

REPORT OF THE ANNUAL TOWN MEETING FOR THE TOWN OF RYE, NEW HAMPSHIRE

February 3, 2018

DELIBERATIVE SESSION

At 9:05 a.m. on the 3rd day of February 2018, at the Junior High School gymnasium, Moderator Eaton called the meeting to order and led those in attendance in reciting the Pledge of Allegiance. He thanked everyone for coming to the meeting.

Moderator Eaton continued the tradition of reading the list of our friends and neighbors who passed away during 2017. A moment of silence was observed in their memory.

Moderator Eaton then introduced Town Clerk/Tax Collector Donna DeCotis, Town Counsel Michael Donovan, Vice Chair of the Board of Selectmen Priscilla Jenness, Selectman Phil Winslow, Finance Director/Assistant Town Administrator Cyndi Gillespie, Town Administrator Michael Magnant, and Chair of the Board of Selectmen Craig Musselman.

Selectman Jenness then offered a tribute to Selectman Musselman, who was stepping down from the Board after 12 years of service. She thanked him for his dedication, and for the abundance of expertise that he had provided to the Board, and presented him with a book containing the following inscription: "On behalf of the Town of Rye this *History of Rye, New Hampshire, 1623 to 1903*, by L. B. Parsons, is presented to Craig N. Musselman on February 3, 2018 in acknowledgment of 12 years of dedicated service as Selectman of the Town of Rye, and for providing throughout this period exceptional guidance in the areas of his expertise, which include business management, professional writing, water and waste water, solid waste and civil engineering, in addition to insightful and timely direction of the prudential affairs of the Town." The attendees at the meeting then gave Selectman Musselman a long round of applause.

Moderator Eaton then introduced the candidates who are running for Town and School District offices. He invited those in attendance to a Candidates' Night on Thursday, February 22, at 6:30 p.m. [later changed to 7:00 p.m.], at the Rye Public Library. He advised that the Town and School election will be held on Tuesday, March 13th from 8:00 a.m. until 7:00 p.m. at the Rye Elementary School. In addition, he encouraged attendance at the School District Deliberative Session on Tuesday, February 6th at 6:30 p.m. at the Junior High School.

Moderator Eaton then read his rules for the meeting:

1. Meeting Purpose. The purpose of this meeting is to discuss and debate the articles on the Town warrant. However, because Rye has adopted the SB2 Deliberative Session form of government, this meeting may not exclude articles from the ballot. Up or down voting on an article only occurs at the March election. Nonetheless, you may amend most articles to change how they appear on the ballot.

2. Moderator's Rules. By State law, the Moderator sets the rules and procedures of the meeting. I won't follow Roberts' Rules of Order or any other complicated rules of parliamentary procedure. Instead, we will follow my rules. I may not run a perfect meeting, but I will do my best to run a fair meeting. Ultimately though, this is your meeting. By majority vote, you can change my rules, or overrule any decision I make.

3. Procedure. I will read each article in the order that it appears on the warrant, unless somebody moves to take an article out of order. After reading an article, I will ask for a motion to move it to the floor for debate. Like all motions, it must be seconded. I will then recognize the article's sponsor. After that, everyone here is invited to speak. If you want to speak to an article, come line up behind the microphone. When it's your turn, introduce yourself by name and street address. I will recognize everybody who wants to speak to an article before I permit someone to speak twice. Please address all comments to me, not to other people here.

In the past, I have not set a time limit for speaking, but have asked you to use your common sense. I realize that what constitutes a reasonable amount of time may differ depending on the complexity of the subject matter, so I still am not setting a hard and fast time limit. However, I beseech you, try to say what you need to say in 5 minutes, or less. If I ask you to wrap it up, that means I'm giving you one minute to finish, after which I will ask you, politely, to sit down.

I also remind you that we are here in the spirit of fair debate. I realize that people may feel very passionate about some of the articles on the warrant today. However, I urge you not to let your passion get the better of you – I expect everybody to be civil and courteous, not to raise their voices, and to avoid bitterness, and I will not permit personal attacks against people or their motives. When there is no more discussion on an article, I will order it to be placed on the ballot, either as written or as amended.

4. Amendments. Any registered voter can move to amend an article. All amendments must be in writing, even if they are very simple – that way there won't be any confusion when the minutes are being prepared. I will read the amendment, and then open the floor for discussion. When you are ready to vote, I will restate the amendment. There are 5 limits to amendments. 1st, articles whose words are prescribed by law may not be amended. 2nd, to avoid confusion, I will not permit amendments to amendments before the original amendment is voted on. 3rd, an amendment may not add a new subject. 4th, you cannot increase the budget, including warrant articles, by more than 10%. Finally, amendments cannot eliminate an article's subject matter. This means that you cannot amend an article to delete all but a few words of the text. Election day voters must be able to determine what the article is about. However, you can amend an article to change its intent or purpose. Also, changing the dollar amount of an appropriation does not eliminate its subject matter.

5. Voting. If you haven't already done it, check in at the clerk's table, get a white voting card, and sign it. To vote, I will ask you to raise your card. I will only vote if my vote will break or create a tie. We will vote by secret ballot if, before voting on an article, 5 voters present sign a written request for a secret ballot.

6. Recounts / Questioning a Vote. A recount will be taken of non-secret ballot votes if 7 voters, either orally or in writing, make such a request. Such recounts will be conducted by secret ballot. The recount of a secret ballot will be taken on the request of 5 voters.

7. Reconsideration. Any voter can move to reconsider a vote. You do not need to have been in the majority to make such a motion. However, I will not permit multiple motions to reconsider.

8. Restricting Reconsideration. You may also move to restrict reconsideration of an article. Such a motion may be made after I order an article to be placed on the ballot. It is not debatable. If the motion carries, this meeting may not reconsider that article later.

9. Calling the Question. This is the same as moving to end debate. This motion is not debatable. It requires a two-thirds majority to pass. If the question is called, I will let the person who is speaking finish before I call for a vote. It will be up to you decide whether there is to be further discussion on the article.

10. Non-Voters Who Wish to Speak. Sometimes a person who is not a registered Rye voter may wish to speak. I will ask if there is any objection. If nobody objects, I will permit that person to speak. If

there is an objection, I will call for a vote. The will of the majority will prevail. However, I will allow Town department heads who do not live in Rye to speak to issues relating to their departments.

11. Your Meeting. I remind you that this is your meeting. You may appeal any ruling I make, and I will entertain any motion that is made.

Moderator Eaton then started with the Warrant. He noted that **Articles 1 and 2** simply invite voters to the election on March 13th – there is nothing to discuss or debate. **Article 3** relates to three amendments to the Rye Zoning Ordinance, **Article 4** relates to two amendments to the Rye Building Code, and **Article 5** relates to one amendment to the Rye Floodplain Ordinance. All of these amendments are recommended by the Planning Board. He said that, traditionally, such amendments have not been discussed at the Deliberative Session because, by law, they cannot be amended – they must appear on the ballot as written. He said that the meeting has a right to discuss those articles if it wanted to, although in the past it declined that opportunity. He invited anyone to make a motion to discuss anything in Articles 3, 4 or 5. There being no motion or other discussion, **Moderator Eaton ordered that Articles 3, 4 and 5 appear on the ballot as written.**

Moderator Eaton read Article 6.

ARTICLE 06. To see if the Town will vote to raise and appropriate the sum of seven hundred thousand dollars (\$700,000) to replace the existing salt shed with a larger more efficient salt storage facility to allow all salt operations to be under cover, and authorize the withdrawal of eighty thousand dollars (\$80,000) from the Salt/Shed Storage Building Capital Reserve Fund created in 2005 for this purpose, and authorize the borrowing of up to six hundred twenty thousand dollars (\$620,000) through the issuance of not more than six hundred twenty thousand dollars (\$620,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended) and to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes, to determine the rate of interest thereon and the maturity and other terms thereof, and to take such actions or to pass any vote relative thereto as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for, obtain, accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project. (3/5) ballot vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (6-1)

It was **moved** by Selectman Jenness and **seconded** by Selectman Musselman to place Article 6 on the floor for discussion.

Selectman Jenness stated that the reason for Article 6 is to protect our water supply. The salt shed reserve currently has \$89,085.03 in it. \$80,000 would be taken from that so the bond amount would be \$620,000. This would add 4 cents per \$1,000 to the tax rate, and that would appear in 2019.

Dennis McCarthy, Public Works Director, spoke on this article. He confirmed that the purpose of this article is to move all our storage and salt operations undercover. It would help eliminate spillage and potential contamination of our groundwater in the future. Most towns are trying to cut down on salt or are not using it. Salt is still the cheapest way to de-ice roads. It makes sense to

move all the salt under cover where it will not be exposed to the weather. As long as it stays dry, contamination can be potentially eliminated.

Mr. Crawford said he was the one who voted against this on the Budget Committee. He is not in favor of this project. He feels we have a lot of debt to vote on this year. Taxation was up about 7% in 2017 that was matched by the evaluation which caused the tax rate to go down. He said that this project was estimated at \$230,000 in the CIP plan, and it is now three times that. Mr. Crawford said similar salt sheds elsewhere are done for \$40,000 for 5,000 square feet. So far, salt run-off has not affected our wells. We should look at the cost and impact, he said. This also may not be the best site for a salt shed. We should look at other options.

Steve Borne is concerned about the location of the transfer station. He would like to see a location that doesn't sit on our main drinking well, and that is a place where people can socially interact, like a community center. Also, he noted that our buildings are falling apart.

Mr. McCarthy said many of those concerns are true. There are better locations. Having the Transfer Station on an ocean lot would make sense, but that property is very expensive. He agreed that the transfer center should be a community center. He hoped to replace old buildings but, he said, we have to crawl, and then walk, before we can run. Right now, we need to get the salt under cover.

Mr. Marion called the question. Moderator Eaton stated it required a $\frac{2}{3}$ vote by the people to end debate. **Mr. Drake seconded** the motion. Moderator Eaton called for a vote. **The motion passed.**

Moderator Eaton ordered Article 6 to appear on the ballot as written.

Moderator Eaton read Article 7.

ARTICLE 07. 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 replacing the remaining existing culvert under Red Mill Lane. Said sum to include engineering services for construction administration and inspecting of the project, and authorize the borrowing of two hundred fifty thousand dollars (\$250,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended) and to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes, to determine the rate of interest thereon and the maturity and other terms thereof, and to take such actions or to pass any vote relative thereto as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for, obtain, accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project. This appropriation is in addition to the operating budget. (3/5 ballot vote required)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (9-1)

It was **moved** by Selectman Musselman and **seconded** by Selectman Winslow to place Article 7 on the floor for discussion.

Selectman Musselman stated that several years ago the Town passed a warrant article to replace two culverts on Red Mill Lane. The intent was to design and construct two culvert replacements. During the design process, the Department of Environmental Services, under current environmental practice, decided that the culvert should be a bridge. That is consistent with what DES is doing in locations throughout the state. After designing the first replacement, because it is a bridge and not a culvert, it cost more. The Selectmen are now seeking a supplemental appropriation to build the second one. This is a high priority and it is ready to go.

Dennis McCarthy said that the first culvert replacement in Town to be completed was on Wallis Road. One of the replacements on Red Mill Lane has been finished. The second one will be completed if the Town appropriates the funds. After the second replacement is done, he will be looking at smaller culvert replacements which will be less expensive.

Steve Borne was concerned that this is a high priority. He said we are now being asked to spend a half million dollars on the Red Mill Lane culvert replacements. He wanted to know why we are spending \$250,000 more when we have fire trucks that can't get over Harbor Road bridge to 27 houses on Harbor Road. He asked why a culvert is more important than Harbor Road Bridge.

Mr. McCarthy explained that the order of priority is based on the other culverts in town. These are the second two after Wallis Road. The program goes out 30 to 50 years. Every other year we permit one and construct the other. All culverts need to be repaired and maintained. There are a lot of capital improvements on the warrant this year because we have gotten tied up with the Town Hall building. He said this article is being presented to the residents to move along with the program. If it gets funded, it will move forward; if not, it will go on the ballot next year.

Selectman Jenness said that because this is a bond it will have no tax effect until 2019, when it will add one cent per \$1,000 of valuation.

Mr. Crawford stated that a bond costs more in the long run because you have to pay interest. He is against this article because he feels cost estimates increase dramatically after they are first made. He doesn't feel this is a high priority project.

Mr. Marion called for a **point of order**, asking if the purpose of the meeting was limited to offering amendments. He thought the Deliberative Session was not a campaigning event. He asked if this was the proper forum for people to present their opinions on warrant articles.

Moderator Eaton explained that the purpose of deliberative sessions is to explain, discuss and debate warrant articles, and that it is perfectly appropriate if someone wants to explain why they are for or against an article.

Jaci Grote **called the question**. Frank Drake **seconded the motion**. Moderator Eaton called for a vote. **The motion passed**.

Moderator Eaton ordered Article 7 to appear on the ballot as written.

Shawn Crapo **moved to Restrict Reconsideration** on Articles 6 and 7. Debra Crapo **seconded the motion**. Moderator Eaton called for a vote. The **motion passed**.

Moderator Eaton read Article 8.

ARTICLE 08. To see if the Town will vote to raise and appropriate the sum of two Article 8 was moved to the floor by Selectman Musselman and Seconded by Selectman Jenness hundred thousand dollars (\$200,000) for the reconstruction and paving of Shoals View Drive, a town maintained road, between Parsons Road and Ocean Boulevard and authorize the borrowing of two hundred thousand dollars (\$200,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended) and to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes, to determine the rate of interest thereon and the maturity and other terms thereof, and to take such actions or to pass any vote relative thereto as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for, obtain, accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project.. This appropriation is in addition to the operating budget. (3/5 ballot vote required)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Article 8 was **moved** to the floor for discussion by Selectman Musselman. The motion was **seconded** by Selectman Jenness.

Selectman Musselman stated that the purpose of this article is to pave Shoals View Drive. Shoals View Drive is used for an access to Ocean Boulevard. It is a gravel road that is heavily travelled. There was an appropriation last year to design and build this project. The bids came in very high because of the depth of the ledge under the road. The bids were far more than the appropriation last year. The Selectmen used a small portion of the funds for an engineer to design specifications. In the spring they intend to get bids for a design/build project. This article seeks an appropriation for the estimated cost. Selectman Musselman stated that the Public Works Director felt this was appropriate.

Mr. McCarthy added that the road needs more than just paving. The road has no engineered sub-base. An entirely new road needs to be designed and constructed.

Hearing no further discussion, Moderator Eaton ordered **Article 8 to appear on the ballot as written**.

Frank Drake **moved to discuss Article 12 immediately after Article 9**. The motion was **seconded** by Michael Coutu. Mr. Drake stated that both articles pertain to the future Town Hall. Steve Borne wanted to add Articles 27 and 29, regarding the Old Police Station and the visioning sessions to the motion. Moderator Eaton said we should take the issues one at a time. **Shawn Crapo moved the question**. The motion was **seconded**. The motion **passed**. Moderator Eaton called for a vote on the motion to hear Article 12 immediately after Article 9. The motion **passed**.

Moderator Eaton recognized Mr. Borne. Mr. Borne **moved** that Articles 27 and 29 be heard immediately after Article 12 because they all have to do with town properties. Also, he recommended that the meeting not restrict reconsideration on all four articles until all are heard. The motion was **seconded** by Mr. Crawford. There being no further discussion on the motion, Moderator Eaton called for a vote. The **motion passed**.

Moderator Eaton read Article 9.

ARTICLE 09. (By Petition) To see if the Town of Rye will vote to authorize the Rye Selectmen to raise and appropriate the sum of three million forty-eight thousand seventy-seven dollars (\$3,048,077) gross budget for the purpose of building a new Town Hall Structure on its current site, along with equipment and furnishings, with some changes to foundation location, and to raze the old Town Hall building.

To construct, pursuant to the design for a new Town Hall, as developed by Rye resident John Loftus, and licensed New Hampshire Architect Robert A. Schaefer, AIA, LEED BD+C from the firm of R.A.SCHAEFER & D. M. WHITE ARCHITECTS.

To authorize The Rye Selectmen, to go forward with the completion of “construction documents”, including required and necessary engineering, by licensed New Hampshire Architect Robert A. Schaefer, AIA, LEED BD+C from the firm of R.A.SCHAEFER & D. M. WHITE ARCHITECTS, and with further project design input by Rye resident John Loftus. The “construction documents” will take into account all applicable codes and ADA requirements. (Please note: Mr. Loftus has not been offered, has not asked for, and will NOT accept any remuneration for any of his design work.)

To authorize The Rye Selectmen, to seek competitive bidding for the physical construction of a new Town Hall, as per the prepared construction documents, and to choose the best bid.

To authorize the borrowing of up to three million forty-eight thousand seventy-seven dollars (\$3,048,077) through the issuance of not more than three million forty-eight thousand seventy-seven dollars (\$3,048,077) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended)

To authorize the Selectmen to issue and negotiate such bonds or notes, to determine the rate of interest thereon, and to take such actions as may be necessary to effect issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye.

(60% vote required) This appropriation is in addition to the operating budget.

This article is not recommended by the Selectmen (3-0)
This article is not recommended by the Budget Committee. (6-5)

Frank Drake **moved** Article 9 to the floor for discussion. Anne Hodsdon **seconded** the motion. Moderator Eaton recognized John Loftus.

Mr. Drake asked if could offer some housekeeping amendments now. Mr. Loftus approved. Moderator Eaton stated that Selectman Musselman had an amendment to this article similar to one he expected Mr. Drake to make. Selectman Musselman **moved to amend** Article 9 by adding the following language at the beginning of the article: “Passage of this article shall override the 10

percent limitation imposed on this appropriation due to the non-recommendation of the Budget Committee.” Mr. Drake **seconded** the motion. Selectman Musselman spoke to the motion. If this article passed, he said, the town budget would take a hit of approximately \$1.9 million. An unintended consequence of that would be fewer police officers, firefighters, etc. This is a clause that needs to be added to other similar petitioned warrant articles.

Hearing no further discussion on the motion to amend, Moderator Eaton reread the motion and called for a vote. The motion **passed**.

Mr. Drake moved to amend Article 9 by adding the following language to the end of the last paragraph in the article before the 60% vote requirement notation: “, **and further, to apply for and accept and expend Federal and State Grants and any private donations toward this purpose.**” The motion was **seconded** by Jeff Quinn. Mr. Drake explained that this is a housekeeping amendment to add a standard phrase used at the end of all money articles.

Hearing no further discussion on the motion to amend, Moderator Eaton restated the proposed amendment and called for a vote. The motion **passed**.

Moderator Eaton recognized Mr. Loftus.

Mr. Loftus said this article is for the design and construction of a new town hall. He said there will be nine informational sessions at the Library. Those sessions will answer any questions that voters may have. Mr. Loftus said his design complies with the Americans with Disabilities Act, provides for a full basement for storage, and is energy efficient. The project is supported by five prominent builders in Rye. The \$3,048,077 bond will be spread over 10 years and the tax rate would be 18 cents per \$1,000 of assessed value in the first year, decreasing to 14 cents per year. For example, for \$500,000 in assessed value, the additional tax impact would be approximately \$91 in the first year.

Ms. Crapo thanked Mr. Loftus for everything he has done. She spoke about problems with the existing Town Hall, including lack of ADA compliance, mold and lead paint.

Mr. Winslow said that we have been discussing the Town Hall issue for at least the last 5 years. He suggested that both Articles 9 and 12 be left to the voters for them to decide. He applauded the work of John Loftus, Frank Drake and Ann Malpass, but said that the voters ought to be able to decide Articles 9 and 12 as written.

Hearing no further discussion, **Moderator Eaton ordered Article 9 to appear on the ballot as amended.**

Moderator Eaton read Article 12.

ARTICLE 12. To see if the Town will raise and appropriate the sum of six hundred twenty-four thousand eight hundred dollars (\$624,800), gross budget, for the purchase of a 3.71 acre parcel of land and building located at 500 Washington Road, the former TD Bank, in order to relocate the Town Clerk/Tax Collector office and other Town Hall functions as may be applicable as

determined by the Board of Selectmen, with due consideration of the historic, residential character of the neighborhood. Note: This appropriation includes related purchase costs, first year operating budget and potential renovation expenditures. This appropriation is in addition to the operating budget. (Majority vote required)

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

This article is recommended by the Budget Committee. (7-4)

Article 12 was moved to the floor for discussion by Selectman Winslow. The motion was seconded by Selectman Jenness.

Selectman Winslow said that the TD Bank purchase offers a possible solution to our Town Hall needs. The Selectmen have agreed on a Purchase & Sale Agreement at a very good price. The price is open until March 13, 2018. The bank building would solve the need for additional space for Town Hall that is ADA compliant and has 29 parking spaces for the use not only of Town Hall, but also for the junior high school. The building is in good condition with a new roof, has 2 safes for storage, 2 drive-up lanes, abuts Parsons Field and the Town Forest, and has 3.7 acres of land. The total cost would be \$624,800. The total tax impact would be 28 cents per thousand dollars in valuation, which correlates to a one-time tax charge of \$140 for a home valued at \$500,000, and \$210 for a home valued at \$750,000.

Debra Crapo **moved to amend** Article 12 to eliminate any language regarding how the building is to be used and reword to the article to say:

“To see if the Town will raise and appropriate a sum of up to and no more than six hundred twenty-four thousand eight hundred dollars (\$624,800) gross budget, for the purchase of a 3.7-acre parcel of land and building located at 500 Washington Road, Rye, which was the former TD Bank, for the ownership and use of the Town of Rye, New Hampshire for the future. The purchase of this property will not be directed for any dedicated use at the time of purchase and will be decided by the citizens of Rye at a later date. Any money not required for the purchase will be returned to the general fund and utilities may be scheduled for the operating and maintenance of this valuable acquisition in the center of Rye.”

Ms. Crapo said that her amendment eliminates the wording that would restrict the building to just one use. **The motion was seconded** by Peggy Balboni.

Selectman Musselman stated that if this amendment passes and the article is voted up, the building would then sit empty until at least April 2019. The building could not be used for town purposes until the citizens of Rye voted on it at a later town meeting. A special town meeting could not decide that. The renovations that are needed are minimal. The Town can always decide to change the use of the building at a later date. This amendment would tie up the use of the building for a year with no benefit to the people of Rye.

Mr. Crawford noted that the property is assessed for \$581,000. He asked whether the property had been appraised. He also noted a 1964 deed restriction limiting the property's commercial use to that of a bank and asked whether there were any other use restrictions in the purchase and sales agreement with TD Bank.

Attorney Donovan responded that Mr. Crawford misstated the deed restriction, which runs with the land. The restriction prohibits commercial use of the property other than commercial banking purposes. It is Mr. Donovan's opinion that a municipal use is not a commercial use. If the Town later wanted to sell the property for a commercial use, that use could only be as a bank.

Jeff Quinn spoke against limiting the Selectman in how they administrate the Town. Michael Thiel said he thought it made sense to buy this valuable property in the center of town, but didn't understand how the amendment would limit the Town's use of the building. Mr. Musselman reiterated his position that the language of the amendment would prohibit the Town from using the building until the voters decided what it could be used for. Attorney Donovan agreed.

Ms. Crapo agreed to eliminate the words "and will be decided by the citizens of Rye at a later date" to the end of the second sentence in her motion to amend. Ms. Balboni, having seconded the motion, assented to the changed language.

Mr. Musselman opined that the amended motion would still bar use of the building. Attorney Donovan agreed.

Mr. Drake stated that the motion was well intended because if the unamended article passed it would lock the Town into saving the old Town Hall. He then engaged in a discussion with Selectman Winslow about the Historical Study being done on the existing Town Hall. Ultimately he said that, while he favors the amendment, he hopes the Town will vote down Article 12 in any form.

Ms. Balboni said that, in seconding the motion, she did not intend to prevent the temporary use of the building. She also felt that the bank building had many other potential uses.

Ms. Bradshaw called the question. The motion was seconded. Moderator Eaton called for a vote. The motion failed.

Ms. Crapo moved to change her amendment to add the word "long-term" between the words "dedicated" and "use" in the second sentence of her motion. Ms. Balboni, having seconded the motion, assented to the changed language.

Selectmen Musselman thought the motion was still problematical because it required money not required for the purchase to be returned to the general fund, but suggested that he would find the motion acceptable if it deleted everything after the first sentence that ended in the words "for the future." Ms. Crapo declined to accept that language as a "friendly" amendment.

Selectman Musselman then suggested that everything in the proposed amendment after the first sentence be stricken and the following language added: "The purchase of this property will not be directed to any dedicated long-term use at the time of purchase." In response to a question from Ms. Crapo, Selectman Musselman said that his suggested language would allow the Town to pay for utilities in the short term.

At the request of David Jones, Moderator Eaton read the entire text of the motion to amend, including Selectman Musselman's latest proposed change. **Ms. Crapo accepted Selectman Musselman's suggested change to her motion as a "friendly" amendment. Ms. Balboni, having seconded the motion, assented to the changed language.**

Ray Jarvis asked what “long-term” meant. Selectman Musselman said he didn’t think “long-term” needed to be defined with a specific number. It will be up to “the Town of Rye” to decide that in some future Town Meeting.

Jean Low asked whether anything in the P & S Agreement with TD Bank prevented the Town from selling the property to another bank. Mr. Donovan didn’t think there was. Mr. Magnant said he was not sure that was right. Ms. Low read from a copy of the P & S that had just been handed to her that stated that the Town couldn’t sell the property to another bank for five years. Attorney Donovan said that that answered the question.

Kathy McAlpine said she favored the purchase of TD Bank because we will need a place to house Town employees if we tear down the old town hall. Ms. McAlpine suggested going back to the original article and adding language after “Town Clerk/Tax Collector office” as follows: ”or other office or other functions as may be applicable”. Moderator Eaton asked Ms. Crapo if she would entertain Ms. McAlpine’s suggested language as a “friendly” amendment. Ms. Crapo said no.

Jane Holway said the property should remain as a bank or a residence in respect to the wishes of Esther Parsons, the former owner of the property.

Bill Truslow favored the warrant article as originally crafted and urged voting against the amendment.

Ms. Crapo **moved the question**. Ms. Tsetsilas **seconded the motion**. Mr. Eaton called for a vote. **The motion passed**. Moderator Eaton reread the motion to amend, and then called for a vote. **The motion passed**.

Mr. Loftus spoke against the article, saying that the Town would lose a lot of money in property taxes if it buys the property. Alex Herlihy said he strongly supports the article and disagreed with earlier statements that Town Hall is falling apart. Mr. Drake said he does not think there are a lot of grant funds out there to help restore the old Town Hall. Julie Tucker spoke against purchasing another building because we cannot decide what to do with the Town Hall we already have.

Hearing no further discussion, **Moderator Eaton ordered Article 12 to appear on the ballot as amended**.

Mr. Drake **moved to restrict reconsideration** of Articles 8, 9 and 12. Selectman Musselman **seconded** the motion. Moderator Eaton called for a vote. **The motion passed**.

Moderator Eaton read Article 27.

ARTICLE 27. To see if the Town will vote to authorize the Board of Selectmen to sell the property located at 37 Central Road, Map 012, Lot 038 otherwise known as “the old trolley barn/old police station”. The Board of Selectmen shall obtain an independent appraisal of the property to be conducted upon passage of this Warrant Article to assist in evaluating competitive proposals to be requested.

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

Selectman Winslow **moved** to bring Article 27 to the floor for discussion. Selectman Jenness **seconded the motion.**

Selectman Winslow said that the original building was built by the Boston & Maine Railroad. It was later used as the Town Police Station. The building has a severe mold problem and is not heated. Its assessed value is \$354,900. The building has limited options and now houses the Senior Serve van.

Mr. Crawford moved to amend Article 27 to ensure that the Town sells the building for enough money. If there is an offer that is not high enough, it should go back to town meeting to let the residents decide.

Moderator Eaton read Mr. Crawford's motion to amend, which would add the following language to the end of the article: "Further town meeting authorization shall be required prior to the transaction unless the consideration, after deducting any town-borne closing costs, exceeds 90% of the appraisal amount and such consideration is more than \$200,000." Mr. Cummins seconded the motion to amend.

Mr. Musselman spoke against the amendment. He said the property is unique, with limited depth to groundwater. The building needs to be taken down. This amendment would tie the Town's hands when a proposal came in that might require a delay until Town Meeting. Mr. Winslow stated they are going to get two real estate opinions and get the best possible price for the residents of the Town.

Shawn Crapo was against the amendment because it does not account for possible other costs regarding the property that might be undertaken by the buyer.

Doug Nelson was not in favor of the amendment because it might prohibit a non-profit from acquiring the property.

Mr. Cummins, who had seconded the motion, offered a "**friendly**" **amendment to change 90% to 75%**. Mr. Crawford said he would accept that change.

Ms. Carbajal suggested selling the property at a set-price reserve auction, which might help interested abutters purchase the land.

There being no further discussion on the motion to amend, **Moderator Eaton called for a vote. The motion to amend failed.**

Mr. McCarthy noted that the lot is small. Ms. Olson, chair of the non-profit that operates Rye Senior Serve, noted that the Senior Serve van is stored in the garage. Therefore, she felt that the building is providing an important service for our community and should be kept. Jaci Grote agreed.

Chris Brown said he didn't think there should be a limit to what we sell the property for.

Laura Brown **called the question**. Ms. McAlpine **seconded** the motion. Moderator Eaton called for a vote. The **motion passed**.

Moderator Eaton ordered Article 27 to be placed on the ballot as written.

Moderator Eaton read Article 29.

ARTICLE 29. (By Petition) To see whether the Town will vote to require that the Board of Selectmen engage an outside organization to conduct visioning sessions and make recommendations for the Rye Town Center, as recommended by the Parsonage Apartments Long-Range Planning Committee in 2016 and by the Master Plan. These sessions shall, in the context of the Historic Town Center, envision its future in accordance with the residents' needs and wants. It shall include, at a minimum, visions for the Town Center, together with its walkways and streets, including the existing Town Hall building, the Parsonage Apartments, the Library, the Public Safety Building, the Junior High School, the Trolley Barn (Old Police Station) and, if Article 12 passes, the former TD Bank building. Space availability and needs outside of the Town Center, such as Recreation and the Transfer Center, shall be considered as an element of the overall vision for Rye's future. No significant funds, other than for acquisition of the land and building, shall be expended on the former TD Bank building until after the sessions have been completed, and any report has been delivered and duly considered. The Town hereby votes to raise and appropriate six thousand dollars (\$6,000) for the purpose of conducting the visioning sessions.

This article is not recommended by the Selectmen (3-0)
This article is not recommended by the Budget Committee. (7-4)

Mr. Borne **moved Article 29 to the floor for discussion**. Mr. Crawford **seconded** the motion.

Mr. Borne said it would be a good idea to bring in a third party to help the community decide what it wants, not what the Board of Selectman want. Implementation of this article would help us find out what residents think is important, and have a third party facilitate so we can move forward if others fail.

Selectman Jenness **moved to amend** the article by striking the next to last sentence: "No significant funds, other than for acquisition of the land and building, shall be expended on the former TD Bank building until after the sessions have been completed, and any report has been delivered and duly considered." Selectman Jenness said that if the P & S Agreement is approved the purchase must take place by April 1, 2018, which would conflict with the article. Mr. Winslow **seconded** the motion. Mr. Borne said he was okay with the amendment.

Mr. Epperson agreed with Mr. Borne, but said he also has great respect for the Board of Selectman on their thought process and how they come to conclusions. He favored the amendment.

Hearing no further discussion, Moderator Eaton reread the motion to amend and called for a vote. **The motion passed unanimously.**

In response to a question by Mr. Loftus, Mr. Borne explained why the cost of the proposed visioning sessions was so modest.

Mr. Herlihy said he strongly supports the article.

Mr. Drake **moved to amend** Article 29 to strike the entire third sentence therein as follows: “It shall include, at a minimum, visions for the Town Center, together with its walkways and streets, including the existing Town Hall building, the Parsonage Apartments, the Library, the Public Safety Building, the Junior High School, the Trolley Barn (Old Police Station) and, if Article 10 passes, the former TD Bank building.” Mr. Marion **seconded** the motion.

Mr. Marion felt that the sentence to be stricken limits the study.

Mr. Crawford urged the Meeting to reject Mr. Drake’s motion and only strike the word “existing”. He did not feel that the language is too limiting. Mr. Musselman suggested that the Meeting support the proposed amendment. Ms. Grote supported Mr. Drake’s motion.

Mr. Marion **called the question**. Ms. Bradshaw **seconded** the motion. **The motion passed**. Moderator Eaton re-read the motion to amend and called for a vote. **The motion passed**.

There being no further discussion, **Moderator Eaton ordered Article 29 to be placed on the ballot as twice amended**.

Mr. Drake **moved to restrict reconsideration** on Article 27 and 29. Mr. Musselman **seconded** the motion. **The motion passed**.

Moderator Eaton read Article 10.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of thirty thousand dollars (\$30,000) for development of a management program for existing storm water infrastructure, and to authorize the Board of Selectmen to borrow thirty thousand dollars (\$30,000) from the New Hampshire Department of Environmental Services (DES) Clean Water Revolving Fund and to appropriate the amount of three hundred dollars (\$300) for interest payments during 2018. This DES program includes principal forgiveness, thus there is no cost to the town other than a small amount of interest. This appropriation is in addition to the operating budget. (3/5 vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (11-0)

Selectman Musselman **moved** to bring Article 10 to the floor for discussion. Selectman Jenness **seconded** the motion.

Selectman Musselman explained that this article would permit the Town to get \$30,000 from the New Hampshire Department of Environmental Services to help complete its inventory of storm-water assets. The only actual cost to the Town would be \$300 in interest.

Hearing no further discussion, Moderator Eaton **ordered Article 10 to appear on the ballot as written.**

Moderator Eaton read Article 11.

ARTICLE 11. 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 one hundred eighty-six thousand two hundred seventy-three dollars (\$9,186,273)? Should this article be defeated, the default budget shall be eight million seven hundred eighty-nine thousand five hundred seventy-three dollars (\$8,789,573) 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.

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (11-0)

Selectman Jenness moved Article 11 to the floor for discussion. Selectman Winslow seconded the motion.

Selectman Jenness said that the Selectmen met with each department head and discussed their needs. Overall, those requests were reduced by \$29,999. Capital outlay is down by 36% from last year, and the default budget is \$396,700 less than the operating budget.

Mr. Crawford suggested that the budget might not be as lean as it looks. \$110,000 that was in the budget last year for the Red Mill culverts is now a \$250,000 warrant article. Debt service is down by \$150,000. Medical insurance costs are also way down. Finally, he said that a lot of spending has been moved to warrant articles.

Mike Thiel asked if his calculation that the operating budget had increased by 4½ percent was correct. Ms. Gillespie responded that the operating budget is actually 36% less than last year, and that the warrant articles are asking residents to decide what else they want to spend. It became apparent that Mr. Thiel was calculating the difference between the operating budget and the default budget. Selectman Musselman and Ms. Gillespie explained what the default budget is and how it is calculated.

Jane Ireland **moved the question.** Jane Holway **seconded the motion.** The **motion passed.**

Moderator Eaton ordered Article 11 to be placed on the ballot as written.

Selectman Musselman moved to **restrict reconsideration of Articles 10 and 11.** Ms. Bradshaw **seconded** the motion. **The motion passed.**

Moderator Eaton read Article 13.

ARTICLE 13. To see if the Town will vote to raise and appropriate the sum of one hundred fifty thousand dollars (\$150,000) to construct a multi-purpose recreation storage facility at the recreation area that includes heated storage, maintenance garage and a concession area. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Jenness **moved** Article 13 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Jenness stated that the Recreation Facility Needs Assessment Committee was formed as a Selectman's committee to define the space needs of the Recreation Department. The tax impact of this article would be 7 cents per \$1,000 of assessed valuation. The Facility Needs Committee found that there were 1,780 participants in the year the study was made, and that the Recreation Department's materials and equipment were stored in 12 different locations around town.

Greg Mikolaities, Chair of the Recreation Commission, said that last year an article seeking funding for an architectural study was defeated. As a result, the Commission regrouped to come up with a new plan. Recreation equipment is stored in 19 different locations, much of it unheated. As a result, they lose uniforms and equipment, and staff time is wasted trying to round up equipment. He described a proposed two-story building.

Mike Thiel expressed concern about the cost of the project since he built a 900 square foot carriage barn, albeit unheated, for less than \$40,000.

Mr. Mikolaities responded by providing cost figures for the project: \$80 per square feet, with a design cost of \$20,000, and a 10 per cent contingency. \$115,000 would be allotted for construction, with \$22,000 in soft costs, and a 10 per cent contingency.

Ms. Grote **called the question**. Ms. Bradshaw **seconded** the motion. **The motion passed.**

Moderator Eaton ordered Article 13 to be placed on the ballot as written.

Moderator Eaton read Article 14.

ARTICLE 14. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) 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.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Winslow moved Article 14 to the floor for discussion. Selectman Jenness seconded the motion.

Selectman Winslow said this appropriation is being sought to maintain our highway equipment. The current balance in this account is \$77,593.

There being no further discussion, **Moderator Eaton ordered Article 14 to be placed on the ballot as written.**

Mr. Drake **moved that Articles 15, 16 and 24 be discussed consecutively.** Mr. Marion **seconded** the motion. Hearing no further discussion, Moderator Eaton called for a vote. **The motion passed.**

Moderator Eaton read Article 15.

ARTICLE 15. To see if the Town will vote to change the purpose of the Fire Truck Capital Reserve Fund established by Article 9 of the 1994 Town Meeting to the Fire and Ambulance Vehicle Fund for the purpose of purchasing fire and ambulance vehicles and vehicle equipment and to designate the Board of Selectmen as agents to expend and to raise and appropriate the sum of one hundred thousand (\$100,000) to be placed in this fund. This appropriation is in addition to the operating budget. (2/3 vote required).

This article is recommended by the Selectmen (3-0)
This article is not recommended by the Budget Committee. (10-1)

Selectman Winslow **moved Article 15** to the floor for discussion. Selectman Jenness **seconded** the motion.

Selectman Winslow said we currently have \$356,955 in the Fire Truck Capital Reserves Fund and \$11,564 in the Ambulance Fund. We purchased a new ambulance in 2017 for \$266,000 and kept the old ambulance for a backup. The life of the new ambulance is expected to be 7 to 10 years. The new Fire Chief, Mark Cotreau, is currently doing an analysis of the fire equipment and vehicles of the Town. He has suggested replacing 20 self-contained breathing apparatuses, the jaws of life, and the radio apparatus. These are significant costs. Right now, we get \$52,513 a year from the cell tower account for purchasing a new ambulance. With no new ambulance needed for several years, we would be building up a lot of money with no ability to use it. This article would allow the Town to use those funds for the capital needs of the Fire Department by combining the Fire Truck Fund and the Ambulance Fund into one account.

Mr. Crawford said the Budget Committee did not recommend this article because the Board of Selectman was designated as the agents to expend. He **moved to amend the article to eliminate the language: “and to designate the Board of Selectmen as agents to expend”**. The motion was **seconded** by Ms. Bradshaw.

Ms. Gillespie pointed out that all the other capital reserve accounts designate the Board of Selectmen as agents to expend.

There being no further discussion, Moderator Eaton called for a vote on the motion to amend. **The motion passed.**

Shawn Crapo said he voted on the Budget Committee to keep the Fire Truck Fund separate from the Ambulance Fund. Mr. Jarvis said each department should be responsible for its own capital funds. Ms. Grote noted that, as the article reads now, any expenditure would have to go to a new warrant article.

Mr. Drake asked who prepares the capital improvement plan for the ambulance and fire trucks. Ms. Gillespie said they were both done by Fire Department.

In response to a question by Mr. Crawford, Ms. Gillespie said there was currently \$167,000 in the cell tower ambulance fund. Mr. Crawford reviewed a number of significant capital expenses projected for the Fire Department. If this article passes, he said, the money being accumulated for ambulances, which otherwise couldn't be used for a long time, could be used for fire trucks or ambulances. He thinks the article is a good idea.

Chief Cotreau explained that the warrant article would give the Department flexibility in replacing fire trucks, ladders, and ambulances as they are needed. The Fire Department has an aging fleet. At least two engines need to be replaced, one very soon. The Chief plans to undertake an assessment this year of the needs of the Department. However, there are some significant purchases coming up and if he has more flexibility to direct those funds where they are needed the Town will be better off.

Ms. Gillespie described the two capital reserve funds and the special revenue fund from the cell tower. She reiterated that the purpose of the article was to make the funds accumulated for fire and ambulance equipment more flexible so that they could be directed where they are needed.

Mr. Jarvis asked how much a new ambulance cost. Mr. Magnant said \$266,000.

Moderator Eaton read the amended article: "To see if the Town will vote to change the purpose of the Fire Truck Capital Reserve Fund established by Article 9 of the 1994 Town Meeting to the Fire and Ambulance Vehicle Fund for the purpose of purchasing fire and ambulance vehicles and vehicle equipment and to raise and appropriate the sum of one hundred thousand (\$100,000) to be placed in this fund. This appropriation is in addition to the operating budget."

There being no further discussion, **Moderator Eaton ordered Article 15 to appear on the ballot as amended.**

Moderator Eaton read Article 16.

ARTICLE 16. If Article 15 is defeated, shall the Town vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Fire Truck Capital Reserve Fund established by Town vote in 1965. This appropriation is in addition to the operating budget. This article is contingent on article 15, if article 15 passes; this warrant article will be null and void. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (11-0)

Selectman Winslow **moved** Article 16 to the floor for discussion. Selectman Jenness **seconded** the motion.

Mr. Winslow said that the purpose of this motion was to get the \$100,000 into the Fire Truck Capital Reserve Fund even if Article 15 is defeated.

Hearing no further discussion, **Moderator Eaton ordered Article 16 to appear on the ballot as written.**

Moderator Eaton read Article 24.

ARTICLE 24. To see if the town will vote to amend and expand the purpose of the Special Revenue Fund known as the New Ambulance Vehicle Fund which was established by Article 15 of the 2005 town warrant as follows:

1. Change from expenditures for the purpose of purchasing a new town ambulance when needed to expenditures for the purpose of purchasing ambulance and fire vehicles and vehicle equipment.
2. Change the name of said fund from New Ambulance Vehicle Fund to Ambulance and Fire Vehicle Fund.

At present expenditures from the fund are limited to "New Town Ambulance". Note: expenditures from the fund require town meeting approval. (2/3 majority vote required).

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

Selectman Musselman **moved** Article 24 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Musselman said the purpose of this article was to give the Town flexibility in the use of fire and ambulance funds. The New Ambulance Vehicle Fund is accumulating money faster than we need it. We have a new ambulance and a second service ambulance. We do not need a new ambulance for a while so it is time to amend the purpose of the fund so it can also be used to purchase fire vehicles.

Shawn Crapo suggested we leave the purpose of the Fund alone and let the voters decide if they later want to spend it on a fire truck. Attorney Donovan said you couldn't do that in a one-step process. First you'd have to change the purpose of the Fund; then you'd have to appropriate the money. In response to a question from Mr. Crawford, Attorney Donovan confirmed that that would be a two-year process.

Hearing no further discussion, **Moderator Eaton ordered Article 24 to appear on the ballot as written.**

Selectman Winslow **motion to restrict reconsideration of** all articles that had not been previously restricted. The motion was **seconded** by Cathy Hodson. The **motion passed**.

Moderator Eaton read Article 17.

ARTICLE 17. To see if the Town will vote to raise and appropriate the sum of seventy-five thousand dollars (\$75,000) for the remedial repairs of the Harbor Road bridge deck. This appropriation is in addition to the operating budget. (Majority vote required)

This article is recommended by the Selectmen (2-0)
This article is recommended by the Budget Committee. (9-0)

Selectman Musselman **moved** Article 17 to the floor for discussion. Selectman Winslow **seconded** the motion.

Mr. Musselman explained that the purpose of this article is to allow the Town to maintain the existing deck on the small bridge that accesses 27 homes on Harbor Road. The deck has not been maintained in the past. Replacing the bridge deck would cost between \$250,000 and \$300,000. The Town is on a list to receive 80% of the funding needed to replace the bridge from the State, but it will not get it if it replaces the bridge now. This is recommended by the engineers while we await State funding. Selectman Musselman noted that there is a weight limit on the bridge, but does not think it is correct that fire trucks cannot use the bridge.

Dennis McCarthy discussed posted ratings on bridges. The Harbor Road bridge is posted for what it can support. It doesn't mean the bridge will collapse if you cross it with a higher load; it will just deteriorate faster. Bridges are designed six times over what they are rated at. Fire trucks can use the bridge safely.

Peter Crawford question the six times safety factor and said he thought it was 40%. He described the gross vehicle weights posted for the Harbor Road bridge. Chief Cotreau described the gross vehicle weights of all Fire Department vehicles.

There being no further discussion, **Moderator Eaton ordered Article 17 to appear on the ballot as written.**

Mr. Winslow **moved to restrict reconsideration**. Dr. Dibble **seconded** the motion. **The motion passed.**

Moderator Eaton read Article 18.

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.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Jenness **moved** Article 18 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Jenness said that the Town Employees' Accumulated Leave Fund is an obligation for the Town. At the end of the year our liability was \$536,362.97. We have \$200,285.63 in the account now. The State wants us to fund 50%. Currently we have 37%. Even if we approve this article we are still going to be \$17,895.85 short.

There being no further discussion, **Moderator Eaton ordered Article 18 appear on the ballot as written.**

Moderator Eaton read Article 19.

ARTICLE 19. To see if the Town will vote to raise and appropriate the sum of forty-five thousand dollars (\$45,000) to purchase a new mower to replace the existing aging mower and authorize the withdrawal of forty-five thousand dollars (\$45,000) from the Highway Equipment Capital Reserve Fund created in 1994 for this purpose. This appropriation is in addition to the operating budget. This article has no current tax impact. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Jenness **moved** Article 19 to the floor for discussion. Selectman Musselman **seconded** the motion.

Selectman Jenness asked Dennis McCarthy to explain this article. Mr. McCarthy said the current mower cuts the grass on several parcels of land in town. The Town also rakes seaweed on the beaches using the State's rake. The State is replacing the rake with one that is not compatible with the mower. This article would allow the Town to get a mower that can pull the new State beach rake.

Hearing no further discussion, **Moderator Eaton ordered Article 19 to appear on the ballot as written.**

Moderator Eaton read Article 20.

ARTICLE 20. To see if the Town will vote to raise and appropriate the sum of forty thousand dollars (\$40,000) to purchase a new skid steer to replace the current fourteen-year-old skid steer. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Jenness **moved** Article 20 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Jenness said that the skid steer handles all recyclables at the transfer station. She described the revenues received and the costs avoided by recycling. The tax impact for the skid steer is two cents per \$1,000 of assessed valuation. Mr. McCarthy said the skid steer is used six days a week. It is an essential piece of equipment that is older and starting to have problems.

Hearing no further discussion, **Moderator Eaton ordered Article 20 to appear on the ballot as written.**

Shawn Crapo moved to **restrict reconsideration** on Articles 18 through 20. Dr. Dibble **seconded** the motion. **The motion passed.**

Moderator Eaton read Article 21.

ARTICLE 21. To see if the Town will raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be added to The Municipal Buildings Maintenance Expendable Trust Fund established by Article 11 at the 2007 Town Meeting under the provisions of RSA 31:19-a, for the purpose of major repairs to municipal buildings. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (7-1)

Selectman Winslow **moved** Article 21 to the floor for discussion. Selectman Jenness **seconded** the motion.

Selectman Winslow stated that this appropriation would allow Town Hall to be painted and some shakes to be replaced. It won't be used if the Town votes to raze Town Hall.

Hearing no further discussion, **Moderator Eaton ordered Article 21 to appear on the ballot as written.**

Moderator Eaton read Article 22.

ARTICLE 22. To see if the Town will vote to establish an Expendable Trust Fund under the provisions of RSA 31:19-1, to be known as Library Employees' Accumulated Leave Fund, for the purpose of funding Library Employees' accumulated leave and to raise and appropriate the sum of ten thousand (\$10,000) to be placed in this fund, and to designate the Library Trustees as agents to expend. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Jenness **moved** Article 22 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Jenness said this article would create an accumulated leave fund for library employees that would work the same way that the accumulated leave fund for Town employees works. The tax impact will be less than one cent per \$1,000 of assessed valuation.

Karen Oliver, a Library trustee, said that the Library became aware of the need for this fund last year when it made a payout. The total liability of the Library is around \$60,000. This article represents the first installment in getting to the 50% level of funding recommended by the State.

Hearing no further discussion, **Moderator Eaton ordered Article 22 to be placed on the ballot as written.**

Selectman Winslow **moved to restrict reconsideration on all articles not previously restricted.** Shawn Crapo **seconded** the motion. **The motion passed.**

Moderator Eaton read Article 23.

ARTICLE 23. 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.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee. (8-0)

Selectman Jenness **moved** Article 23 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Jenness said this article was similar to last year's article seeking an appropriation for the Library Maintenance Fund. The article speaks for itself. The appropriation would have a tax impact of less than one cent per \$1,000 of assessed valuation.

There being no further discussion, **Moderator Eaton ordered Article 23 to appear on the ballot as written.**

Dr. Klinger **moved to restrict reconsideration** of Article 23. The motion was **seconded** by Mr. Marion. **The motion passed.**

Moderator Eaton read Article 25.

ARTICLE 25. Shall the town adopt the All Veteran's Property Tax Credit, in the amount of \$500, which will be available to any resident who meets the following criteria — served not less than 90 days on active service in the armed forces of the United States and was honorably

discharged, or was an officer honorably separated from service; or is the spouse or surviving spouse of such resident; and provided that Title 10 training for active duty by a member of a national guard or reserve shall be included as service and further provided that the resident is not eligible for and not receiving the credit for veterans who served in a qualifying war or armed conflict, or for veterans with a service-connected disability. Any person desiring to claim the credit will be required to file an application with the selectmen or the assessors by April 15 of the tax year.

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

Selectman Jenness **moved** Article 25 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Jenness said the purpose of this article is to address what is called the gap veteran. This allows qualified veterans to be eligible for the property tax credit even if they did not serve during war time.

Karen Oliver **moved to amend Article 25 to change “Veteran’s” to “Veterans”**. The motion was **seconded by acclamation**. Moderator Eaton called for a vote. **The motion passed.**

Selectman Jenness said that Rye has around 145 gap veterans.

Hearing no further discussion, **Moderator Eaton ordered Article 25 to appear on the ballot as amended.**

Moderator Eaton read Article 26.

ARTICLE 26. To see if the Town will vote to accept as a town road Cedar Run (located off South Road) as shown on Subdivision Plan The Meadows at South & West, LLC, County of Rockingham, Rye, NH dated June, 2014, as revised and recorded in the Rockingham County Registry of Deeds. This acceptance is conditioned upon the Town receiving the final approval of the Town’s Public Works Director, the Board of Selectmen and the Planning Board.

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

Selectman Winslow **moved** Article 26 to the floor for discussion. Selectman Musselman **seconded** the motion.

Selectman Winslow said that Cedar Run is off South and West Roads and includes four lots. One house already exists and the other three lots are to be developed. The Conservation Commission received 58 acres of the original development at a cost of \$300,000. The road is acceptable by town standards per the Building Inspector.

Steve Borne asked whether a car coming out of development on an icy night that hit a house adjacent to the road would present liability for the town. Attorney Donovan said that it likely would not.

Hearing no further discussion, **Moderator Eaton ordered Article 26 to appear on the ballot as written.**

Moderator Eaton read Article 28.

ARTICLE 28. (By Petition) Will the Town vote to close the hazardous, skewed angle intersection at the juncture of Dow Lane and Lafayette Road (NH Route 1) thereby making Dow Lane in the Town of Rye, a dead end and will the Town raise and appropriate the sum of sixty thousand dollars (\$60,000) to pay for all costs associated with the closure.

This article is not recommended by the Selectmen (3-0)
This article is not recommended by the Budget Committee. (11-0)

Elizabeth Sanborn **moved** Article 28 to the flooe for discussion. Ms. Grote **seconded** the motion.

Ms. Sanborn said she has lived on Dow Lane for 24 years. Dow Lane residents suggested to the Selectman that Dow Lane be made a dead end, but the Selectmen did not recommend it. She **moved to amend** the article. She gave some history of the traffic problems on Dow Lane, and noted said that Chief Walsh has been very supportive of the concerns of Dow Lane residents. He has put up a speed control flasher there. A study has shown that 2,000 cars a day use Dow Lane and that 60% of those cars speed. Nothing that has been tried to address the issue has worked.

Moderator Eaton read the amendment which would replace Article 8 in its entirety with the following language: **“Will the Town vote to advise the Board of Selectmen to evaluate all options in concert with NH DOT to reconfigure the Dow Lane/Route 1 intersection to reduce vehicle speed and increase safety? Should the traffic calming trial phase suggested by Chief Walsh prove inadequate to the immediate Dow Lane residents and Board of Selectmen within 60 days will the Town vote to close the hazardous, skewed angle intersection at the juncture of Dow Lane and Lafayette Road (NH Route 1) thereby making Dow Lane in the Town of Rye, a dead end and will the Town raise and appropriate the sum of sixty thousand dollars (\$60,000) to pay for all costs associated with the closure.”**

Mr. Borne **seconded** the motion.

Shawn Crapo was concerned with language in the amendment that would appaer to allow Dow Lane residents to close the road if they didn't like the outcome of the study. Attorney Donovan agreed. He also said that the language in the amendment conflicted with itself because it was both advisory and compulsory.

Ms. Sanborn said she was open to suggested amendments, but theat Dow Lane residents want the road to be a dead end, and they want the Town's support for that.

Moderator Eaton read a **proposed “friendly” amendment** by the Selectmen: **“Will the Town vote to recommend that the Board of Selectmen take the necessary steps to close the hazardous, skewed angle intersection at the juncture of Dow Lane and Lafayette Road (NH Route 1) thereby making Dow Lane in the Town of Rye, a dead end and will the Town raise**

and appropriate the sum of sixty thousand dollars (\$60,000) to pay for all costs associated with the closure.”

Ms. Sanborn accepted the Selectmen’s proposal as a friendly amendment. Mr. Borne accepted the amendment.

Matt Marra asked whether the Selectmen would recommend the article if the amendment is adopted.

Attorney Donovan explained that the process of closing part of a road is legally complicated, especially when the road intersects with a State road. The State would probably have to get involved. However, if the article passes, the Selectmen would have to pursue it.

Selectman Winslow asked Chief Walsh to speak to the issue. Speed is an issue on Dow Lane just as it is on all roads in Rye. The police listen to the residents; communication is important to them. They are working to make Dow Lane safer. They are working with the Department of Transportation to make the turn off Route 1 safer. They are also exploring several other ideas. The Chief encouraged all residents to comply with the speed limit.

Ms. Sanborn said that there is an alternative. Motorists can turn off Route 1 at Washington Road where there is a light and it is safer. Dow Lane doesn’t have to be a cut-off road.

Mr. Crawford thanked Chief Walsh. He also expressed concern that this article might appropriate \$60,000, for which the residents would be taxed, even though the Selectmen might not do anything.

Selectman Musselman said that if the article passes, the Selectman would have an obligation to pursue it; but the solution isn’t straight forward. We would have to work with DOT, but DOT might not agree. He thought the solution would be to square off Dow Lane on the south side, which is partly in North Hampton and partly in Rye. Some of the \$60,000 could be spent for that. He praised the measures Chief Walsh is working on to reduce speeding, which may solve the problem. If the amendment is adopted, it would create a legal warrant article that the Selectmen could pursue. He probably wouldn’t vote to change the non-recommendation on the article because he thinks the best think to do is to work with DOT to square off the intersection.

Jane Ireland called the question. Ms. Holway seconded the motion. The motion passed. Moderator Eaton called for a vote on the motion to amend. The motion passed.

Mr. Marion asked Chief Walsh what the words “hazardous” and “skewed angle” meant. He thought they were subjective. He **moved to amend the article by striking the phrase “hazardous, skewed angle”**. Ms. Bradshaw **seconded** the motion.

Ms. Sanborn said she opposed the amendment because those words are very important.

In response to a question from Mr. Cummins, Chief Walsh said there had been three accidents on Dow Lane in the past year or two. Mr. Cummins suggested a speed bump.

Shawn Crapo said that, even as amended, the article is too limiting. Mr. Marion said that other people in town live on roads that they think are hazardous. Ms. Sanborn said that the State's survey called the road hazardous.

There being no further discussion, Moderator Eaton called for a vote on the to the motion to amend that would **strike the phrase "hazardous, skewed angle"**. **The motion passed** by a vote of 48 to 19.

Shawn Crapo said he uses Dow Lane to avoid the hill on Route 1 and the Wahington Road traffic light when he is towing a heavy load. **He read a proposed amendment.** Moderator Eaton asked Mr. Crapo to rewrite the manedment so he could read it. Attorney Donovan suggested a small change striking the words "up to" before "\$60,000" so that the requested appropriation would be legal. Mr. Crapo agreed. Mr. Marion **seconded** the motion to amend. Arthur Ditto spoke in support of the amendment.

Moderator Eaton read Mr. Crapo's amendment: **"Will the Town vote to recommend the Selectmen modify the intersections at the ends of Dow Lane and will the Town raise and appropriate the sum of sixty thousand dollars (\$60,000) to pay for all costs associated with the changes and further, to apply for, obtain, accept and expend Federal and State Grants or other aid and any private donations that may be available towards this purpose and to comply with all laws applicable to said project?"**

Mr. Crawford asked Chief Walsh if there wasn't already enough money in the budget to pay for a Dow Road solution, such that an appropriation might not be necessary. The Chief responded that there is enough money for the solution that is currently on the table. He said Mr. McCarthy has a rough draft on what he would like to do based upon the budget footprint for 2018. He wants to make a temporary solution, then come back to the town to dress it up. A more permanent solution may cost more.

Hearing no further discussion on the motion to amend, Moderator Eaton reread the motion and called for a vote. **The motion passed.**

Hearing no further discussion, **Moderator Eaton ordered Article 28 to appear on the ballot as amended.**

Shawn Crapo **moved to restrict reconsideration** on Article 28. Mr. Winslow **seconded** the motion. **The motion passed.**

Moderator Eaton read Article 30.

ARTICLE 30. (By Petition) To see if the Town will vote to require that all environmental monitoring, sample analysis and interpretation of results in connection with Rye landfills, former landfills and the Coakley Landfill be conducted by an independent entity. An independent entity is defined as an individual or organization that has no personal or familial relationship with any member of any Rye Board, Commission, Committee or any Town employee. All conclusions, reports and supporting documentation relating to tests done in the future, as well as all past tests,

shall be kept on file at the Rye Town Hall and, if available in electronic form, timely posted, or linked to, in unaltered form as provided by the independent entity, on the town website in the appropriate, readily visible section. The Town hereby appropriates one dollar (\$1) for the purpose of defraying any unbudgeted costs associated with the implementation of this warrant article.

This article is not recommended by the Selectmen (2-0)
This article is not recommended by the Budget Committee. (7-3)

Mr. Crawford **moved** Article 30 to the floor for discussion. Mr. Borne **seconded** the motion.

Mr. Crawford spoke said this article came about because of the Coakley, Grove Road and Breakfast Hill landfills. Currently, CMA, Selectman Musselman's firm, has been interpreting environmental monitoring results to give to the State. He thought it would be appropriate for entities not associated with the Town to be doing that. This article is being proposed in order to avoid possible conflicts of interest. Mr. Crawford **moved to amend** Article 30. The motion was **seconded** by Mr. Borne.

Moderator Eaton read the amendment as follows, which would replace all but the last two sentences of the article: **“To see if the Town will vote to require that all environmental monitoring, sample analysis and interpretation of results in connection with Rye landfills, former landfills and the Coakley Landfill be conducted by an independent entity, individual or organization. To be an independent individual, neither the person, nor his or her spouse, child or parent may be a member of any Rye Board, Commission, Committee or be a Town Employee. To be an independent organization, no officer, director or more than 20 percent stakeholder of such organization may be a person who is not an independent individual. No individual or organization that was involved in the closure of any of these landfills shall be considered independent.”**

Mr. Crawford further explained his motion to amend.

Shawn Crapo offered a **“friendly” amendment** to eliminate the word “all” in the first sentence of the motion to amend. He felt the language was too limiting because Selectman Musselman has a lot of knowledge about this issue and the Selectmen might want to use him as an independent entity when he retires from the Board. Mr. Crawford **did not accept Mr. Crapo’s “friendly” amendment.**

Selectman Musselman stated that neither he nor his firm had anything to do with the closure of the Breakfast Hill landfill and the Grove Road landfill was never closed. The Grove Road landfill operated as a town landfill for 40 years, and then was bought by the Rye Water District and they drilled a public water supply well next to it. CMA and Selectman Musselman oversaw the hydrogeological characterization of the Grove Road Landfill in the mid-90s to early 2000 on behalf of the Town. If the intent of this article is to prevent CMA from advising the Town going forward regarding the Grove Road landfill, the town will have to pay a senior hydrologist or a senior engineer to get up to speed on the data that has been developed over the last 20 years. He noted that CMA has not charged the town for the last twelve years to report the data the State. If CMA is precluded, the Selectmen will have to hire someone by April because the next round for Grove

Road and Breakfast Hill is due in April or May. If the Selectmen asked, CMA would prepare a proposal. Neither he nor CMA have any conflict of interest. Selectman Musselman said he has been practicing for municipalities for 43 years and worked for 100 municipalities. He takes this personally. His integrity has been maligned in Rye. He said if this continues to get worse, no sane person will run for the Board of Selectmen.

Laura Brown asked for clarification that anyone sitting on a town board must disclose a conflict of interest. She opined that it is not necessary to have this amendment. Moderator Eaton repeated that the officials on the stage said the Town has a conflict of interest policy.

Mr. Marion **called the question**. The motion was **seconded** by Ms. Grote. **The motion passed**. Moderator Eaton then reread the motion to amend and called for a vote. **The motion to amend failed**.

Mr. Cummins said he respected Selectman Musselman's words, felt he had given valuable services to the community and should continue. He does not support the article.

Selectman Winslow **moved to amend Article 30, to state as follows: "To see if the Town will vote to require that all environmental monitoring, sample analysis and professional interpretation of results in connection with Rye landfills, former landfills and the Coakley landfill be conducted by a professional engineer."** Selectman Jenness **seconded** the motion.

Mr. Marion offered a **"friendly" amendment**, that the professional engineer be **"qualified"**. Selectmen Winslow and Jenness **accepted the friendly amendment**.

Michelle Tyminski thought it was important to leave the word "independent" in the article. We may not want other non-independent firms to be considered for this work. Mr. Marion responded that there is a conflict of interest policy.

Selectman Winslow said we are all concerned about the cost of hiring a new firm. It would cost \$150,000 for a new firm to get up to speed. He advised supporting the amendment.

Ms. Grote was offended. She had thought about running for Selectman, but articles like this undermine people who may run for election or volunteer.

Hearing no further discussion, Moderator Eaton restated the motion to amend and called for a vote. **The motion to amend passed. Selectman Musselman abstained from the vote.**

Carol Menard asked if the amendment removed the need for the article. Selectman Winslow said that was the intention, and to make sure we have a qualified professional engineer to do our work. We already have restrictions and ordinances that preclude problems with people being associated with organizations.

The question was called and seconded. The motion to end debate passed. Moderator Eaton ordered Article 30 to appear on the ballot as amended.

Ralph Hickson **moved to restrict reconsideration of Article 30.** The motion was **seconded** by Ms. Bradshaw. **The motion passed.**

Moderator Eaton read Article 31.

ARTICLE 31. (By Petition) To see if the Town will vote, pursuant to RSA 41:14-c, to restore to the voters the exclusive authority to acquire or sell land, buildings, or both, by rescinding Article 12 of the 2002 Town Meeting, which has given the Board of Selectmen that authority without any obligation to obtain voter approval. Nothing herein affects the authority of the Conservation Commission and the Heritage Commission to make acquisitions pursuant to RSAs 36-A:4, I and 674:44-b, II respectively.

This article is not recommended by the Selectmen (3-0)

Lori Carbajal **moved** Article 31 to the floor for discussion. Mr. Crawford **seconded** the motion.

Ms. Carbajal would like to see this article passed so the people will make the decision on buying and selling property.

Selectman Musselman **moved to amend** the article. He said there was a mistake of fact in the article as presented. It is not true that the Selectmen have no obligation to get voter approval when buying or selling Town property. His **amendment would strike the words “without any obligation to obtain voter approval” and replace them with the following: “subject to the requirements of any sale or acquisition be submitted to the Planning Board and the Conservation Committee for their review; that the selectmen hold two public hearings; and that if 50 voters object by petition the selectmen must put it on the ballot for a town wide vote.”** Shawn Crapo **seconded** the motion.

Selectman Musselman said that, to date, all acquisitions and sales have been placed before the voters for approval, with one exception regarding a sliver of land at Foye’s Corner that was traded for another sliver. The Selectmen ought to be able to decide what transactions are substantive enough to bring before the voters.

Mr. Cummins asked what part of the article’s language was not true. Selectman Musselman said that in some circumstances there is an obligation to obtain voter approval. The Selectmen could not buy a \$500,000 piece of land without an appropriation.

There being no further discussion, Moderator Eaton called for a vote on the motion to amend. **The motion passed.**

Mr. Crawford described some of the land transactions that he was concerned with. Ms. Low asked whether this issue was discussed a few years ago and if it was decided that it wasn’t practical to get voter approval for small transactions. Mr. Crawford described last year’s warrant article and how it was handled at the Deliberative Session and in the election.

Selectman Winslow **called the question**. Ms. Bradshaw **seconded** the motion. **The motion passed. Moderator Eaton ordered Article 31 to appear on the ballot as amended.**

Mr. Marion **moved to restrict reconsideration**. Dr. Dibble **seconded** the motion. **The motion passed.**

Moderator Eaton read Article 32.

ARTICLE 32. (By Petition) To see if the Town will vote to emphasize that any attorney paid from funds appropriated by Rye voters represents the Town and not the Board of Selectmen or any other Town Board, Committee, Commission or any individual if the interests of any of these diverge from those of the Town (Sanders Poynt litigation, for example). No appropriations made by voters shall be used to provide legal advice to any of these persons or entities when their interests diverge from those of the Town. No town attorney shall agree to disburse any Town funds without an appropriation by voters (\$75,000 paid in 2016 for a portion of the Transfer Station land, for example). No Town attorney shall agree to waive public hearing requirements or predetermine any vote of any Town Board, Committee or Commission (South Rd. subdivision settlement which presupposes Planning Board and Conservation Commission approval after statutorily required public hearings, for example) Preferably prior to any final agreement, but in no event later than 30 days after the public disclosure of the settlement of any lawsuit, threatened lawsuit or other claim pursuant to RSA 91-A:4, VI, the Board of Selectmen shall hold a public hearing, with proper notice as provided by RSA 675:7. At such hearing, they shall describe the terms of the settlement, the reasons why it is in the best interests of the Town, and the steps taken, or proposed to be taken, to lessen the future burden on taxpayers of similar settlements. Members of the public shall, at the public hearing, be permitted to ask questions and voice their views regarding the settlement.

This article is not recommended by the Selectmen (3-0)

Mr. Crawford **moved** Article 32 to the floor for discussioj. The motion was **seconded** by Mr. Borne.

Mr. Crawford started his presentation by stating that “recent events have made clear that often neither the Selectmen nor the Town Attorney are proceeding in the best interests, in our best interests, and in accordance with New Hampshire law and professional canons of ethics.” He said the Town Attorney was the attorney for the Town, not the Selectmen. He condemned many of the terms of the recent legal settlement regarding a subdivision on South Road. He said that neither the Town Attorney nor the Selectmen could lawfully enter into an agreement that required action by other independent town bodies. He said the Town Attorney acted contrary to the interests of the Town and “outside the bounds of the law.”

Moderator Eaton interrupted Mr. Crawford and said he was concerned that he was making personal attacks.

Attorney Donovan said that Mr. Crawford had accused him of violating the code of preofessional conduct for lawyers. He said he had given lectures to lawyers regarding their professional

responsibilities. He asked Mr. Crawford to apologize and said that if he didn't he would "answer for it."

Mr. Crawford continued with his presentation. Moderator Eaton asked him if he was going to respond to Attorney Donovan's request for an apology. Mr. Crawford said that he was not.

Mr. Crawford continued to criticize the settlement with regard to the South Road subdivision. He said that this article was needed to force the Selectmen and the Town Attorney to follow the law and explain their actions rather than hide behind secret meetings. Moderator Eaton again warned Mr. Crawford to be careful because saying that people were not following the law was a personal attack.

Selectman Winslow said that he had been on many town boards over the last ten years and that the Town Attorney had represented the town properly. He thought the article was out of place, and **moved to amend Article 32 by replacing it with the following language: "To see if the Town will vote that any attorney paid from funds appropriated by Rye voters properly represents the Town of Rye."** Ms. Grote **seconded** the motion.

Shawn Crapo said he strongly supported the amendment because the petitioned article is an insult to Town Counsel.

Jane Ireland **moved the question**. Jane Holway **seconded** the motion. Moderator Eaton restated the motion to amend and called for a vote. **The motion passed.**

Mr. Borne said he thought the most important part of the article had been eliminated. He moved to restore the following language at the end of the article: **"At such hearing, they shall describe the terms of the settlement, the reasons why it is in the best interests of the Town, and the steps taken, or proposed to be taken, to lessen the future burden on taxpayers of similar settlements. Members of the public shall, at the public hearing, be permitted to ask questions and voice their views regarding the settlement."** Mr. Borne said we should know when there is a settlement so we can discuss it, learn from it, and learn how to prevent it from happening again. Mr. Crawford **seconded** the motion.

Moderator Eaton explained that this motion would restore the final two sentences of Article 32 as previously amended by Selectman Winslow.

Karen Oliver said that in order for this amendment to make sense it would have to restore the final three sentences of the original article, not the final two.

Mr. Borne and Mr. Crawford agreed to **accept** Ms. Oliver's suggestion as a **friendly amendment**.

Mr. Crawford, Mr. Borne and Ms. Oliver discussed further wordsmithing of the motion to amend. **Mr. Crawford moved, seconded by Mr. Borne, to restore the following language to the end of Article 32: "In no event later than 30 days after the public disclosure of the settlement of any lawsuit, threatened lawsuit or other claim pursuant to RSA 91-A:4, VI, the Board of Selectmen shall hold a public hearing, with proper notice as provided by RSA 675:7. At such**

hearing, they shall describe the terms of the settlement, the reasons why it is in the best interests of the Town, and the steps taken, or proposed to be taken, to lessen the future burden on taxpayers of similar settlements. Members of the public shall, at the public hearing, be permitted to ask questions and voice their views regarding the settlement.”

Selectman Musselman **suggested that, after the words “describe the terms of the settlement”, the following words should be added to the motion to amend: “which are not subject to confidentiality”**. Selectman Musselman said that the terms subject to confidentiality cannot be disclosed. Mr. Borne and Mr. Crawford **accepted** the suggested change as a **friendly amendment**.

Mr. Magnant asked if there had to be a public hearing after every settlement, no matter how small. Selectman Musselman **suggested adding, after the words “shall hold a public hearing”, the words “for any settlement in excess of \$25,000”**. Mr. Borne and Mr. Crawford **accepted** Selectman Musselman’s suggestion as a **friendly amendment**.

Selectman Musselman felt that while the article as amended is doable, it is still a bad idea. It would put the Board of Selectmen in a difficult spot on what they can say and cannot say in the interest of the Town. He encouraged voting against the amendment.

Shawn Crapo advocated voting against the amendment so that the article reverts back to Selectman Winslow’s amendment.

Ms. Crapo **moved the question**. Janice Ireland **seconded** the motion. **The motion passed**.

Before calling for a vote, Moderator Eaton restated the motion to amend, as follows:

“To see if the town will vote that any attorney paid from funds appropriated by Rye voters properly represents the Town of Rye. No later than 30 days after the public disclosure of the settlement of any lawsuit, threatened lawsuit or other claim pursuant to RSA 91-A:4, VI, the Board of Selectmen shall hold a public hearing for any settlement in excess of \$25,000, with proper notice as provided by RSA 675:7. At such hearing, they shall describe the terms of the settlement which are subject to a confidentiality agreement, the reasons why it is in the best interests of the Town, and the steps taken, or proposed to be taken, to lessen the future burden on taxpayers of similar settlements. Members of the public shall, at the public hearing, be permitted to ask questions and voice their views regarding the settlement”

The motion to amend failed.

Shawn Crapo **called the question to end discussion on Article 32**. Mr. Marion **seconded** the motion. **The motion passed**.

Moderator Eaton ordered Article 32 to appear on the ballot as amended.

Shawn Crapo **moved to restrict reconsideration**. Mr. Marion **seconded the motion**. **The motion passed**.

Moderator Eaton read Article 33.

ARTICLE 33. (By Petition) In order to help ensure prompt compliance with the New Hampshire right-to-know law, shall all Town Boards, Commissions and Committees be required, starting 30 days after this Article passes, to:

- a. Post all minutes and draft minutes of meetings on the Town website at the same time that they are first made available to the public;
- b. Notwithstanding whether or not any person is reviewing draft minutes prior to them being made available, make publicly available all minutes on the Town website on or before the Due Date, whether or not an internal review is being conducted and whether or not the minutes are in draft or final form; and
- c. Maintain a log of all meetings, available on the Town website, including the date of the meeting, the Board, Commission or Committee name, the date that the minutes are due according to RSA91-A:2, II (the "Due Date"), the date that the minutes were sealed, if applicable, the date that the minutes were first available in draft form to any person other than the transcriptionist, the date that the minutes were first made available to the public and the date that the Board, Commission or Committee approved the minutes.

This article is not recommended by the Selectmen (3-0)

Sam Winebaum **moved** Article 33 to the floor for discussion. Mr. Crawford **seconded** the motion.

Mr. Winebaum said this article reflects the need for continued improvement in the completeness and timeliness of minutes. There have been many improvements. However, minutes are not always available per the RSA within 5 days. This article seeks to reinforce the RSA, and the need to have minutes on the Town website and not just in paper form. This will allow timely access to minutes. The article also seeks to require logs of meetings and their minutes, which he did not think should be onerous.

Selectman Jenness **moved to amend Article 33, by striking subsection c of the article.** Ms. Bradshaw **seconded** the motion. Selectman Jenness stated that the Town is not overly staffed, and the Town Hall staff we do have are extremely busy with daily work. The Town recently lost its transcriptionist. The log-keeping requirement in subsection c would be hard for the staff to comply with.

Mr. Borne said the Town has improved in its minutes, but it is still not meeting the requirements of the RSA. Subsection c would help the Town track its compliance.

Ms. Bradshaw said that, as a member of four committees in town, she would have to give up her paying job to comply with the logging requirements of this article. It would have a chilling effect on people serving on Town boards.

Selectman Winslow said you can go to the Town website and see streamed meetings immediately. The logging requirement would impose a heavy burden and would drive people out of committees.

Bill Epperson, Chair of Planning Board, said that the preparation of minutes is a tough job. The requirements of the law can be met if we just capture the meeting's spirit and the intent of what happened. He will stop serving if these requirements are imposed.

Mr. Crawford said the article is not changing State law. The RSA is simple. You need to record the minutes of a meeting within 5 days. Streaming is great but sometimes the videos are very long and people don't want to go through the whole meeting to find what they're interested in. They just want to know what the outcome of the meeting was.

Ms. Grote **called the question** on the motion to amend Article 33. Mr. Marion **seconded** the motion. **The motion passed.** Moderator Eaton called for a vote in the motion to amend Article 33 by striking subsection c. **The motion passed.**

Selectmen Winslow **moved to amend** Article 33 by striking the entire article and replacing it with the following language: **"In order to help ensure prompt compliance with the New Hampshire Right-to-Know law, shall all Boards, Commissions and Committees be required to post all minutes and draft minutes on the Town website?"** Selectman Musselman **seconded** the motion. Selectman Winslow said we want to have transparency. He also said that if you look at a meeting's agenda you can easily find the part of the meeting you want to see when you are watching the video of the meeting.

Mr. Borne said the proposed amendment gets us right back to where we were before the article was proposed. He went on to suggest that the streaming be indexed through the use of "chapters" so that people watching the video can easily find the part they want to see.

Ms. Oliver offered a **"friendly" amendment** that would require the Library to post its minutes on the Town website and school bodies to post their minutes on the school website. Attorney Donovan noted that the School District operates as a separate governmental entity. Selectmen Winslow and Musselman **accepted Ms. Oliver's friendly amendment as to the Library.**

Shawn Crapo offered another **"friendly" amendment, which would change the article to read as follows: "To see if the Town will require compliance with the New Hampshire Right-to-Know law by all Town Boards, Commissions, and Committees."** Selectmen Winslow and Musselman **accepted the friendly amendment.**

Mr. Epperson spoke in favor of the amendment, but said he supports Mr. Borne's idea to use the chapters to index the streaming video. He also stressed that all town boards are doing the very best job they can.

Mr. Winebaum spoke against the amendment. He said that removing the requirement to post minutes and draft minutes was moving us backwards.

Ms. Grote **called the question.** Sally King **seconded** the motion. **The motion passed.** Moderator Eaton reread the motion to amend and called for a vote. **The motion to amend passed.**

Mr. Herlihy said that when he does minutes he lists the proposal and the vote. That could be complied with in five days.

Ms. Grote **called the question**. The motion was **seconded**. **The motion passed**. **Moderator Eaton ordered Article 33 to appear on the ballot as amended**.

Shawn Crapo **moved to restrict reconsideration**. Mr. Marion **seconded** the motion. **The motion passed**.

Moderator Eaton read Article 34.

ARTICLE 34. (By Petition) Should all dogs on town property (inclusive of town woods and beaches) be required to be on a leash at all times except for Foss Beach.

This article is not recommended by the Selectmen (3-0)

Kevin Kobylinski **moved** Article 34 to the floor for discussion. Kevin Brandon **seconded** the motion.

Mr. Kobylinski said he owns and loves dogs. He prepared this article because he was almost attacked in Rye Woods by two loose dogs. The owner didn't apologize. Another time a dog barked loudly at him in the woods and the owner didn't apologize. Out-of-towners have turned Rye into "Dogs Gone Wild". Rye needs a leash law.

Mark Epply stated that his dogs need exercise. The proposed leash law is overly restrictive. He suggested forming a committee to come up with some good solutions to this issue. He then **moved to amend** Article 34 to state as follows: **"Should all dogs on Town property (inclusive of town woods and beaches) be under control of the dog owner or walker at all times? Dogs not under control must be leashed."** Ms. Oliver **seconded** the motion.

David Tilton stated that dogs running out of control on his 56 acres of wildlife habitat have come off Town property. His cameras have photographed 19 loose dogs on his property in violation of State game laws. If a leash law was in effect that wouldn't be happening. He wanted to know when something is going to be done.

Mike Garvan, a member of the Rye Conservation Commission, agreed with Mr. Tilton and others. There are dog issues, particularly on Town beaches and in the Town Forest. However, the original article is too broad, particularly in its geographical scope. The Conservation Commission has been working to educate "bad" dog owners. It has been working with Chief Walsh to find solutions. The Conservation Commission now requires visitors to the Town Forest to have their dogs leashed until they are 150 feet from the parking lot. He asked for more patience, in hopes that a better warrant article might be presented to the Town next year.

Jamie Jacobus said part of the reason he moved to Rye was that it didn't have a leash law and he could bring his dog to the beach. He thought the problem was a lack of law enforcement, and that there isn't enough signage. Lisa Jacobus said the problems with dogs are isolated. People should

notify the police when they have problems. She thought a leash law would be too restrictive and would change their lifestyle.

Mr. Winebaum described how other municipalities have dealt with the problems of uncontrolled dogs. Any ordinance has to have teeth to be successful. The laws should be vigorously enforced.

John Bellino said there are a lot of dog owners who are not responsible. He said that the issue should be studied, but he didn't want to wait another year.

Matt Marra offered a **friendly amendment** to allow unleashed dogs at Pirate's Cove and Wallis Beach. Mr. Epply **did not accept** the proposed amendment because the motion to amend already includes all beaches.

Shawn Crapo opposed the amendment and proposed that we adopt the original article, and amend it next year to be more restrictive if it needs to be.

Mr. Nelson said dogs are good for our health. He sees more issues with dogs who are on leash. Dogs should be under control, but he suggested that we do more self-policing. He supported the amendment.

Tom King and Maggie Hannah supported the motion to amend.

Ms. Grote **called the question**. Nick Toumpas **seconded** the motion. **The motion passed.** Moderator Eaton restated the motion to amend and called for a vote. **The motion to amend passed.**

Ms. Grote **called the question on the article**. Mr. Nelson **seconded** the motion. **The motion passed.**

Moderator Eaton ordered Article 34 to appear on the ballot as amended.

Shawn Crapo **moved to reconsider**. Mr. Marion **seconded** the motion. Mr. Marion said Mr. Crapo made the motion because Chief Walsh had been trying to get the floor. Mr. Crapo confirmed that. There being no further discussion on the motion, Moderator Eaton called for a vote. **The motion passed by a vote of 41 to 37.**

Chief Walsh described the extent of the problem, citing statistics on the number of dog-related calls taken by the police. He noted that the words "under control" are very hard to enforce because they are so subjective. Dealing with dog issues takes up a huge amount of police time that might better be directed elsewhere. He is putting together a committee to brainstorm solutions to the problem and hopes to be able to present a warrant article to the Selectmen next year that would make Town residents safer. He urged people to work harder at respecting each other.

Since the vote to reconsider was limited to allowing Chief Walsh to speak, when he finished, **Moderator Eaton ordered Article 34 to be placed on the ballot as amended.**

Mr. King **moved to restrict reconsideration.** Susan Shepcaro **seconded** the motion. **The motion passed.**

Moderator Eaton read Article 35.

To see if the Town will vote to authorize the Selectmen to sell to the highest bidder at public auction, or sealed bid, such surplus Town equipment as is not traded in on new equipment in 2018.

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

Selectman Jenness **moved** Article 35 to the floor for discussion. Selectman Winslow **seconded** the motion.

Selectman Jenness stated that this article speaks for itself.

Mr. Marion **called the question.** Dr. Dibble **seconded** the motion. **The motion passed.** **Moderator Eaton ordered Article 35 to appear on the ballot as written.**

Moderator Eaton read Article 36.

ARTICLE 36. To transact any other business which may legally come before this meeting.

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

Moderator Eaton declared, "Go Patriots!" Hearing no further discussion, he declared that the meeting was adjourned at 5:11 p.m. until the Second Session.

A total of 184 registered voters were recorded on the checklist as having attended the meeting.

Respectfully submitted,
Donna M. DeCotis
Town Clerk/Tax Collector

