

Approved: July 19, 2012
Posted: July 23, 2012



Town Council Special Meeting Minutes



Thursday, May 31, 2012, at 7:00 PM, in the Town Hall Meeting Room

Chairman Mahon called the special meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Rothhaus, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Harrington, Councilor Koenig and Town Manager Eileen Cabanel.

Pledge of Allegiance

Announcements - None

Comments from the Press - None

Comments from the Public – None

Chairman Mahon stated the purpose of the special meeting was to conduct a Public Hearing on the acceptance of the Traffic and Special Event Management Ordinance of the Merrimack Town Code, pursuant to Charter Article V, Section 5-3.

Chairman Mahon opened the Public Hearing at 7:03 p.m.

Chairman Mahon read into the record the language of the Ordinance:

CHAPTER 185 - TRAFFIC AND SPECIAL EVENT MANAGEMENT ORDINANCE

§ 185-01 Purpose

The Merrimack Town Council recognizes that certain planned special events conducted within the Town of Merrimack may, from time to time, require action by the Town Council to manage the traffic, parking and pedestrian circulation associated with such events to ensure the safety/convenience of the participants, residents and businesses of the Town of Merrimack. Accordingly, and in response to specific traffic and safety concerns created by such special events, the Town Council may vote to enact a Traffic and Special Event Management Plan as provided for herein.

§ 185-02 Definitions

Special Event - For the purposes of this section, the phrase "Special Event" shall mean any planned occurrence which, in the opinion of the Chief of Police and Town Manager, causes or may cause an adverse effect upon public safety and welfare such that adoption of a Traffic and Special Event Management Plan is warranted.

§ 185-03 General Provisions

In the event the Town Manager, in consultation with the Chief of Police, Fire Chief and Director of Public Works, concludes that an upcoming special event is likely to create traffic and/or safety

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concerns, the Town Manager shall bring forth a Traffic and Special Event Management Plan to the Town Council for consideration and approval at any single regular or special meeting. The proposed Traffic and Special Event Management Plan shall include the duration of the Plan and a description of any of the following proposed requirements, restrictions or actions:

- 1. Roads subject to closure or local traffic only.
- 2. Restrictions on parking along town roads.
- 3. Required traffic, event or pedestrian police or security details.
- 4. Designation of overflow parking to offsite or alternative locations.
- 5. Limitations on pedestrian circulation to certain routes or locations.
- 6. Location and type of any postings, signalization or signage required.
- 7. Such other actions or restrictions as deemed appropriate and necessary.

Nothing herein shall be construed to prevent, restrict or abrogate the authority of the Town of Merrimack, or any Department thereof, to take any action as may be otherwise permitted or required by local, state or federal law, land use approval or any specific development agreement.

§ 185-04 Penalties

The penalties for violation of any restrictions or condition imposed by this ordinance or by the associated Traffic and Special Event Management Plans are as follows:

- A. Parking Violations..... \$25.00
- B. Unlawful Use of Closed Roads.....\$100.00
- C. Unlawful Use of Road Closed to Local Traffic Only..... \$100.00
- D. Pedestrian Violations \$ 25.00

The Merrimack Police Department shall have primary authority to enforce violations of this Ordinance and any Traffic and Special Event Management Plans adopted pursuant hereto.

Chairman Mahon noted, also included within the Ordinance is a Traffic and Special Event Management Plan form that provides the mechanism for issues discussed in §185-03.

Police Chief Mark Doyle commented the Ordinance had been revised to include the definition of Special Event under §185-02 Definitions, Penalties, identified under §185-04, and the template for the Traffic and Special Event Management Plan. He noted, upon adoption of the Ordinance, a Traffic and Special Event Management Plan would be created for the purposes of the Merrimack Premium Outlets Grand Opening.

Councilor Boyd stated his understanding, in the event of an instance such as a natural or other disaster, the Town’s Emergency Management Plan, would take precedent over any particular management plan that may be in place for a special event. Chief Doyle stated, by law, the Emergency Management Plan would override any other management plan in place. He remarked the Emergency Management Plan would only go into place once the Fire Chief, who is the Emergency Management Director, consulted with the Council. Once in effect, that plan would negate any other plan that might be in place.

Councilor Harrington thanked the Chief and Council for responding to the concerns of the areas around the mall and stated her belief the Ordinance addresses those concerns, is clear, well-written,

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and easy to respond to in terms of identification of needs the Police Department may have and what would take place in such events.

Councilor Koenig asked for clarification the Ordinance states a Management Plan can be adopted at any single regular or special meeting of the Council, and that there are no time restrictions or other requirements associated with conduction of a Public Hearing. Chairman Mahon responded such language was included in the original draft Ordinance presented and has been removed from the final draft presented for Public Hearing. He added the Ordinance, in its present form, could be amended to include such language if that is the will of the Council. Councilor Koenig responded his intent was to be clear that language was not included/desired. He stated his belief the Ordinance, in its current form, provides for what he believes the Council should address with regard to special events and traffic management.

Chairman Mahon commented the Ordinance is a tool for the Council and not required for every event that might occur in Town. He stated the belief the Town Manager will utilize good judgment as to when the requirements of the Ordinance should be invoked. He remarked the Ordinance is written in such a way it is simple, direct, and the intent clearly defined. He concurred with the comments made by Councilor Harrington that the Ordinance addresses the issues raised with regard to potential impacts that might arise with the opening of the outlets mall.

Councilor Flood questioned whether times such as the week leading up to the Christmas holiday would be considered special events under the Ordinance. When asked, Chief Doyle stated he would not necessary consider holiday events to fall under the Ordinance and stated the Ordinance addresses events specifically defined as special, which is why a definition of special events was included without specific examples being provided. He commented he would be more inclined to considered times such as Black Friday where a Special Event Management Plan would be put in place well in advance of the event, and possibly the Labor Day holiday as it is a big event promoted by malls.

Councilor Dwyer spoke of the amount of interest in the website for the Merrimack Premium Outlets mall (over 45,000 hits).

Chairman Mahon opened the floor for public input. No one from the public addressed the Council.

Chairman Mahon closed the public hearing at 7:13 p.m.

MOTION made by Councilor Boyd and seconded by Councilor Harrington to move Chapter 185 – Traffic and Special Event Management Ordinance to a third reading and place it on the Consent Agenda for the Council’s meeting of June 7, 2012

ON THE QUESTION

Councilor Koenig informed the Council of a conflict that would prevent him from being in attendance, and questioned whether the Council would consider moving the meeting start time to 6:00 p.m. He added he has no problem with the Council moving forward with its 7:00 p.m. meeting, but simply wished to make it known he would not be able to be in attendance.

Councilor Dwyer stated he would not be able to be in attendance as he would be out of town.

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Town Manager Eileen Cabanel reminded the Council of a non-meeting with Counsel scheduled for 7:15 p.m. on June 7, 2012. She suggested she could try to adjust the start time, and was asked to do so.

There being no objections, Chairman Mahon stated the start time of the special meeting of June 7, 2012 would be changed to 6:00 p.m.

MOTION CARRIED 7-0-0

Town Manager's Report – None

Comments from the Press - None

Comments from the Public – None

Comments from the Council

Councilor Boyd reminded the Council and the public of the 5K road race being conducted at the High School at 10:00 a.m. on June 2, 2012. The event is being coordinated by a sophomore at Merrimack High School, Hannah Vaccaro, who is very active with an orphanage in Haiti located on the island of LaGonave. The race is a unique version of a shoe drive to benefit the orphanage.

Chairman Mahon thanked those who came out to enjoy the Memorial Day festivities. He commented, as, a Veteran, it was gratifying to see the level of attendance.

Chairman Mahon thanked Councilor Boyd, Chief Doyle, Police Department personnel, high school students, and Senator Ayotte for their participation in the the 27th Annual Law Enforcement Torch Run for Special Olympics, which took place earlier in the day.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to adjourn. MOTION CARRIED 7-0-0

The Special meeting of Town Council was adjourned at 7:20 p.m.

Submitted by Dawn MacMillan