

Board of Selectmen's Minutes
Monday, October 23, 2006
6:30 pm
Town Hall

Accepted 11/20/06

Chairman of the Board of Selectmen, Jack O'Reilly called the meeting to order at 6:35pm.

Present: Jack O'Reilly-Chair, Jan Stuart-Vice Chair, Selectman Cosmas Iocovozzi, Admin. Asst. Beatrice Marconi, Alfred Smith, Guy Young, Robert Spinney, Paul Spinney, Tim Field, Dennis Hebert, and other members of the public.

Pledge of Allegiance

At 6:36, the public hearing opened with Chairman reading the proposal to **ban all forms of hunting on Town Owned Land**. *"It is unlawful for a person to hunt on any property owned by the Town of Newington, NH or to discharge a firearm, muzzleloader, or to shoot a bow and arrow or crossbow on said property owned by the Town. This regulation is not intended to place any restrictions on privately owned properties nor intended to impede on RSA 159."*

Chairman O'Reilly read a history of other proposals regarding hunting which started with Article 9 at the 1990 Town meeting – *'to see if the town will adopt an ordinance prohibiting hunting on town owned land and to authorize the Selectmen to post appropriate notices on such town owned properties. Conviction of violation of this ordinance shall be a violation subject to a fine of not more than \$ 500.00'*. Jack went on to explain that an amendment was then offered after discussion stating *'to see if the town will vote to adopt an ordinance prohibiting hunting or discharge of fire arms on town owned lands and to authorize the Selectmen to post appropriate notices on such town owned properties. Conviction of violation of this ordinance shall be a violation subject to a fine of not more than \$500.00'*. In 1990, this amendment and the original motion failed.

At the 1997 Town Meeting, Article 5 stated *'to see if the town will vote to designate the town owned land on Fox Pt as a compact area pursuant to RSA 644:13 and thereby prohibit the discharge of fire arms on the town owned land on Fox Pt except authorized by written permission.'* An amendment was offered *'to see if the town will vote to designate the town owned land on Fox Pt and that which borders Little Bay Road (known as the Flynn Pitt) as compact areas pursuant to RSA 644:13 and thereby prohibit the discharge of fire arms on the town owned land on Fox Pt except authorized by written permission.'* The amendment passed.

Jack then explained that Bow & Arrow and Bow Hunting were not considered firearms. Selectman Stuart explained that she heard there were concerns amongst the residents with the Town promoting outdoor recreation (with children and pets), especially at Fox Point and the mix of hunting, therefore felt the issue should be revisited as safety was an issue.

Dennis Hebert of Gundalow Landing spoke to not adopting this change because if you don't control the deer population, you put the people at risk with higher Lyme disease odds. He recommended a low velocity and low impact mussel loaders. He also recognized the fact that residents recreationally use the land but also they should use common sense.

Bob Spinney of Fox Point Road spoke of the Board to not adopt this change. He feels we are over ridden with deer and we have to do what we can to maintain a balance. Most hunters have a certificate – having gone through a class. Hunting is Sept 15 through December 15. This is his recreation and pays taxes. He felt the concerned residents would feel better if they knew more about the hunters and their care with the sport.

Paul Spinney – 245 Fox Point Road spoke against the change in regulation. He felt bow hunting should be allowed. If it is the out of town people that are causing the concern, then this is an enforcement issue.

Selectman Stuart realizes that the local hunters respect the area and safety concerns.

Bow hunting is generally done from a perch in a tree and it's accuracy is limited to 20 to 25 yards.

Al Smith of Newington Road spoke against the regulation change. He said a bow hunter knows if he has a shot or not. He questioned the validity of the posting of this change, as in timing in newsletter however, Jack stated it was both posted and placed in paper on Oct 5.

Sue Smith of Newington Road voiced her concerns about the regulation change via a written statement read aloud by her husband, Al. She had timing questions regarding notice of public hearing as well thought a change like this should once again come before the people at town meeting. She went on to say that recreation can be both hunting and hiking, etc, depending on who likes doing what. Hunters have a high standard of safety and in many circumstances are much safer than four wheeling. (4 wheeling can also tear up trails and have exhaust and noise)

Selectman Stuart spoke of how she contacted several local communities on their rules on hunting in recreational areas and how it was prohibited.

Jack read an e-mail from David and Krista Low and how they were concerned about allowing hunting in recreational areas. They stated that a bow generally travels 35 yards and said they couldn't think of an area where hunters could shoot safely without being within the path of a trail.

Selectman Stuart also stated that she had had a conversation with the Mulstay family who also were in favor of the Board of Selectmen addressing hunting once again. They too stated that they were worried about someone getting hurt.

Tim Field of 395 Newington Road was against the Selectmen changing this regulation. He began by saying that no one has ever been shot by a bow hunter. He explained they are up on a perch and shooting down on their prey. He spoke of the courses one must take to get a licence. He mentioned Tom Flynn of NH Fish and Game who would be glad to answer any questions.

Mary Lee Downie of Captain's Landing said she was concerned with safety as the hunters come very close to her property and feared for her children's safety.

Joe Ackerly of Fox Point was able to address some of Ms. Downie's concerns as he was the Sheriff addressing the out of town vehicles seen parked in her vicinity. He said the Sheriff's Office and Police try to ensure that those not from Newington get familiar with the area. Since he didn't see many people at the public hearing address the dangers of hunting on town property, he suggested posting 'residents only' in Flynn Pitt, near the Grove at Old Town Hall and Fox Point.

Selectman Stuart stated that signage is placed in 2 of those areas now.

A discussion about the out of town trucks parked at Flynn's Pitt may not be an indicator that they are hunting there. It very well could be that they are parking there and using those woods as access to get to their hunting grounds.

The Board of Selectmen recognized the fact that the local hunters were well educated on hunting rules and respected safety concerns. Guy Young said when a hiker walks up on a bow hunter there generally isn't confrontation as both respect each other.

Elaina D'orto asked if an incident had prompted this regulation suggestion. No, answered the Board but didn't want to wait until something happened without at least considering safety. Potential liability was a concern, not just in costs, but in trying to do their best to protect users.

Al Smith stated that it was foolish to ban actions for the reason 'in case' or 'what if'.

Robert Spinney suggested to better educate people on hunting, like wearing orange, cautioning them as to when a hunter is hunting, suggests placing notification in the newsletter prior to the season commencing, and offered his time to help teach people.

Selectman Stuart thanked all those that came for their time and welcomed their input.

Joe Ackerly added that maybe the Town should just post certain areas 'for residents only' as a deterrent.

Elaina D'orto stated that if no one has been hurt, then why take away hunting.

Selectman Stuart stated that both groups do have rights and somehow there must be a compromise.

Tim Field admitted that it might tend to make parents nervous who are on the playgrounds with their kids behind old town hall when a guy with a bow struts out of the woods with cammies on, but it doesn't necessarily mean they are hunting close by.

RG Young agreed with the newsletter route-promoting orange and knowledge.

Al Smith said that our local hunters are very responsible. If out of town hunters are coming into Fox Pt, then that is an enforcement issue. He wished those that had protested the hunting regulation had participated in the public hearing.

Selectman Stuart mentioned that it might be a good idea if a committee such as Recreation sponsor an educational session for families shortly before the hunting season opens annually.

Chairman O'Reilly closed the public hearing at 7:46pm.

Selectman Iocovozzi moved to not adopt the new regulation on the banning of all forms of hunting and discharge of firearms on Town owned property. Selectman Stuart seconded. On a roll call vote, motion passed 3-0.

The Board concluded that we should produce an August newsletter – promote an educational seminar possibly by Recreation on hunting and Post the Flynn Pitt. Neighbor to neighbor, we can find a medium.

Other Business:

Land off Little Bay Road

A press release was read by Chairman O'Reilly regarding a letter of intent to purchase land located on Little Bay Road known as tax map 23 lot 8 with Tide Creek Rlty. (attached) *Also, the letter of intent*

was signed with a motion from Selectman Iocovozzi, a second from Selectman Stuart and a vote of 3-0 to do so. Motion passed. Now, this must go through the process, as in any Boards it must go before, then will be a discussion on the floor at Town Meeting.

Invalidate action taken October 19 - PO

Selectman Stuart moved to invalidate action taken by the Board of Selectmen which took place at the viewing of a truck being displayed on Thursday October 19, 2006. Chairman O'Reilly seconded.

Jan went on to say that there was never any intent on her or Jack's part to conduct town business in a setting not posted nor was it pre-planned. The truck arrived for public viewing and the representative from Liberty International was willing to cut our *all ready* discounted price even more upon the signing of a purchase order.

In the spirit of saving the Town's people money and acting on what we thought was 'for the good of the Town', we find out after-the-fact that our action did not meet the mandates of RSA 91. This motion tonight is to correct any violation of the law. *Motion passed 3-0*

A meeting was scheduled for Wednesday, October 25 to discuss the purchase of a highway vehicle at 6:30pm at Town Hall.

Selectman Stuart motioned for the meeting to adjourn at 9:10pm with Chairman O'Reilly seconding, so voted-motion passed.

Respectively Submitted

Beatrice Marconi
Administrative Assistant