



TOWN OF NORTH HAMPTON, NEW HAMPSHIRE

SELECT BOARD

MINUTES APPROVED 10/26/2009

REGULAR MEETING – TUESDAY, OCTOBER 13, 2009 –7PM
MARY B. HERBERT CONFERENCE ROOM

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

1. **Non-Public Session – 6:30 PM in the Executive Conference Room 2nd Floor, pursuant to RSA 91-A:3 II (a)**

Motion by Selectman Coutu to seal the minutes from the Non-Public Session.
Seconded by Selectman Rineman. Motion carries 3-0.

2. **Call to Order & Call of the Roll**

Chair Salomon called the meeting to order at 7:00 PM. Those present were Chair Salomon, Selectman Coutu, Selectman Rineman and Town Administrator Steve Fournier.

Chair Salomon confirmed with Town Administrator Fournier that the meeting had been properly posted.

Chair Salomon invited those in the audience to join the Select Board in the Pledge of Allegiance.

3. **Public Hearing – Proposed Adoption of Ordinance**

*Notice is hereby given that a public hearing of the **Select Board** will be held on the 13th of **October, 2009** at 7 **pm** at the Municipal Complex in the Mary B. Herbert Room located at 233 Atlantic Avenue, North Hampton, New Hampshire.*

The purpose of the hearing is to consider the proposed citizens request to adopt an ordinance to prohibit through traffic on Glendale and Kimberly Roads and Alden Avenue. Notice for this hearing was posted in two public places and published in a newspaper of general circulation.

Chief Brian Page presented the Select Board with an ordinance that he had drafted, and noted that Kimberly Road is not included.

The proposed ordinance would read as follows:

Draft Ordinance submitted on behalf of 25 Resident Petitioners of Glendale Road, Alden Avenue, Kimberly Drive, and Hampshire Road, to appear as follows:

Through Traffic Prohibited on Glendale Road and Alden Avenue

In order to preserve the public safety of Glendale Road and Alden Avenue, as of the effective date of this Ordinance, it shall be prohibited for any person, business, or corporation to operate any motor vehicle on Glendale Road from either intersection at Lafayette Road or Alden Avenue absent those vehicles travelling to and from residences or personal property, vehicles travelling for the purpose of local delivery,

or those vehicles travelling for the purpose of legitimate visitation in the Glendale Road neighborhood or a connecting neighborhood.

In order to preserve the public safety of Alden Avenue, as of the effective date of this Ordinance it shall be prohibited for any person, business, or corporation to operate any motor vehicle on Alden Avenue from either intersection at Atlantic Avenue or Glendale Road absent those vehicles travelling to and from residences or personal property, vehicles travelling for the purpose of local delivery, or those vehicles travelling for the purpose of legitimate visitation in the Alden Avenue neighborhood or a connecting neighborhood.

The prohibitions in this Ordinance shall not apply to school buses, emergency vehicles, or North Hampton Highway Department vehicles involved in the normal process of their duties.

Any person, business, or corporation that violates the provisions of this Ordinance, created by the Select Board under the authority of RSA 31:39, RSA 41:11, and RSA 47:17 shall be liable to a penalty of not more than \$1000.00 for each offense.

Selectman Coutu asked Chief Page about the last paragraph of the recital that reads “travelling for the purpose of legitimate visitation in the Alden Avenue neighborhood, or to a connecting neighborhood..”, and how could that be refuted if a car is stopped and they indicate they are visiting a connecting neighborhood? Chief Page stated that their word would have to be taken as gospel.

Chair Salomon asked what the definition of a connecting neighborhood, as that seems to be the crux of the matter.

The Select Board suggested adding the street names to the paragraphs that state a “connecting neighborhood” to better clarify the ordinance.

Selectman Rineman asked why this Public Hearing was before them, when at the last meeting the minutes state that no actions or votes were taken.

Chief Page explained that at the last Select Board meeting a Public Hearing could not be held, because it hadn’t been posted.

Chair Salomon stated that there were two general thoughts that need to be considered that would weigh against the adoption of the ordinance. The first was one that was raised by Mr. Copp at the last meeting, in that it is a public street and the citizens should have the right to travel on it because it is supported by their tax dollars on an equal basis. The second was reflected in an email that the Chair received from the Chair of the Conservation Commission, pointing out that there are several streets in North Hampton that have a similar problem, and also pointed out the expense of enforcement.

Chair Salomon said that he didn’t find either of the comments persuasive. Chair Salomon stated that in his opinion the role of Government is to protect public safety, and in this case would trump the taxation power.

Selectman Coutu stated that in the taxation versus the ordinance issue, this comes down to a safety issue. He further stated that if Chief Page, from a safety point of view, has a compelling argument that safety is a reasonable concern and consideration, then that need trumps the right of usage based on the simple concept of taxation.

Chief Page stated that based on the current and future budgets, it will be very difficult for cruisers to go over to Glendale Road and sit there and actually observe a vehicle entering one end and exiting the other.

Chief Page stated that this is a street where children do play in the roadway, and the speed and number of vehicles cutting through from Route 1, has in fact become a safety issue.

Chief Page feels that this ordinance would be a step in the right direction to try and make it a little bit safer.

Chair Salomon opened the public hearing at 7:50 PM.

Dale Rochford of 14 Hampshire Road asked the Board whether or not an “ominous” sign would be placed on both sides, such as at Atlantic and Route 1 that perhaps suggest a fine will be given to violators.

Chief Page stated that if the ordinance is passed by the Select Board, there would be a sign erected.

Jeff Hillier of 3 Glendale Road stated his appreciation, as well as his neighbors, for the support of Chief Page, and the consideration on the issue. Mr. Hillier stated the concern is the safety of the children and families who are walking and riding their bikes on the roads.

Chair Salomon closed the public hearing at 8:15 PM.

Selectman Rineman asked whether or not speed limit signs could be erected to slow drivers down, and to help solve the problem.

Selectman Rineman questioned what the speed limit is on roads that are unmarked.

Chief Page stated that the lowest speed limit by state law is 30 miles per hour, unless a traffic study is done. He further reiterated that it is going to get more difficult to put enough police cruisers on the road with the budget cuts continue.

Selectman Coutu stated that given current staffing, the issue is not going to be one in which the two streets in question will be policed on a routine basis. He further stated that he cannot say whether or not new signage, that is more clear, would be a helpful factor or not.

Selectman Coutu stated that he sees this as an issue that has been brought to the Board’s attention, as attested to by the Chief of Police, and therefore the issue is that something ought to be done to improve the situation, and feels it is worthy of further consideration.

Chair Salomon stated that he felt Selectman Rineman’s suggestion of the speed limit signs is a useful one in addition to the ordinance. He further stated that he agreed with Selectman Coutu’s suggestion of tightening up the language regarding the connecting neighborhoods.

Motion by Selectman Coutu to approve the draft ordinance prepared by Chief Page in respect to Glendale Road and Alden Avenue, but with that ordinance modified to make clear what the streets are with respect to the connecting neighborhood as drafted. Seconded by Selectman Rineman. Motion carries 3-0.

Motion by Selectman Coutu to have speed limit signage installed at the discretion of the Chief, with respect to Glendale, Hampshire, Kimberly and Alden, and signage in respect to denoting that the roads pursuant to this ordinance have passed, and is not available to through traffic. Seconded by Selectman Rineman. Motion carries 3-0.

4. Consent Calendar*

No items

5. New Business

5.1 American Red Cross, Great Bay Chapter – Overview of Services Offered

Motion by Selectman Coutu to continue the American Red Cross, Great Bay Chapter to the October 26, 2009 meeting. Seconded by Selectman Rineman. Motion carries 3-0.

5.2 Town Campus Study - Resident Requests To Serve On Committee

Chair Salomon stated that three residents have asked to serve on the committee as residents at large. Those interested are Mr. Arthur Nadeau, Mrs. Mary Lou Wollmar, and Mr. David Peck.

The Select Board agreed to extend the period of two weeks for others in Town that may be interested to sign up for consideration.

Motion by Selectman Coutu to continue the Town Campus Study selection committee process vis-à-vis town residents, until the October 26, 2009 meeting. Seconded by Selectman Rineman. Motion carries 3-0.

Chair Salomon stated when the committee was constituted, it was agreed that one member of the Select Board would be a chair. He further stated that the chair would not be a voting member unless there is a tie. Selectman Rineman will be chairing that committee.

5.3 Town Legal Services – Authorization To Enter Into An Agreement With Upton & Hatfield

Chair Salomon stated that he was recusing himself, as he has used Upton & Hatfield as legal counsel, and Selectman Coutu would take over as vice chair.

Selectman Coutu stated that the Board was in receipt of an engagement letter from Upton & Hatfield, and the business before the Board was to authorize the Town Administrator to enter into an agreement with them.

Selectman Coutu read from the memorandum prepared by Attorney Matthew Serge which indicates that the hourly bill will be between \$160 per hour and \$225 per hour. He further stated that a notation is being made because of an attachment to the letter called the "Statement of Billing Practices", and in that letter it indicates that the fees could be as high as \$300 per hour. Selectman Coutu stated that there is a disconnect between the cover letter and the statement of terms and conditions, and would like to see that part buttoned up. He further recommended that Upton & Hatfield might entertain a volume discount on billings reaching a certain level.

Motion by Selectman Coutu to retain Upton & Hatfield as the Town's legal counsel, and to authorize the Town Administrator to enter into an agreement setting out terms, conditions, fees, etc. Seconded by Selectman Rineman. Motion carries 2-0 with Chair Salomon recusing himself.

6. Items Laid on the Table†

6.1. Select Board Rules and Procedures

This item will be taken up after the Personnel Policy review is completed.

6.2. Personnel Policy Review

Legal counsel is now reviewing.

6.3. Review of Forms of Government

This will be an agenda item on the November 9, 2009 meeting.

7. Report of the Town Administrator

Town Administrator Fournier reported on the following:

The Town Auditors will begin the FY 2009 Audit this week and continuing on October 20, 2009; Health Insurance rates will be received during the week, and options will be reviewed; First quarter financial reports were reported to the budget committee at their last meeting; Route 111 and Route 151 intersection have had a temporary stop sign and it was determined that a permanent one would be installed.

8. Minutes

8.1. Regular Meeting September 28, 2009

Motion by Selectman Coutu to approve the minutes of the September 28, 2009 meeting. Seconded by Selectman Rineman. Motion carries 3-0.

9. Adjournment

Motion by Selectman Coutu to adjourn the meeting at 8:15 PM. Seconded by Selectman Rineman. Motion carries 3-0.

Respectfully submitted,

Janet L. Facella