



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.5.

Resolution Number: **R – 2017.03.22 – 028**

Resolution Re: Declaration of Emergency Lane – Old Garrison Road from Spruce Lane to David Tuttle Lane

WHEREAS: Old Garrison Road from Spruce Lane to by an about David Tuttle Lane is a Class VI unmaintained City road; and

WHEREAS: The portion of Old Garrison Road from Spruce Lane to David Tuttle Lane abuts three private parcels of property with residential structures thereon, one of which may only be accessed by Old Garrison Road, as well as large tracts of wooded New Hampshire Fish & Game conservation land that is open to the public; and

WHEREAS: Pursuant to Title XX Transportation, Chapter 231, Cities, Towns and Village District Highways, RSA 231:59-a, Emergency Lanes, the City, by and through the City Council, may declare a Class VI road, or portion thereof, as an emergency lane; and

WHEREAS: In declaring an emergency lane, RSA 231:59-a, II requires the City Council to 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; and

WHEREAS: If declared an emergency lane, the City may raise, appropriate, and expend money to perform necessary repairs to render the emergency lane passable by firefighting equipment and rescue and other emergency vehicles pursuant to RSA 231:59-a, I; and

WHEREAS: The City, by and through its Police Chief and Fire Chief, has determined that a portion of Old Garrison Road from the intersection with Spruce Lane to David Tuttle Lane warrants declaration as an emergency lane as there is a public welfare or safety interest in keeping the lane passable for emergency response equipment, including fire engines and ambulances, in order to be able to timely and effectively respond to emergency situations; and

WHEREAS: If this portion of Old Garrison Road were not passable for emergency response equipment, it could result in the inability to safely, fully and/or timely respond to emergency situations at either a private residence or on public lands (e.g. structure fires, forest/brush fires, medical emergencies); damage to emergency response equipment, including but not limited to fire engines and/or ambulances; and/or injury to first responders or those being transported thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

That a portion of Old Garrison Road from the intersection of Spruce Lane to David Tuttle Lane (also a Class VI road) is declared an emergency lane pursuant to RSA 231:59-a, Emergency Lanes; and

That the Council finds that the public need for keeping this portion of Old Garrison Road passable by emergency response vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane; and



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.5.

Resolution Number: **R – 2017.03.22 – 028**

Resolution Re: Declaration of Emergency Lane – Old Garrison Road from Spruce Lane to David Tuttle Lane

That the Council finds that the public welfare or safety interest is identified as the need for emergency responders and their equipment, including, but not limited to fire engines and ambulances, to be able to safely, timely, and fully respond to emergency situations on lands abutting this area of Old Garrison Road, including both private residential property and public conservation lands open for public access.

TO BE REFERRED TO A PUBLIC HEARING

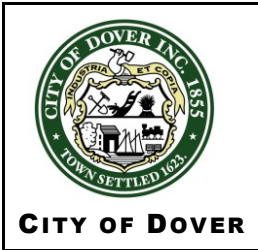
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston
By request

Approved as to Legal
Form and Compliance: Anthony Blenkinsop
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.5.

Resolution Number: **R – 2017.03.22 – 028**

Resolution Re: Declaration of Emergency Lane – Old Garrison Road from Spruce Lane to David Tuttle Lane

DOCUMENT HISTORY:

First Reading Date: 03/22/2017	Public Hearing Date: 04/12/2017
Approved Date: 04/12/2017	Effective Date: 04/12/2017

DOCUMENT ACTIONS:

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Gagnon.

Councilor Gasses recused herself from discussion and Council vote.

General Legal Counsel Blenkinsop gave an overview of the resolution, and the difference between a private way and Class VI municipal road.

Fire Chief Hagman spoke about the need to have this declared.

Police Chief Colarusso spoke about the need to have this declared.

Deputy City Manager Steele gave an overview on the condition of the road, and the process to maintain it so emergency vehicles can pass.

Vote: 8/0; Passed. Councilor Gasses recused.

This approved resolution number has been incorporated with the minutes for the April 12, 2017 City Council minutes.

VOTING RECORD		
Date of Vote: 04/12/2017	YES	NO
Mayor Karen Weston	X	
Deputy Mayor Robert Carrier, At Large	X	
Councilor John O'Connor, Ward 1	X	
Councilor Dennis Ciotti, Ward 2	X	
Councilor Deborah Thibodeaux, Ward 3	X	
Councilor Marcia Gasses, Ward 4	Recused	
Councilor Dennis Shanahan, Ward 5	X	
Councilor Jason Gagnon, Ward 6	X	
Councilor Sarah Greenshields, At Large	X	
Total Votes:	8	0
Resolution does pass.		

RESOLUTION BACKGROUND MATERIAL:

Old Garrison Road is a Class VI, unmaintained City road. Given private residences and State owned public conservation land abutting the road from Spruce Lane to David Tuttle Lane, the City believes that there is a public interest in keeping Old Garrison Road passable for emergency response equipment, including but not limited to fire engines and ambulances.

See RSA 231:59 - attached.