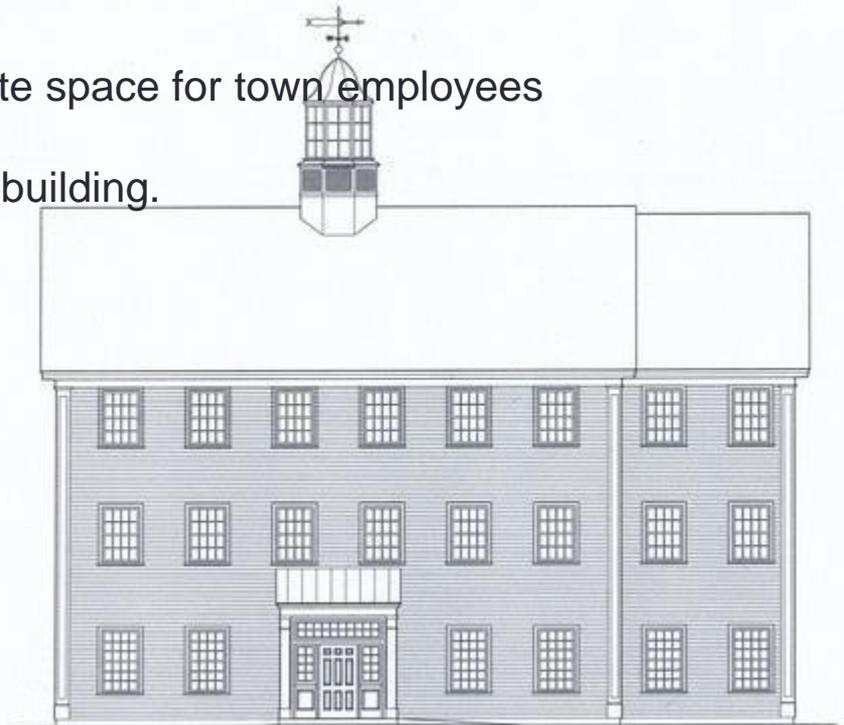
Pros: Provides a brand new building with adequate space for town employees

Cons: Destroys a functioning, sound and historic building.

Deliberative Session Note:

Cost with interest was added.

Amendment to remove restriction on the architect passed.



Article 31: Plan for Town Hall renovation

Background: Originally would have prevented the town from making non-emergency expenditures on Town Hall unless and until either a teardown/rebuild article passes or an article bringing the entire building up to the latest code passes. The article was gutted at the Deliberative Session by motion of a Selectman that was approved by those in attendance. Originally prevented the town from investing in Town Hall improvements, now it forces the Select Board to develop a renovation plan, but does not require looking at utilizing all space or provide a deadline. It also states that Town Hall be at its current location.

Pro: Can get the Select Board to evaluate how the Town Hall can be renovated and it does not preclude utilizing other buildings.

Con: Was not the original intent of the residents who proposed this article and does not require that the Select Board evaluate using other buildings.

Deliberative Session Note:

Select Board introduced the amendment that gutted the original intent of this warrant article. Original wording prohibited additional investments in Town Hall until a new plan was approved by the voters.

The darker the blue, the higher the transmissivity.
Transfer Station is 1,610 ft. uphill from the Garland Well



See the Water in Rye presentation to see more information about our Hydrology.

[Click Here](#)

DPW washed the “blue safe paths paint” near the Salt shed and the paint leaked from the trucks and ran down towards the aquifer. (August 21, 2018 photo)



Article 7: \$700,000 for a new Salt Shed Bond 3/5 needed

Click Here for the full text

Background: This same article got 53%, less than the 60% needed for the bond in 2018.

It has been 14 years since the town acknowledged that something should be done. DPW delayed while BOS focused on Town Hall, but finally started to move independently.

2005 Salt Shed Replacement Fund has a balance of about **\$90,000**, so **\$610,000** is to be borrowed and \$90,000 is to come from the Fund. The Transfer Station is on a high transmissivity area. Much of the costs are from site work for this location.

See 2018 bid documents: [Click Here](#)

See 2018 bid information: [Click Here](#)

Pros: The salt shed and the entire area sits above the aquifer and drains down hill. Uncertain how long the existing structure can be used.

Cons: This is a lot of money for a building to hold Salt. Quintuples the amount of salt that may be stored on this compromised site.

What do we already own: [Click Here](#)

- 1) Ambulance 1 2008 Chevrolet C-4500 w/ Advanced Life Support
- 2) Ambulance 2 2017 Ford F550 4 wheel drive w/ Advanced Life Support
- 3) Engine 3 2003 Emergency 1 Typhoon
- 4) Engine 1 1994 KME Navstar Pumper
- 5) Ladder 4 1988 LTI Custom Ladder Truck (Quint) LADDER IS NOT OPERATIONAL
- 6) Utility 1 2006 4X4
- 7) Air 1 – Breathing Air Unit – One of three units in the district
- 8) 1931 Ford Antique engine

[Click Here](#) to see this table

Table produced by Steven Borne for the Select Board October 10, 2018

Category	Rye	N. Hampton	Greenland	New Castle	4 Town Total	Portsmouth II	Hookset	Windham	Exeter	Milford
Polulation	5,440	4,456	4,035	979	14,910		14,175	14,562	15,082	15,449
Ambulance (Rescue)	2	1	1	1	5	1	3	2	2	1
Engine - Pumper	2	2	2	2	8		4	2	4	3
Ladder	1	1			2	2	1	1	1	1
Pumper/Tanker		2	1		3		1	2		
Command Vehicle	1	2	1		4			3	3	2
Utility Vehicle	1	1	1		3	2	1	1	2	
Forestry Unit		1		1	2	1	2	1		1
Air Unit	1				1		1			
Marine - Boat				1	1		1	1		
Hose Truck				1	1					
John Deere Gator							1			
Resue or Maintenance Truck								1	1	
HazMat Truck						1				

Article 8: \$992,000 to lease/purchase new Pumper/Ladder truck

- Ladder lift mechanism is broken and the cost to repair is estimated at \$5000 to \$20,000 vs. \$5000 value of the fire truck.
- \$492K down payment : (\$123K from Ambulance and Fire Truck special revenue fund + \$369K from Fire and Ambulance vehicle capital reserve fund)
- \$500K to be paid over 5 years starting in 2020 (so \$100K per year for 5 years). Interest in addition.

Proposed Plan presented to Select Board August 2018 [Click Here](#)

[Click Here](#) for Chief's Presentation

[Click Here](#) to resident table of area equipment

[Click Here](#) Rye Fire Rescue: Mission, Vision and Values

Pro: Replaces a core piece of equipment and is part of the plan for Rye

Con: \$1M is big investment into apparatus that is not frequently used and similar apparatus is stationed in N. Hampton and Portsmouth II (Lang Rd/Rt 1) Station

[Click Here](#) for Library Video

[Click Here](#) for audio of missing section

Next Presentation: March 7th 6:30pm RPL

Deliberative Session Note:

Amendment to first coordinate with Greenland, New Castle and N. Hampton was voted down.

Amendment to borrow less and use more of the current funds was voted down.

Article 9: Town Budget

See RCL Town Budget analysis: [Click Here](#)

Recorded Video of presentation: Budget is second [Click Here](#)

Proposed budget, excluding Warrant Articles: \$9,718,146

Default budget: \$9,152,091

Default budget is effective if the proposed budget fails to pass.

The proposed budget may be amended, up or down, at the Deliberative Session. The default budget may not be changed. It is about \$550K less than the proposed budget.

Much of the spending in 2019 is in the warrant articles, although the total of warrant articles affecting 2019 taxation is about the same as the 2018 articles affecting 2018 taxation.

Nevertheless, the warrant articles affecting future spending add up to a large sum.

Pro: You support the entire 2019 budget plan

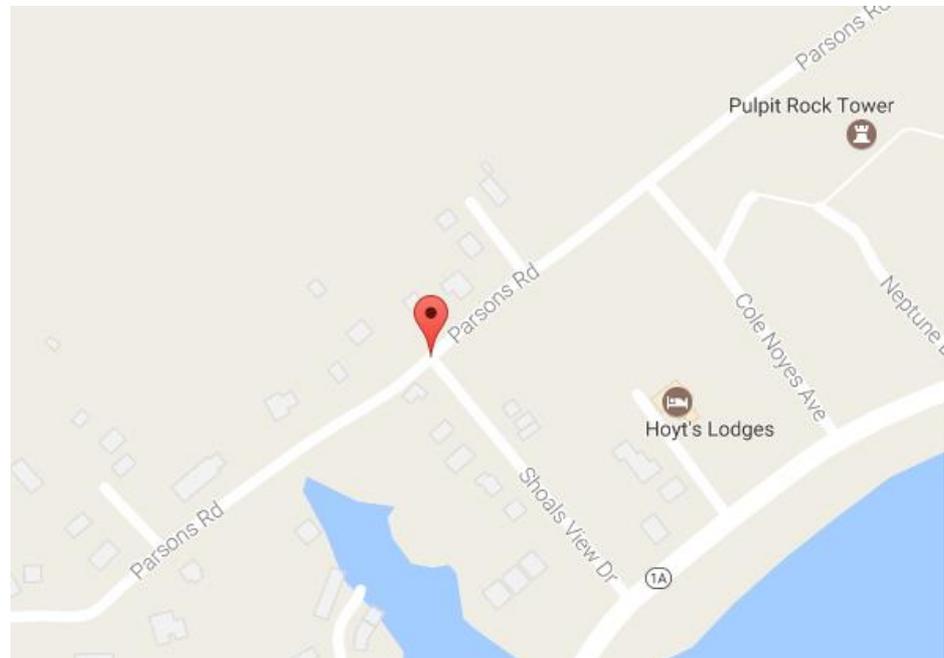
Con: You do not approve of the spending and prefer the town operate under the default budget

Article 10: Paving Shoals View Drive \$200,000. Majority vote required this year.

Background: After much discussion, it was determined that the town is responsible for maintaining this road. The Town voted for \$125,000 to complete this work in 2017. However, due to extensive ledge, this project will cost more than what was appropriated. \$10,000 of the 2017 appropriation was spent for the engineering. The rest of the 2017 appropriation expired, increased the 2017 surplus, and couldn't be used without a brand new appropriation. That failed in 2018, getting 54% vs. the 60% needed. This year the article is presented without a bond, so needs only 50%.

Pros: Allows the work to be completed. This is one of the last unpaved town roads in Rye. Others are Pulpit Rock, Cole Noyes, Davis, Neptune, Vin Mar and West Atlantic.

Cons: The price increase of \$75K makes this a more expensive project. Paving this road may cause residents on the other unpaved roads to insist on paving of their roads.



Article 11: Highway Equipment Capital Reserve: add \$100,000

Background:

- ~ \$1.3M of DPW trucks/equipment for the transfer station and road maintenance. Lifetimes vary, but a rolling replacement plan works out to about a \$100,000 per year.
- Creates a balanced approach of rotating out the oldest equipment as maintenance costs and inconveniences increase. It also smooths taxes by allowing contributions each tax year to this capital equipment reserve.
- DPW staff plans on purchasing one vehicle a year, each purchase consumes a fair amount of DPW time and effort, so multiple purchases in a year should be avoided
- Nothing is being acquired in 2019

Current Fund Balance is **\$179,063.44**

Pros: Annual funding keeps the tax rate steady despite periodic large ticket items purchased (six wheel dump trucks, heavy equipment for Transfer Station)

Cons: Minimal interest earned on money set aside. Reserve may create the impression that equipment purchases are without cost as money has already been set aside.

Article 12: \$100K for the Fire & Ambulance Vehicle Reserve Fund

Background:

- \$50K a year comes from the Grove Rd. Cell Tower that goes into the separate Ambulance & Fire Vehicle Fund (note reversal of words). In 2018, the purpose of this fund and that one were expanded to allow use of both funds for either fire vehicles or ambulances.
- If the Pumper/Ladder lease/purchase is approved, this fund, plus the Ambulance and Fire Vehicle Fund will have \$200,000 left before the \$100,000 funding from Article 16 and the 2019 cell tower revenues.

	Dec. 31, 2018	After Pumper/Ladder
Fire & Ambulance Fund	\$ 463,602	\$ 94,602
Ambulance & Fire Fnd	\$ 218,090	\$ 95,090
Total	\$ 681,692	\$ 189,692

Long-term plan for major fire vehicles:

- 2021 mini-pumper to replace 1994 pumper \$300,000
- 2023 pumper to replace 2003 pumper \$760,000

Pros: Annual funding keeps the fund growing, as we should be accumulating money each year for the equipment that we will need in the future.

Cons: Prefer that we just borrow the money when needed and pay principal and interest, or feel that the new ladder truck is sufficient to modernize our fleet for the near future and we don't need to leave money in the funds, in light of the \$50K/year coming in from the Grove Rd. cell tower.

Article 13: \$50K for the Accumulated leave fund

- Fund to pay Town, Police and Fire employees their accumulated sick and vacation pay when they leave

The current union contracts for new employees cap the amount of accumulated sick and vacation

- Current balance is **\$171,414.93**. Total liability for unpaid leave is **\$548,014.30**

Note: with the additional \$50,000 the balance would be slightly less than half of the liability (50% funding is the typical goal suggested for towns).

Pro: Helps us get closer to the liability number

Con: Underfunding could cause a one year increase in taxes (from less surplus or more funds required to be raised) if multiple retirements in a year deplete the fund.

Article 14: \$35K for the Municipal Buildings Maintenance Fund

- Balance was **\$106,738** at the end of 2018. In past years this was \$25K.

Pro: Allows maintenance cost to be accrued for annually, spreading out the cost and avoiding the need to transfer funds from other budget items if an unexpected maintenance requirement comes up.

Con: Additional cost, but risk of unplanned costs in future years

Article 15: Officially dissolves an old Ambulance Reserve Fund

In 2018, two existing funds were renamed and repurposed to allow either fund to be used for either fire trucks or ambulances. Two funds are needed as one accumulates cell tower revenue and the other is added to by warrant article (annually the last several years). The third fund is no longer necessary. The first step is to move the balance of \$11,714.37 to the General Fund.

Pro: Removes a fund the town is no longer using.

Con: If we have more cell tower or other revenue that we wanted to go only towards ambulances, the town would need establish a new fund.

Article 16: Moves the remaining balance out to the Reserve fund

If Article 15 passes, the town needs to say where the funds go. This moves the \$11,714.37 balance out of the General Fund to the Fire and Ambulance Fund

Pro: Moves the funds to the newly renamed and repurposed combination fund.

Con: If Article 15 passes and this fails then the money remains in the Unassigned Fund Balance and would not provide additional funding for fire & ambulance vehicles.

Article 17: \$10K for the Library Accumulated leave fund

We have this for the Town employees, but this fund does not include the Library employees.

The fund was created in 2018 and \$10,000 was put in it. Plan is to fund at \$10K per year until the fund is at 50% of the liability.

- Current balance is **\$10,003.25**. Total liability for unpaid leave is approximately \$60,000

Pro: Helps us get closer to the liability number

Con: Underfunding could cause a one year increase in taxes (from a lower surplus or more funds required to be raised) if multiple retirements in a year deplete the fund.

Article 18 : \$5K for Library Maintenance Fund

- Small number and Library budget increases have been small in recent years.
- Current balance is **\$59,017.13**
- [Click Here](#) to see usage statistics

Pro: Allows maintenance cost to be accrued for annually, spreading out the cost and avoiding the need to transfer funds from other budget items if an unexpected maintenance requirement comes up.

Con: Additional cost, but risk of unplanned costs in future years

Article 19: Accept two roads as public roads

Background: Pre-approves the town's acceptance of the two roads in this development as town roads. They will be called Autumn Lane and Signature Drive. Select Board and Public Works Director would need to approve before they become town roads.

This is the Stoneleigh Preserve development, that was declined by the Planning Board and then in a legal settlement with no public discussion or input prior to it being agreed to, the Planning Board approved along with the town paying the developer \$400K as part of the settlement.

Pro: Allows the builder to name these two streets.

Con: Don't want streets with these names. Or, you would like to see the developer return the \$400,000 that the Town paid in the settlement before the Town accepts these roads.

Deliberative Session Note:

Discussion on whether different names could be substituted at the deliberative meeting. Attendees were not allowed to propose new names.

Article 20: Allow the Conservation Commission to purchase land outside of Rye

Background: The Conservation Commission is looking to purchase property on the corner of South and West Rd, but a portion is in N. Hampton. The statute permits only an all or nothing extension of powers and specifies the language of the warrant article. It does not permit a one-time authorization.

36-A:4-a Optional Powers. – 1. The legislative body of a city or town may vote at an annual meeting to authorize the conservation commission to: (a) Expend funds for the purchase of interests in land outside the boundaries of the municipality, subject to the approval of the local governing body;

RSA did not allow the wording to make this specific to this purchase.

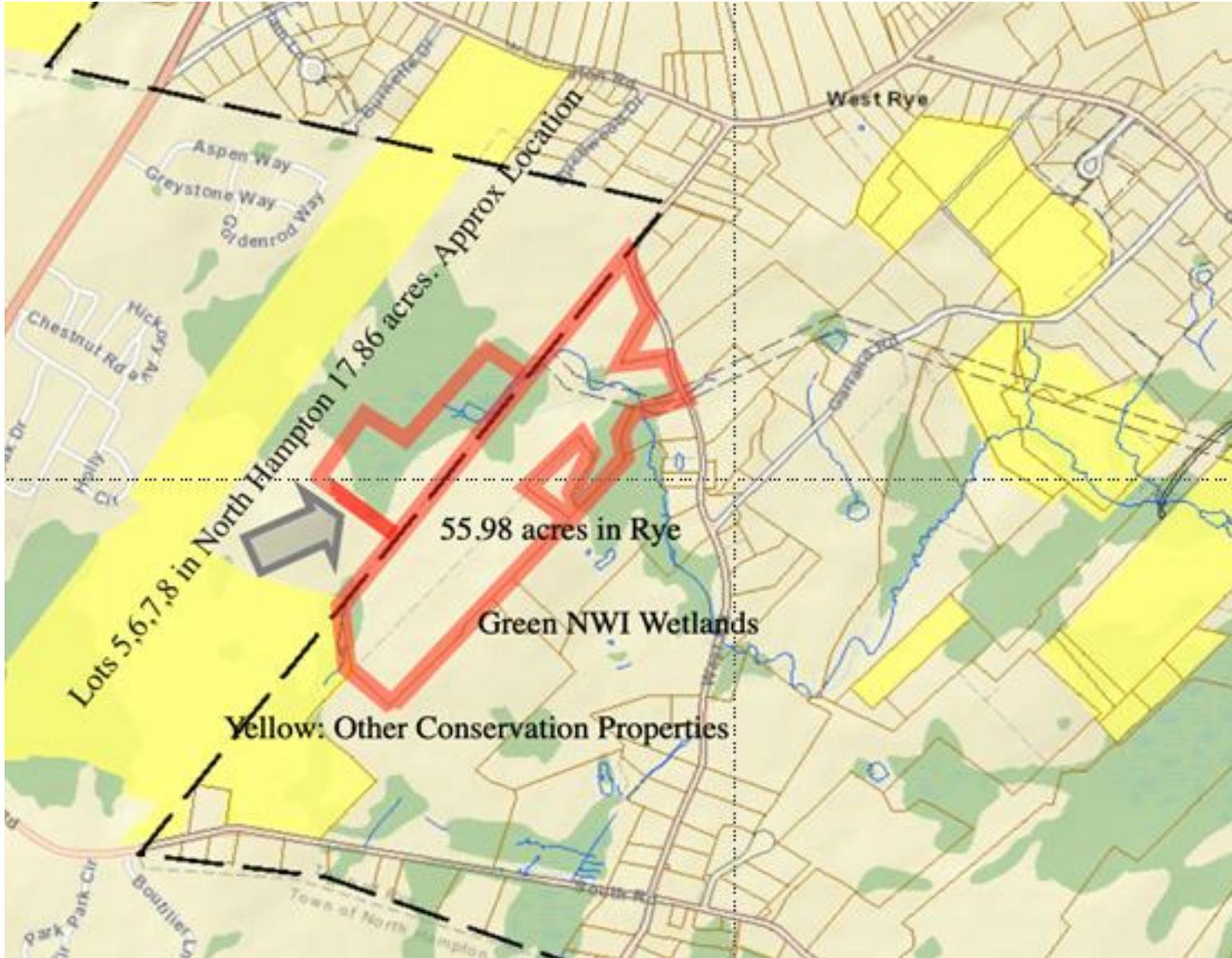
Pro: Support purchasing this property

Con: Do not like this conservation purchase

Deliberative Session Note:

Conservation Commission said that the RSA does not allow this to sunset. Without a Conservation Commission meeting, the chairperson would not commit to repealing this next year.

Article 20: Allow the Conservation Commission to purchase land outside of Rye



1999: The Town developed Cell Tower Overlay District that established the areas where cell towers are allowed. Rye's Zoning Map does not show this area [Click Here](#)

2003: After residents fought to keep a Cell tower from being installed near their property, the Conservation Commission and the Town utilized Conservation Land adjacent to Grove Rd to provide a different location for the Cell Tower. Rye has been receiving about \$50K a year in fees from the Cell Tower lease. \$750K over 15 years

2006: Master Plan says Rye needs to address the poor cell (voice) communications in Rye. There is NO Implementation section (who and when), so nothing has been done in 12 years.

Cell Towers were attempted for the land behind RES, Pulpit Rock Tower and the Seacoast Science Center side of Odiorne (not the South side). [Click Here](#) 2010 Memo from the State to Select Board about how to go about using Odiorne property.

[Click Here](#) for additional information about the Brackett Rd. application.

Verizon granted continuance at a canceled meeting: [Click Here](#)

- ***Section 704(a) of the 1996 Act expressly preempts state and local government***
- ***regulation of the placement, construction, and modification of personal wireless***
- ***service facilities on the basis of the environmental effects of radio frequency***
- ***emissions to the extent that such facilities comply with the FCC's regulations***
- ***concerning such emissions. 47 U.S.C. § 332(c)(7)(B)(iv).***

Article 21: Approves a lease agreement with Verizon for a Cell Tower

Background: In late 2017/early 2018, Verizon sought permission from the ZBA and the Planning Board to locate a cell tower on private land at 120 Bracket Rd, 50 feet from the road. Under the federal Telecommunications Act of 1996, [47 U.S.C. § 332\(c\)\(7\)\(B\)\(i\)\(II\)](#) (“TCA”), ***towns may not effectively prohibit cellular communications.***

[Click Here](#) to see lease signed by the Select Board

Verizon suggested that, if its application were denied, it would sue under the TCA to force the town to permit the tower at 120 Brackett. Opinion: *There is a significant question whether an effective prohibition exists if voice service is available.*

Just before the ZBA was to meet to deliberate on approving or denying the application, the Town gave Verizon an extension ([click here](#)). Led by the Town Attorney, the Town is working to provide an alternate site for Verizon to avoid the threat of litigation. The alternate site on Port Way is several hundred feet from surrounding homes.

Pro: Lease revenue (\$25,000 per year) will go to the Town and not a resident. Keeps Verizon from taking the Town to court and moving forward on Brackett Rd. with a tower 50 ft. from the road.

Con: Although far from any nearby houses or streets, there is potential impact on property values. The equipment compound could be unsightly. ([click here](#)). Only addresses one of the problem coverage areas in Rye.

Article 21: Approves a lease agreement with Verizon for a Cell Tower

Deliberative Session Note:

Select Board argued that this rate for the lease is competitive with the current market and that it does escalate over time.



Approximate portion to be leased to Verizon

Approximately 820 ft. to nearest house

Within 1000 feet, the density is approximately the same for 120 Brackett Rd, and this site. Within 1,500 feet, the Port Way location adds 35 to 40 houses, and Brackett adds 6 homes.

Article 22: Retain the land and allow BOS to convey to conservation

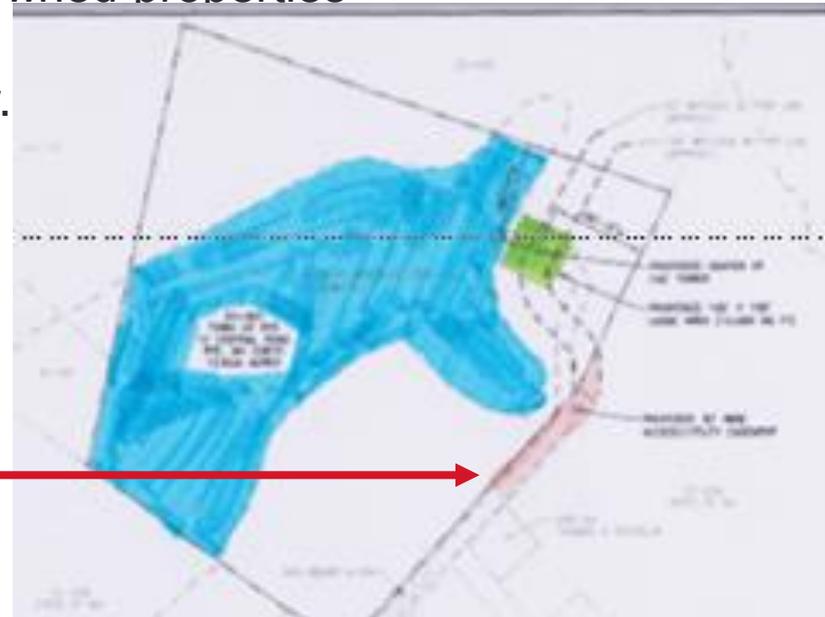
Background: The town obtained this property in 2011 by tax deed (deed book 5218 page 1440 from Reardon). This article is needed before the Town may retain the land and hold it for public use. The article also authorizes the Selectmen to convey the parcel to the Conservation Commission.

Most of this land is wet (the marsh – see the blue)

Pro: Conservation Commission can manage and monitor the property. The Town does very little to “manage” some of the Town owned properties

Con: Oppose the entire plan of the Cell Tower.

Orange section that avoids wetlands is State land



Port Way Rd Cell Tower would be around here



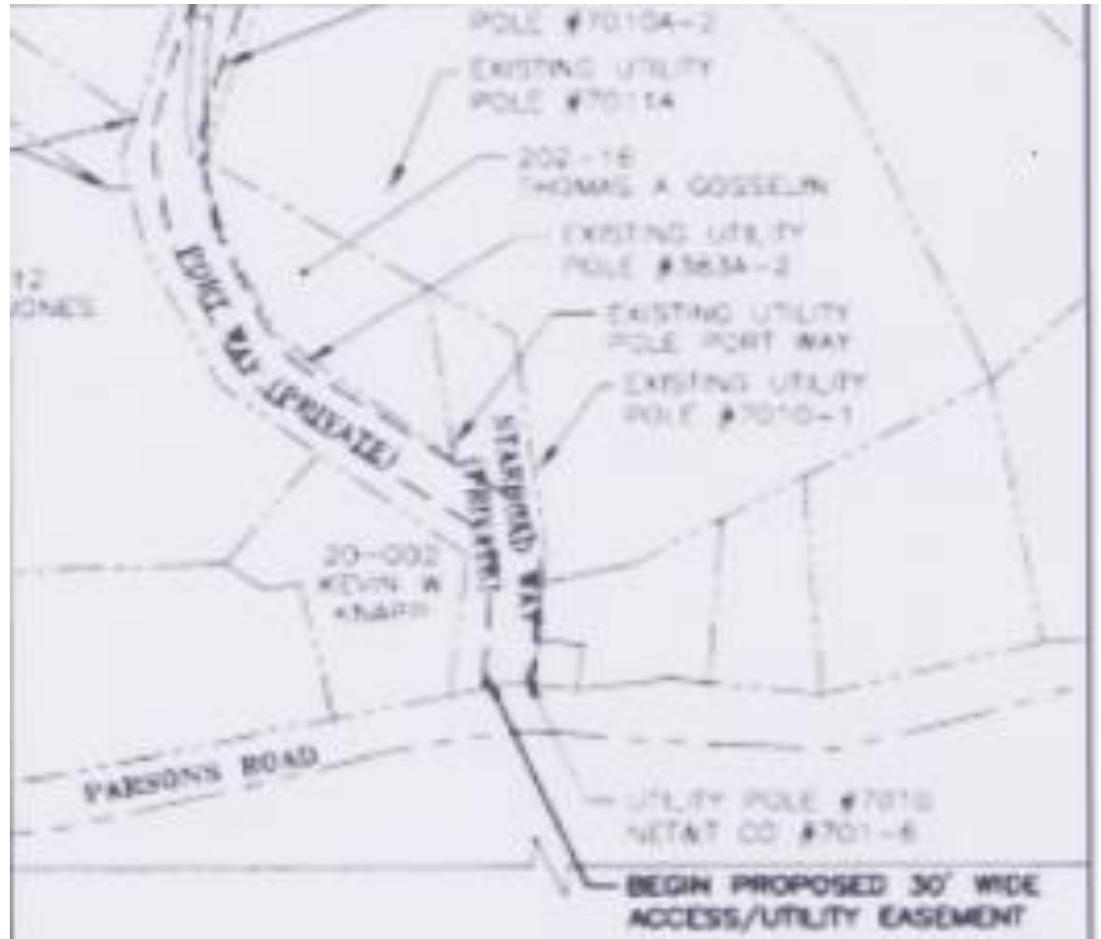
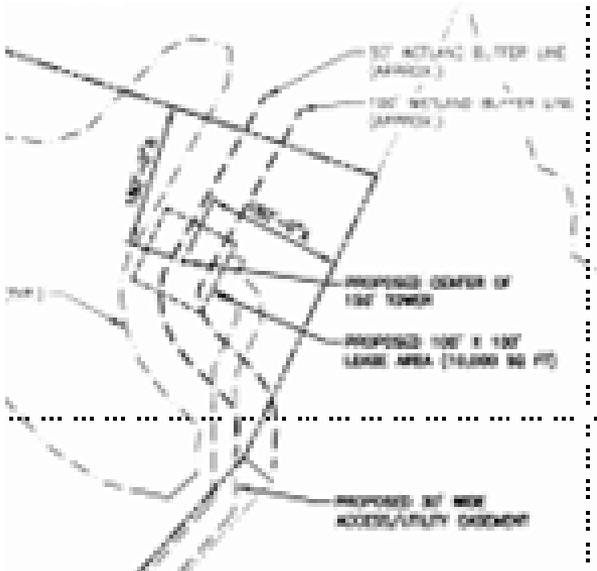
Note: The 120 Brackett Road proposal was to be 50 feet from the road and very close to homes

Article 23: Creates a road for the Cell Tower

Background: For the Town land that the Select Board want to lease to Verizon for the Cell Tower, a town road is required for Verizon, the owner of the cell tower, to access the leased land. Only a small 75 foot by 25 foot section is needed, as an easement is being granted over the rest of Starboard Way and Port Way by the property owners in the area who were paying for road maintenance.

Pro: Verizon will need access to get to this property.

Con: Do not want a cell tower at this location.



Article 24: Allocates \$4000 for the portion of the road the town is taking

Background: If there are any damages caused by converting a section of the private road to a town road to the cell tower, these funds are available to pay for that. This is similar to the compensation needed for a taking by eminent domain.

This is money going to a property owner whose land is being taken. The damages are losing certain rights to their property. This money is coming from taxpayers.

Pro: Requirement for the road and the cell tower lease to progress.

Con: Do not want the cell tower at this location.

Article 25: Allows Portsmouth to extend the sewer on Rt. 1.

Background: Developers would bear all of the costs of extending the Portsmouth Sewer from its current end point at the town line, south to the corner of Washington Rd and Rt. 1.

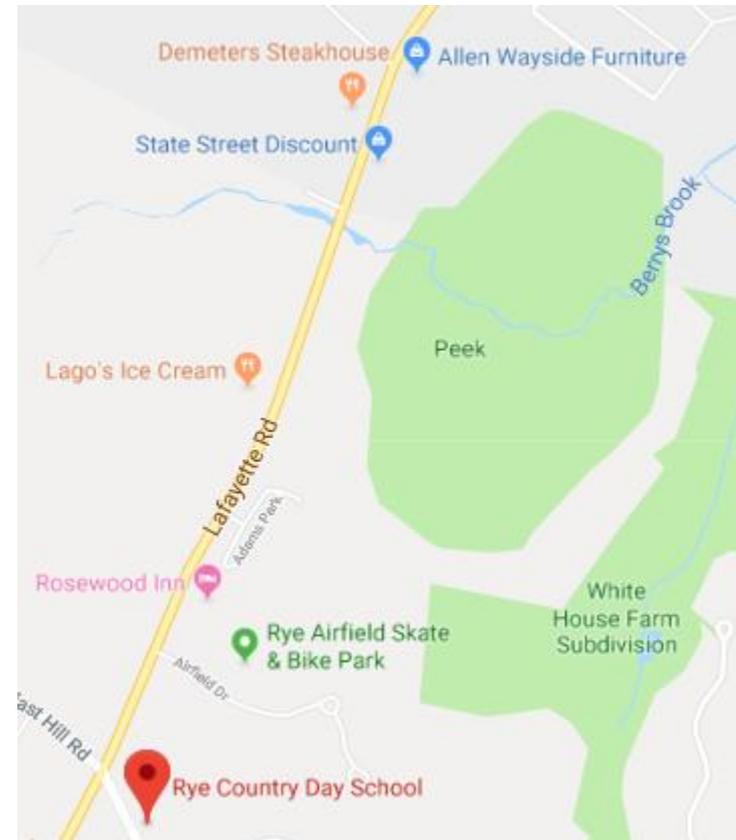
There is already a high density of leach fields in this area which is near Berry's Brook.

Pro: No development cost to town, better environmentally

Con: Want to slow down development in this area.

Note: New buildings add to the assessed value of the property, so incremental property tax revenue from higher property value.

Rye does not get Business Profits Tax revenue, the State does.



Article 26: Delays the time dogs can be on the beach on Saturdays until 9:00 p.m.

Background: Requiring dogs to be leashed from 6pm to 9pm was removed and replaced by an outright prohibition.

This is only for the Summer (Saturday before Memorial Day to the first Saturday after Labor Day). It sunsets the Sunday after Labor Day 2019.

The existing ordinance prohibits dogs on the beach during the summer, except after 7:00 p.m. and before 9:00 a.m., but they may be unleashed if under control.

Pro: If you don't like dogs running on the beach or swimming in the ocean, this puts all dogs on leashes during this limited time.

Con: The beginning of leash laws.

Deliberative Session Note:

Amendment to remove the leash requirement was approved. So this now only delays the time that dogs may be on the beach, but does not require dogs to be leashed.

Article 27: Ordinance that prohibits dogs running at large on certain Town property unless under voice and sight control.

Background: Dogs are trespassing on private property adjacent to Rye's Town Forest (behind Parson's Field). The town has a responsibility to keep dogs and people straying from the forest onto private property.

To be under voice control the dog must return to its responsible party within three calls. Dogs are also considered to violate the ordinance if they jump on an unwelcoming party or show aggression to another dog.

We also had the incident where a resident killed a dog that was attacking their dog. Creates definitions and \$100 fine per dog, with a maximum of \$1000.

[Click Here](#) to read draft wording.

Pro: Puts the responsibility of keeping dogs and people off of private property on the dog's custodian, and aims to prevent dog vs. dog and dog vs. people incidents.

Con: Puts responsibility on the police force to enforce.

Article 28: Dog tag program

Background:. Same as Running at large.

Limited to: ***the Town of Rye Forest and abutting Town property, Parsons Field Conservation land***

Enacts a leash law in and around the Town Forest for all dogs with an exception if they have a tag. Requires unleashed dogs at these locations to have a tag. Violations will incur fines and loss of the privilege to have unleashed dogs at these properties.

To get a tag: ***The participating Voice and Sight Control tag signifies the dog (s) guardian has registered in the program, has been given guidelines of program, watched the online video of what it means to control a dog (s), and the dog (s) meets vaccination requirements.***

Pro: Allows a way for dogs to run without a leash.

Con: Feel that this will be very difficult to operate and the costs will exceed the revenue from fees.

Select Board Note:

After the Deliberative meeting, it was pointed out to the Select Board that the wording that described the associated costs to the town for this program disappeared from what was presented at the Deliberative Meeting. The annual fees are \$25 for one guardian and dog (for Rye residents) and \$75 for non-residents. Additional dogs and guardians have extra charges.

Article 28: Dog tag program New Rules

A guardian who participates in the Voice and Sight Control Tag Program may still be issued a violation of the rules including but not limited to the following infractions:

- The dog guardian is walking more than three dogs
- The dog guardian is not carrying a leash for each dog and dog waste bag (s)
- The dog guardian fails to display a voice and sight tag on dog
- The dog guardian has a dog under voice and sight control and is not registered in the Voice and Sight Tag Control Program
- The dog is not within the guardian's sight and under voice control at all times
- The dog does not come to and stay with guardian immediately **after (3) requests by guardian**
- The dog jumps on, charges, chases or otherwise displays aggression toward any person, or behaves in a way that any reasonable person may find harassing or disturbing
- The dog charges, chases or otherwise displays aggression toward any dog **or person**
- The dog chases, harasses or disturbs wildlife or livestock
- The dog is on private property without permission of the landowner
- The dog guardian does not carry dog waste bags and does not immediately pick up their dog's waste, carry it with them (does not leave it to be picked up at later time) and dispose waste in waste can **(at home)**

Dog is automatically defined as out of control and in violation of this Ordinance if dog (1.) is on private property without permission, (2.) jumps on or knocks down an unwelcoming person, (3.) fights with or shows aggression to another dog(s), (4.) A responsible party refuses to attempt to call their dog (s) when requested by an authorized Rye official.

Article 29: Rollerblades now allowed but must be in single file

Background: Current rules ban roller skating in Rye. The reference to roller skates will be removed and Rollerblading/in-line skating will be allowed as long as people are single file.

Is Skateboarding allowed anywhere?

Pro: Allows rollerblading and in-line skating.

Con: Do not want people rollerblading or inline skating in town.

Article 30: Cell Tower Planning Committee

Background: Requires the town to develop a town-wide cellular coverage plan with options before moving forward with cell towers. See the 2006 Master Plan.

Current Select Board action only addresses one area of town. Verizon “needs” this location and the town loses leverage with Cell and Tower companies to invest in addressing better coverage for our entire town. Verizon has a business issue driving the current activities; they or a Cell Tower company may not invest in improving coverage in the rest of Rye.

This should have been started after 2006 when the first Master Plan was approved.

Pro: While Select Board has started this process this adds the will of the voter to continue.

Con: Voting this down may give the Select Board an out for not completing this.

Deliberative Session Note:

Amendment that removed the key intent of the petitioners that this article be completed before the Town move forward with Port Way was approved.

Article 32: Best practices for clean fill

Background: This now just asks the Planning Board to consider how to do this.

Concern stems from the large amount of fill that would be required to build the proposed condo units at the intersection of Wallis Rd and Ocean Blvd (Atlantic Four Winds/Driftwood beach houses). About 4ft of fill over approximately a football field is being discussed.

Pro: Given that just about all new construction will be near wetlands in Rye this is a prudent action.

Con: Oppose the cost to developers and it is another activity for the Building Inspector to manage.

Deliberative Session Note:

Select Board amendment, approved by voters, changed this from a requirement to just something the Planning Board should investigate.

Article 33: Increases parking fines

Background: Increases the fine for parking in a Rye Town parking spot (where a Rye sticker is needed) from \$50 to \$100. For all other No Parking areas, increase this fine from \$30 to \$50. Tow zone signage to be added.

Pro: Potentially could create incremental revenue if the fines are paid, as well as deter violations.

Con: Could be a net decrease in revenue if fines are not paid. New signs will be required.

Deliberative Session Note:

Amendment that reduced the top fees down from \$200 to \$100 and from \$75 down to \$50 was approved.

Article 34: Rye Beach Committee to be permanent

Background: The Selectmen dissolved (by town vote) the independent Beach Commission a few years ago and replaced it with a Select Board Committee. Some committees (like CIP), go on year after year, but the Beach Committee must be reinstated each year. Currently the Committee sunsets March 31, 2019

Pro: Eliminates the uncertainty that Committee members have as the Select Board could curtail the Committee for one year.

Con: If you oppose the Committee it would now take a town vote to eliminate the Committee.

Deliberative Session Note:

Select Board amendment changing this from making the Beach Committee a standing committee to something that the Select Board would develop a plan for was approved.

Article 35: No Porta Potties on Sawyers Beach

Background: Some residents requested that the Select Board install a Porta Potty at Sawyers Beach. At high tide you must walk on the street to get to the Jenness Beach bath house.

The Select Board created a budget item for this without consulting the Beach Committee, which is opposed to this.

Ultimately, the Budget Committee unanimously removed the \$1200 for the Porta Potty Potty from the budget, and then the Selectmen did so as well.

Pro: Prevents an environmental and management problem.

Con: Will make it harder for parents with young children to utilize Sawyers Beach, which is owned by the town.

Article 36: Ban RV's from parking on Ocean Blvd.

Background: RV's parked on the street tend not to belong to people from Rye. A large percentage are from Canada. When many RV's are parked on Ocean Blvd (typically between Jenness Beach and Cable Rd.) there is the feeling of congestion.

Nothing is proposed or provided for RV parking in this area.

Since this is a state road, the town can only recommend. The state would need to take action.

Pro: Improves safety during the summer.

Con: Adds costs for more signs. Creates an obstacle for some people visiting Rye to go to the beach.

Article 37: Allows the Selectmen to sell Surplus Equipment

Note: A town employee has been bidding \$1 on many items that the town auctions, so he gets, for essentially nothing, all items that do not receive other bids.

Pro: Would permit the Town to receive revenues from surplus equipment during the year, without needing to wait for Town Meeting approval.

Con: Without the scrutiny provided by the Town Meeting, equipment could be sold for less than its fair market value. Trade in offer for ambulance was lower than expected. This underscores the need to obtain an appraisal if multiple bids cannot be used to establish the value.

School Article 1: Operating Budget of \$14,121,362.

See RCL Budget analysis: [Click Here](#)

Summary:

Budget is up only .87%. However, due to declining revenues, School District taxation would be up 3.6% if the operating budget and the RESPA article both pass.

Pros: Keeps School from utilizing Default Budget of \$13,952,300.

Cons: Requires School Board and administration to use the default budget.

School Article 2: RESPA (support staff) contract \$65,218 (first year, 2019-2020)

Background: This is the contract that has been in negotiation for a long time.

Future increases _____.

2020-2021	\$25,583
2021-2022	\$25,731
2022-2023	\$29,459
2023-2024	\$31,480

Deliberative Session Note:

Question was called immediately on Article 1. The School Board Chair was allowed to speak, but then a vote was taken and the motion passed, preventing any debate. The School Superintendent (a Rye resident) and all School Board members voted to prevent discussion.

This Presentation

Was created by the Rye Civic League to help taxpayers be prepared for the deliberative town meeting

The Rye Civic League publishes the monthly Rye Civic News. You can add yourself to the Rye Civic News at www.ryecivicleague.org