



# 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: April 4, 2016  
Submitted by: MCC Chairman Tim Tenhave  
Department:  
Speakers: Tim Tenhave

Date of Meeting: April 28, 2016

Time Required: 15 minutes  
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"/>
<b>Public Hearing:</b>	<input checked="" type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

## TITLE OF ITEM

Public Hearing - Emergency Lane Creation Along Portion of South Grater Road

## DESCRIPTION OF ITEM

The Town Council will hold a public hearing for the purpose of discussing and voting upon the creation of an Emergency Lane along a portion of South Grater Road, a Class VI public highway, pursuant to RSA 231:59-a.

## REFERENCE (IF KNOWN)

RSA:	231:59-a	Warrant Article:	
Charter Article:		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 type="checkbox"/>

## CONTACT INFORMATION

Name:	<b>Tim Tenhave</b>	Address:	
Phone Number:		Email Address:	ttenhave@merrimacknh.gov

## APPROVAL

Town Manager:	Yes <input checked="" type="checkbox"/> No: <input type="checkbox"/>	Chair/Vice Chair:	Yes <input checked="" type="checkbox"/> No: <input type="checkbox"/>
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**LEGAL NOTICE**  
**Town of Merrimack**  
**Public Hearing**



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Residents of Merrimack are hereby advised that the Town Council will conduct a public hearing for the purpose of discussing and voting upon the creation of an Emergency Lane along a portion of South Grater Road, a Class VI public highway, pursuant to RSA 231:59-a, no expenditures shall be made towards the maintenance of an emergency lane until the governing body hold a public hearing to declare the relevant Class VI highway, private way, or portion thereof, and makes written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicle is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane. The public hearing will be held on **Thursday, April 28, 2016, at 7:00 PM** in the Matthew Thornton Room located at 8 Baboosic Lake Road.

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For Town of Merrimack Use:

Posted: April 13, 2016

To Be Published: April 13, 2016 (*Union Leader*)

# TITLE XX

## TRANSPORTATION

### CHAPTER 231

#### CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

#### Repair of Highways by Towns

##### Section 231:59-a

###### **231:59-a Emergency Lanes. –**

I. Notwithstanding RSA 231:59 or any other provision of law, a town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles. A capital reserve fund under RSA 35 or a trust fund under RSA 31:19-a may be established for this purpose.

II. No expenditures shall be made under paragraph I unless the selectmen, following a public hearing, declare the relevant class VI highway, private way, or portion thereof, as an emergency lane, and make written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.

III. In the case of a private way, notice shall be mailed to all persons known to have a legal interest in the way, 10 days prior to the hearing, and the emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission. Neither the appearance nor non-appearance of such persons at the hearing shall prevent such permission from later being denied or withdrawn.

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9--13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA 227-L concerning forest fires.

**Source.** 1994, 80:1. 1995, 299:12, eff. Jan. 1, 1996.