



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: September 25, 2015

Date of Meeting: October 22, 2015

Submitted by: Chief Mark E. Doyle

Department: Police

Time Required: 5 minutes

Speakers: Chief Mark Doyle / CD Director Tim Thompson

Background Info. Supplied:

Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input checked="" type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Proposed change to Town Ordinances, "Vehicles and Traffic" [Final Reading]

DESCRIPTION OF ITEM

The Town Council to consider the proposed changes to Chapter 183 - Vehicles and Traffic, of the Town Code to add a section restricting through traffic on Valleyview Drive to "Emergency Vehicles Only" between tax map parcel 5C/142 and 5C/148, pursuant to Charter Article V, Section 5-4.

REFERENCE (IF KNOWN)

RSA:	Warrant Article:
Charter Article: V, Section 5-4	Town Meeting:
Other:	N/A

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input checked="" type="checkbox"/>

CONTACT INFORMATION

Name:	Mark E. Doyle	Address:	C/O Police Department
Phone Number:	420-1810	Email Address:	mdoyle@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:

(added as subsection to our existing Town Code)

183:6 Travel Restricted on Certain Streets

B. Only Authorized and Emergency Vehicles are authorized to use Valleyview Drive between the posted signs indicating “AUTHORIZED AND EMERGENCY VEHICLES ONLY”.

Said signs to be located at the corner of Lot 148 on Map 5C on Valleyview Drive, facing Southbound traffic; and at the corner of Lot 142 on Map 5c on Valley view Drive, facing Northbound traffic.

[For the purpose of this ordinance, “Authorized Vehicles” are defined as vehicles owned by the Town of Merrimack and includes, but is not limited to those of the Merrimack Police, Merrimack Fire Rescue and Public Works Departments. “Emergency Vehicles” are defined as such under RSA 259:28 (below)]

**TITLE XXI
MOTOR VEHICLES**

**CHAPTER 259
WORDS AND PHRASES DEFINED**

Section 259:28

259:28 Emergency Vehicles. – "Emergency vehicles" shall mean all vehicles of fire departments and police departments, and such ambulances and emergency vehicles of municipal departments or public service corporations as authorized by the director.

Source. RSA 259:1, VII-a. 1963, 330:3. 1977, 150:1. 1981, 146:1, eff. Jan. 1, 1982.

1 Public Hearing

2
3 **1. Public Hearing - Proposed Changes to Chapter 183, Vehicles and Traffic**

4 *Submitted by Police Chief Mark E. Doyle*

5 The Town Council will hold a public hearing to consider the proposed changes to Chapter 183 -
6 Vehicles and Traffic, of the Town Code, to add a section restricting through traffic on Valleyview
7 Drive to “Emergency Vehicles Only” between tax map parcel 5C/142 and 5C/148, pursuant to
8 Charter Article V, Section 5-3.

9
10 Chief Doyle stated the only amendment that has been made since the first reading was under the
11 Definition portion of the Ordinance. The amendment is to clearly identify the definition of Emergency
12 Vehicles. Per State Statute (RSA 259:28), those vehicles defined as “Emergency Vehicles” are only
13 emergency vehicles when they are actively engaged in responding to a bona fide emergency. That
14 would preclude police cars from normal directed patrols, maintenance vehicles in the Public Works
15 Department, and snow plows removing snow that wouldn’t otherwise be affixed with an emergency
16 light for example.

17
18 Current signage on Valleyview Drive reads: “Authorized and Emergency Vehicles Only”. There is a
19 need to include a definition of “authorized”. The proposed amendment reads: “For the purpose of this
20 ordinance, “Authorized Vehicles” are defined as vehicles owned by the Town of Merrimack and
21 includes, but is not limited to, those of the Merrimack Police, Merrimack Fire Rescue, and Public Works
22 Departments. Emergency Vehicles are defined as such under RSA 259:28, which was previously stated
23 in the original draft provided for a first reading.

24
25 *Chairman Harrington declared the Public Hearing open at 7:31 p.m.*

26
27 Councilor Boyd spoke of having received an email dated September 22, 2015 at 8:28 p.m. Councilors
28 have been provided a copy. The email was from an abutter on Valleyview Drive. Ms. Becky Thompson
29 was copied on the communication. He read the email into the record:

30
31 *“Dear Bill, I’m writing because at this point it appears that I will not be able to attend the Council*
32 *meeting on Thursday, September 24th. My husband’s school is having Open House that evening, and*
33 *since he needs to be there as one of the teachers, I will need to stay home with our children.*

34
35 *Please explain to the Council members that my absence in no way reflects a lack of interest in the issue*
36 *regarding the emergency access road portion of Valleyview Drive. Between my husband and myself, we*
37 *have been to every meeting (Planning Board and Council) pertaining to this issue to date. The meeting*
38 *on the 24th will be the first one neither of us can attend. Though I feel badly that one of us won’t be*
39 *there to speak during the Public Hearing segment of the evening, I have peace knowing that I have*
40 *already shared my concerns and hopes when I was at the last Council meeting.*

41
42 *In summary, we desire to see the Police Department empowered and supported in enforcing the*
43 *“Emergency Vehicles Only” designation because we consider any and all through traffic to be a severe*
44 *danger (to our children and to our neighbors). Thank you in advance for sharing this email on our*
45 *behalf during the public hearing portion of the Valleyview discussion, and for all you and the other*
46 *Council members do to protect Merrimack residents.*

1 *I appreciate the time, effort, and consideration you all put into making decisions with our best interests*
2 *in mind. I look forward to hearing back from you. Sincerely, Shauna Amick, 11 Valleyview Drive,*
3 *Merrimack, NH 03054”*
4

5 Councilor Boyd stated he responded in kind that he would, after consulting with the Council and
6 copying the Town Manager, be reading the email communication into the record.
7

8 Dave Hammond, 18 Valleyview Drive
9

10 Stated he and his wife wished to add their position; agree with and promote the restriction of the access
11 road to emergency vehicles only. He stated the amount of traffic that has been on that road up until now
12 has been amazing, even with the signs in place. One of their concerns is how to enforce the road as
13 emergency vehicles only. He commented they would like to have a gate, however, understand that is
14 not what is being discussed.
15

16 *Chairman Harrington declared the Public Hearing closed at 7:34 p.m.*
17

18 Councilor Vaillancourt thanked Councilor Koenig for bringing to the forefront a desire for clarity with
19 regard to the ordinance language around “authorized vehicles”. She remarked she too had questioned
20 why a gate could not be installed, and learned a gate is not permitted because of the class of road.
21

22 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to move the proposed**
23 **changes to Chapter 183 under Vehicles and Traffic to the Consent Agenda for the Council’s**
24 **October 8, 2015 meeting. MOTION CARRIED 6-0-0**
25

26 Legislative Updates from State Representatives - None
27

28 Town Manager’s Report
29

30 A Household Hazardous Waste Collection will be held on Saturday, October 3, at the Nashua Public
31 Works garage at 9 Stadium Drive from 8:00 a.m. - Noon. For a list of acceptable materials please check
32 out the Solid Waste Division on the Town website. There is a fee of \$10, which covers 10 gallons or 20
33 pounds of material.
34

35 The Parks & Recreation Department will be holding an American Red Cross Community Blood Drive
36 on Thursday, October 1st from 2:00 - 7:00 p.m. in the Function Hall at Wasserman Park. Those who are
37 interested in donating should call the Parks & Recreation Department at 882-1046 to schedule an
38 appointment.
39

40 The Friends of the Library group purchased a Little Free Library, and through a partnership
41 with Merrimack Parks and Recreation it's found a home at the playground at Wasserman Park. Thanks
42 to the Merrimack Department of Public Works for installing it; this is collaboration at its best. Our hope
43 is that other groups or individuals will want to sponsor a Little Free Library at their business to provide
44 even more free and accessible reading materials throughout our community. Little Free Libraries are
45 stocked with a variety of books and folks are welcome to take a book and leave a book; thus making the
46 Little Free Library collection community-driven and sustainable. For more information please call
47 Library Director Yvette Couser.
48

49 Consent Agenda - None