

Public Hearing
Monday, September 12, 2016
Temporary Outdoor Event Ordinance

These minutes were recorded by Ellen White, Town Administrator.

Call to Order:

Chairman Riley called the public hearing to order at 5:30 PM.

Present were Selectmen Frank Riley, Robert Freeman, and Richard Morgan.

Riley stated the purpose of the public hearing is to review the proposed changes to the Outdoor Event Ordinance.

Riley then offered public comment on the Temporary Outdoor Event Ordinance.

Public Comment:

Greg Howard questioned the validity of section 1.02 regarding non-profits seeking site plan reviews for events if the instruction only allows one license per year. Discussion ensued. Howard also questioned the license fee listed in section 2.03. Morgan responded that the language is what is stated in the RSA although the Town does not require a fee other than to cover costs associated with police detail, etc. Howard stated that the Town of Gilford provides a breakdown of associated costs so an entity is aware of what charges they would be responsible for when holding an event.

Joe Deighan provided a copy of the City of Portsmouth, Virginia's Special Events Permit Application for review. Deighan also discussed setting up a fee based on anticipated attendance. Morgan stated that the Attorney cautioned any language changes related to RSA's.

Ash Fischbein questioned why there is no fee charged to obtain a license for an outdoor event. Morgan responded that as long as the costs are covered for any agencies needing to be present (police detail, etc.), there is no need to add to the tax base.

Deighan discussed the general liability limitations and stated that they should be defined in the ordinance. White responded that they are listed on the application but not included in the ordinance. Further discussion ensued on the justification for requiring insurance. Riley stated that they will check with the Town's insurance carrier to see what is recommended.

Fischbein led a discussion on ambiguity and the effect the changes will have far beyond the current Board of Selectmen. Discussion reverted back to section 1.02 where a recommendation was made to remove the words "primarily non-profit".

Dennis Legendre questioned why there is a need to differentiate between profit and non-profit. Morgan responded that it is in an effort to divert for-profit businesses from using the temporary outdoor event process as a way to go around getting a site-plan review.

Deighan stated that the Town of Conway's ordinance is worded differently but the content is the same. He also reviewed the process by which the City of Portsmouth, NH handles multiple events going on at the same time.

Fischbein questioned whether the Board will be requiring a written request as stated in section 2.07 to waive the 45-day application timeframe. Riley confirmed.

Fischbein stated that section 1.03 is a cause for concern. Morgan stated that the section defines the balance between the authority and RSA's and does not see any reason for striking.

Riley summarized that the last sentence in paragraph one of section 1.02 is to be stricken and the limitations for general liability insurance is to be determined.

The question arose as to the red-line version of the ordinance that was to be made available that would show all changes made from the original ordinance. White responded that it is available to forward to anyone with interest, but it is difficult to follow as the entire format of the ordinance has changed.

Fischbein asked what the next step is following this public hearing. Riley stated that the few recommendations will be forwarded to the Town Attorney for update and adoption to take place during the next Selectmen's Meeting.

Being no further input, Riley made a motion to adjourn. Freeman seconded. A unanimous vote was taken.

Adjourned at 6:16 PM.

Franklin R. Riley, Chairman

Robert C. Freeman

Richard H. Morgan

To be approved 9/19/2016