



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

SELECT BOARD

APPROVED 02/11/2009

MINUTES

REGULAR MEETING - WEDNESDAY OCTOBER 15, 2008 –7PM

1. Call to Order & Call of the Roll

2. Non-Public Session – 6:15PM Executive Conference Room 2nd Floor

2.1 RSA 91-A:3 II

Motion by Selectman Coutu to seal the minutes of the non-public session, seconded by Selectman Salomon. Motion carries 3-0.

3. Consent Calendar - None

4. New Business

4.1. Public Hearing – Refinancing Bond

The Board reviewed the pros and cons of refinancing the existing 10 year bond. Discussion ensued pointing out that the bond financed land and that if the financing philosophy is to finance the lifetime of the project, a 27 year bond is more appropriate. Although the interest rate for the 10 year bond is .2% less than the 27 year bond, it has a higher impact on taxes; and is a burden on the Town's cash flow.

Motion by Selectman Coutu to move to refinance the current Citizen's Bank Bond in the amount of \$611,000 outstanding for a term not to exceed 27 years and not to exceed an interest rate of 4.7% with the NHMBB to use the proceed to prepay the current Citizen's Bank Bond. Seconded by Selectman Salomon. Motion carries 3-0.

4.2. Request Review of Motorcycle Noise Ordinance

Ms. Barbara Dunfey stated that she and others signed a petition to seek improved enforcement of noise-control motorcycle laws and seek assistance from the Select Board to address the sound levels of the current motorcycles

Chief Page agreed that motorcycles are a nuisance with their sounds when things are added on. In 2004, the NH Chief of Police Association was trying to lower the decibel level of the motorcycles and that after market equipment cannot be added. In addition, there are motorcycle stores in town that allow for demonstration of their vehicles. In 2005, the State Legislature amended the law to allow the motorcycles to be up to 106 decibels for their exhausts. They also amended the statute to allow for aftermarket equipment to be installed. Chief Page recommended that the Town pass an ordinance to limit the motorcycle sound levels. Seacoast Harley Davidson purchased a decibel meter for the police department, to enforce the ordinance. The Police have tried to enforce the decibel readings; however the Courts have had the tendency not to find the violators guilty.

Chair Creighton agreed with the Chief and stated that he is limited due to current laws. She stated that a change to the RSA would be the way to lower the decibel level and that it is important that petitioners communicate with State legislators to sponsor and support a change to the existing motorcycle noise bill. She advised everyone to write, email, call and speak with our District State Representatives to ensure this community concern is heard and acted upon.

Ms. Jane Rockwell 8 Atlantic Ave. stated that in Manchester a month ago worked with the motorcycle stores to give free decibel reading to make people aware of the owner's motorcycle noise levels. She feels that the elected officials need to work on it.

Ms. Barbara Kohl feels that there is a sense of lawlessness in Town because people who have altered vehicles are not being penalized. She feels that the Town needs to have periodic enforcement periods that would deter motorcyclists from coming to North Hampton.

Mr. Dave Dunfey, 5 Atlantic Ave. appreciates the position that the Chief is in, with the Court not enforcing the law. However, he feels that Atlantic Ave. needs to have a speed trap to enforce the position during the summer months.

Chair Creighton asked Chief Page if his department could for the next two weekends set up speed traps. The Chief replied that they could, but that if they receive a call of a higher priority they would have to end the speed trap and respond to the priority call.

Tony Menino asked that a sign that says speed limits are strictly enforced signs be installed.

Jean Robinson stated that near the North Hampton School is another issue for motorcycles.

Dave O'Hare asked the Chief what he can do to help the problem. Chief stated that he can enforce speed, wheelies, and revving of the engine of motorcycles, and they do enforce this in regards to motorcycles.

Pam Menino on Atlantic Ave. wanted to let him know that she knows there are jurisdictional issues, but maybe this should be a priority and that the Select Board needs to add additional staffing to assist.

Harry Elliot feels that we should deputize the citizens and they will enforce the rules.

Ann Gunsolas Beau Monde Drive resident from the audience asked for cameras be installed.

Ms. Dunfey stated that the problem is nationwide and we need to look to other states to what they are doing.

Selectman Salomon stated that he thanked the people for addressing this issue. He stated that based on the comments made there are four issues that can be addressed. First, we need to contact the legislators to change the law to help the cause. Secondly, we need to have an outreach program in the community with the motorcycle dealers. Third, try to install signs saying that speed limits are strictly enforced. Finally, we need to have the legislature realize that their solution to the problem is not final and they need to allow the local communities to pass stricter rules.

Chair Creighton asked for a motion to place the Motorcycle Noise issue on the Select Board's "Items Laid on the Table" to ensure follow up.

Motion by Selectman Coutu to place the issue of better management of enforcement of Motorcycle noise ordinance on the table. Seconded by Selectman Salomon. Passes 3-0.

4.3. Acceptance of Gift – Monies for the Purchase of Mobile Telephones for the Police Department

Chief Page stated that he has received a donation for the Police Department to purchase mobile telephones for the police department to help solve the problem the town has with emergency communications. He said that AT&T is the best service for this situation with amplifiers to amplify the signals. Chair Creighton asked if this solves the emergency communications problem. Chief said no, this only helps to address the mobile telephone communications portion. Mr. Dennis Kokernak has donated \$4,180 for the purchase for this equipment.

Motion by Selectman Salomon made a motion to accept the gift, Seconded by Selectman Coutu. passes 3-0.

4.4. Resignation of M. Allen Energy Committee

The Select Board accepted M. Allen's resignation

4.5. Appointment of Energy Committee Member –P. Philbrook

Motion by Selectman Coutu to appoint P. Philbrook as an Alternate to the Energy Committee, Seconded by Selectman Salomon. Motion carries 3-0.

4.6. Statistical Revaluation

Chair Creighton asked if the members of the Select Board are satisfied with the answers to the questions that they had for Vision. Selectman Coutu felt that they answered some, but not all of the questions. He stated that he is going to review the database and see if the values make sense.

Chair Creighton stated that after watching the last Planning Board meeting on channel 22, she wanted to address three concerns. The first was Mr. Salomon's refusal to pay the engineering fees until his lawsuit against the Planning Board is decided. She asked the Town administrator what the Town's policy is on collecting fees once they are paid. The Town Administrator stated that they included placing a lien on property. Mr. Salomon stated that he did not refuse to pay the bill and will pay the bill once the court decides the case. The Town Administrator said the Town will pursue payment of this bill. Her second concern was Mr. Salomon's position as the board's representative to the Planning Board. Based on the contentious dialogue with the Chair and other members of the Planning Board, she requested that he take a leave of absence until his case was resolved. Mr. Salomon stated that he did not see a conflict of interest as he could keep his lawsuit and duties as a Select Board representative to the Planning Board separate. Chair Creighton made a motion to have Mr. Salomon take a leave of absence from the Planning Board until his case is resolved. Mr. Coutu stated that he had not seen the DVD of the meeting. He would state that if he were to sue a board he served on, he would step down until his case was resolved. He asked the Town Administrator if there was anything in the RSA's that would have a Select Board rep. step down. The TA said he did not know of any RSA that would require that. Chair Creighton asked the TA to seek an opinion from counsel on whether the Board could require Mr. Salomon take a leave of absence from the Planning Board. The Board agreed to have the Town Administrator contact the Local Government Center for an opinion and agreed to continue the discussion at the October 16th, 2008 meeting.

Chair Creighton's third concern was Mr. Salomon's assertion in the Planning Board meeting that the Chair of the Planning Board should not have attended a non public Select Board meeting that was held to discuss legal counsel to defend the Board against Mr. Salomon's lawsuit and that he had knowledge of inappropriate behavior in this meeting. Chair Creighton asked Mr. Salomon to clear this up as his assertion of inappropriate behavior in that meeting was not true. She asked Mr. Salomon where he heard this false information. Mr. Salomon stated that he had correspondence that was placed in his Town mailbox. He was asked if he told the Town Administrator he received non public information that was about his lawsuit and Mr. Salomon stated no. Mr. Coutu also stated that nothing inappropriate took place at the non public session. Mr. Salomon was asked to return the correspondence immediately.

The Town Administrator will advise the board of LGC's opinion; will seek payment for the engineering fees and will research how the non public document ended up in Mr. Salomon's mailbox.

5. Items Laid on the Table*

- 5.1. Select Board Rules and Procedures
- 5.2. Minutes of NHTV Committee Meetings
- 5.3. Channel 22 Policies and Procedures
- 5.4. Fire and Police Radio Communication Issues
- 5.5. Fire Department Dispatch Issues

* Items laid on the table shall remain on the table until a member of the Select Board makes a motion to remove such item from the table.

6. Report of the Town Administrator

7. Minutes

7.1. Regular Meeting September 10, 2008

7.2. Regular Meeting September 24, 2008

8. Adjournment

Motion to adjourn made by Selectman Coutu, Seconded by Selectman Salomon.

Motion carries 3-0.

Respectfully submitted,

Janet Facella